

**** Page 1 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

JANUARY 8TH, 2019, The Three Forks City Council met in session at City Hall at 206 Main Street, and was presided over by Mayor Hamilton. The Mayor called the meeting to order at 7:00 P.M. for the FIRST meeting of JANUARY 2019. Mayor Hamilton was sad to report that Ed Tharp has resigned from the City Council, as well as all committees and boards he served on.

PRESENT: Council members George Chancellor, Gene Townsend, Teri Whitesitt and Dennis Nelson were present. Deb Mickelberry was excused. City Clerk Crystal Turner, City Treasurer Kelly Smith, City Attorney Susan Swimley, Fire Chief Keith Aune, and Asst. Fire Chief John Whitesitt were also present.

The record reflects a quorum was 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 Hamilton. Mayor Hamilton reminded the public that the meeting was being recorded and for all those present to review the policies of conduct on the back of the agenda.

GUESTS: Dave Andrus, Gloria Howland, Jack Smith (Three Forks Voice), Matt Bugland (7:14)

Mayor Hamilton called for any **PUBLIC COMMENTS/CONCERNS** not on the agenda. Seeing none, he introduced the CONSENT AGENDA.

CONSENT AGENDA

Approval of the Following:

- a) City Claims Paid Due to Timeliness in the Amount of \$213,876.97 on 12/27/2018
- b) City Claims Paid for Timeliness to mail Utility Bills in the Amount of \$159.28 on 12/28/2018
- c) City Claims per List
- d) Three Forks Rodeo Arena Claims Paid Due to Timeliness in the Amount of \$108.00 on 12/27/2018
- e) Three Forks Rodeo Arena Claims per List
- f) Meeting Minutes from 12/11/2018
- g) Zoning and Planning Minutes from 9/20/2018
- h) Board of Adjustment Minutes from October 30, 2018
- i) Pledged Securities through December 30, 2018

**** Page 2 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

- j) 1-year Service Contract with AE2S for SCADA Services for the Water and Wastewater Systems
- k) Allow Mayor to Sign Authorization to Industrial Automation Consulting to Provide AE2S with Control System Documentation
- l) Mayor's Appointment of Wanda Drusch as City Judge

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

Motion Passed 4:0.

PUBLIC HEARINGS

Public Hearing and Decision on a Request by Ben Murphy for a Conditional Use Permit on Lot 9, Block 3 of the Original Townsite, Plat D-18, Commonly Known as 9 N. 1st Avenue East. Said Request is for Approval to Operate a Home Business of a Bed & Breakfast-style Rental of a Basement Apartment within the Home via Advertisements like Air B&B. The Property is Zoned Residential.

Zoning & Planning Chairman George Chancellor recited the Staff Report and reported on the Zoning & Planning Board's recommendation for approval with the following conditions: 1) Applicant shall obtain and maintain a license to operate a public accommodation (tourist home/rentals) from the Montana Department of Public Health and Human Services; 2) Applicant shall provide a copy of the approved license for Ben Murphy to operate a public accommodation at 9 N. 1st Ave. East, Three Forks, to the City of Three Forks Zoning Official to receive the Conditional Use Permit; 3) Applicant shall obtain a City of Three Forks Business License.

Dennis Nelson asked if there were any positive or negative letters at the hearing. George Chancellor replied no. Kelly Smith stated the applicant attempted to be here tonight but had called to say he was travelling and must not have made it back in time. Gene Townsend asked if the parking is all off-street to which Kelly Smith replied yes, as shown on the drawing. Gene said the Google photo is a clear but he wanted to clarify there was an entrance on two sides of the basement apartment, as well as clarify the windows were egress.

Councilman Townsend moved to accept the recommendation of the application by Mr. Ben Murphy for a conditional use permit with the three conditions placed upon the property. Councilwoman Whitesitt seconded. There was no public comment.

Motion Passed 4:0.

REPORT OF OFFICERS

Fire Department - Request to Purchase Compressor for Refilling SCBA's for the Fire Department

Fire Chief Aune presented the cost of the used compressor he would like permission for the Department to purchase as \$10,400. The Firefighters will contribute \$4,500 of their own funds, and they request the City and Rural District split the cost of the remaining balance. The compressor does have 2,281 hours but it is not considered "old" until it hits 8,000 hours. It will come with a 6-month warranty. Two air tests will need to occur twice per year at \$135/test, and an every-other-year service at \$650. Electricity upgrades will need to be performed at the Fire Hall in order to accommodate the compressor. Chief Aune anticipated the wiring upgrades costing \$300-500.

Dennis Nelson said he and Gene Townsend attended the Rural meeting and the two entities can discuss splitting the annual test cost during the budget time, but neither party had an issue with this purchase at that meeting. Gene Townsend stated he was at the meeting, as Secretary to the Rural Board - after a lot of discussion, the Rural Board passed 5:0 to allow this purchase. This decision will be on the agenda of the Joint Rural Fire Board/Council meeting scheduled for January 22, 2019.

Asst. Fire Chief Whitesitt presented the Department's quarterly report: September had a total of 16 calls - sometimes they just do not know what they will attend to when the call comes in. One call in September was "outside smoke" which turned out to be the Clarkston Fire and required the aid of all districts in the area. "That is what makes this job interesting and fun, but also how much anxiety it can cause at times," Asst. Chief Whitesitt said. October also had a total of 16 calls, and November had 14 total calls which include a new title of "MVA multi vehicle". (Individual month details are available in the Council packet.)

Asst. Chief Whitesitt reported the total calls for service in 2018:
Motor Vehicle Accident - 47
Grass Fire - 19
Service Calls - 15
EMS - 13
Outside Fire - 10
Motor Vehicle Fire - 8
Structure Fire - 8

**** Page 4 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

Gas Leak - 7
Alarm - 5
Outside Smoke - 5
Unknown Problem - 3
Mutual Aid - 2
Down Wires - 2
Water Unknown - 1
Burn Violation - 1

Total calls were down in 2018 compared to 2017.

The Council thanked the Fire Department. Teri Whitesitt added there was an article by Sheriff Gootkin saying calls for service is up, something like 50% in 2018! Matt Bugland added the Three Forks Ambulance Service is already at 13 calls for the year as of today. The Mayor thanked the volunteers for their service.

City Treasurer Kelly Smith distributed an email from Conrad Clerk Agnes Fowler stating the Legislature may be discussing changing (reducing) the Entitlement funds, as well as how the City has split its entitlement revenue the last three years. She stated Crystal Turner has drafted some letters to our local Senator Scott Sales and Representative Walt Sales if the Council wished to send letters of opposition for decreasing entitlement shares. She added the Clerks will personalize the letters for City of Three Forks' use of Entitlement funds. The Council acknowledged it would like to sign letters individually as well, so Kelly and Crystal will prepare these letters.

City Clerk Crystal Turner reported she has received the answers regarding the Utility Line Partner's warranty program and has distributed those to the Council members. If the Council would like to move forward, she has a draft resolution ready to be heard at an upcoming meeting. The Council nodded in support so Crystal will schedule the resolution on the next agenda, send public notice to the newspaper and prepare the service agreement.

Crystal also reported it is time for the RFP for the engineering services to be bid again. She has a draft prepared which she would like to have Susan Swimley review prior to publication. Last, Crystal had sent emails to the Streets & Alleys Committee and the Parks Committee regarding setting policies in general so that staff is ready to apply for grants to implement policies if the Council chooses.

**** Page 5 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

City Attorney Susan Swimley reported there 3,101 bills either noted as pending or place markers in the Legislature already so this will be a very busy, very quick legislative session. She can guarantee it will be interesting.

REPORT OF COUNCIL COMMITTEES

Dennis Nelson will be setting up a Budget Committee meeting in the next week or so - he hopes before the next Council meeting.

Parks Committee and Streets & Alleys Committee will meet on Wednesday, January 16th, 2019, at 5:30 and 6:00PM, respectively.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Petition by Daniel Schedel to Amend the Determination of Average Sewer Rate

Mayor Hamilton read the letter into the record. Kelly Smith explained the family situation and that Mr. Schedel has said he uses around 100 gallons for livestock too, but she believes there must have also been a leak last winter. The water used last winter created an average of 2280 cubic-feet. Compared to usage now, it has reduced significantly to what seems like more than just many people moving out.

George Chancellor made a motion to table this until Mr. Schedel can be here to present more information. Dennis Nelson seconded the motion. Gene Townsend asked how much the sewer rate would drop if we switch it to the fall usage now. Kelly said his current average is 2,280 cubic-feet (around \$180/month just for the sewer fee), and it would be reduced to around 600 cubic-feet (around \$68/month) if you based it on usage right now. She added it will reduce automatically in July based on the current winter's average to roughly 1,000 cubic-feet, but without knowing there was a leak or not we do not know if we treated wastewater or if it was just used for watering livestock. George said he believes the letter is asking the Council to implement the newest average immediately. There was no public comment.

Motion Passed 4:0

**Presentation by Dave Andrus Regarding Proposed Legislative Changes to
Headwaters State Park**

The Mayor introduced Dave Andrus, and for full disclosure said he is a seasonal employee for the State Parks but not at Mr. Andrus' park. Mr. Andrus said SB70 has been proposed and would remove Headwaters State Park from the Primitive Parks Act. The Act was created in around 1998 and placed 15 of Montana parks in a "primitive" status. Prior to 2005, all visitors had to pay a day use fee to visit State Parks. In 2005, the day use fee was included in vehicle registrations and this allowed all State residents to visit State parks without paying an additional day use fee.

Dave continued they want to take Headwaters State Park off the list so we can make some changes like providing electricity at camp sites, adding float-in or bike-in camp sites, and paving some of the areas. We feel this would be a benefit to our visitors, which in turn would benefit the City of Three Forks with campers staying in the area longer.

Steven Hamilton said as a private individual he has spoken to his legislators about supporting the removal of Headwaters State Park from the Primitive Parks Act. "The original intent of the residents not having to pay to visit primitive parks when the Primitive Parks Act was created, well residents don't have to pay a day use fee now at any State Parks unless they have not registered the vehicle in Montana," Mr. Hamilton said. Dave Andrus added they have no intention at this time to request that Madison Buffalo Jump State Park be included in the removal from the Primitive Parks Act, only Headwaters State Park.

Gene Townsend explained in 2006, when the bicentennial was going on Gallatin County and the City of Three Forks worked on paving the trail system, but nothing in the Headwaters State Park was able to be paved because of the limitations to Headwaters State Park because of the Act. "It kind of defeated the purpose because paving the trail was to bring more walkers and bikers into the park but people turned around when the pavement ended and did not want to ride on the gravel trail, or people walked on the road which is dangerous. It is a great park - it's just out of Yellowstone, on your way to Glacier," Gene said.

Mr. Andrus said he just wanted to let the City know their intentions at the Park. If his superiors want a resolution by the City at a future meeting, and hopefully have Council support that resolution should it be on an agenda in the near future.

**Approval of Three Forks Rodeo Arena's Recommendation to Hire _____ as
the Temporary Project Manager for the Bleacher Replacement Project**

Gene Townsend reported for the Three Forks Rodeo Arena Board. On Friday, January 4th, Chuck Wambeke, Mike Lane and Gene met to interview Kraig Saltness, Bob Lollis and Dennis Nelson for the project manager position. The Board voted on the recommendation to hire Dennis Nelson at its meeting last night.

Councilman Chancellor made a motion we approve Dennis Nelson for the temporary project manager for the Three Forks Rodeo Arena bleacher replacement project. Councilman Townsend seconded the motion. Gloria Howland commented Dennis needs something to do since the Wastewater project is complete. The room laughed.

Motion Passed 3:0 - Dennis Nelson abstained.

PUBLIC COMMENTS/CONCERNS (not on the agenda)

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

MAYOR & COUNCIL ANNOUNCEMENTS

Dennis Nelson announced that Fire Chief Aune asked him to contact Broadwater County Commissioners regarding the mapping program. The mapping program is already up to date; it just had not been sent to Gallatin County to push out through the programs the Fire Department uses. Also, Broadwater County Sheriff Meehan will attend the joint meeting on the 22nd of January to educate himself of issues facing this end of their county.

Gene Townsend said he sees the appointment of a vacant Council seat on the next agenda. He wanted to acknowledge Ed Tharp for all his years of service. "Ed served 20+ years on the City Council and always did a good job. He jumped in whenever we needed him to. I just wanted to thank him."

Mayor Hamilton reported has visited with Ed and thanked him for his service, as well as the Clerks put together a really nice certificate of appreciation and sent it to him. Steven added, "I learned a lot from Ed when they sat next to each other on Council. I was saddened to see his resignation letter, and thank him for serving our community and for helping me personally."

**** Page 8 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

Mayor Hamilton thanked the Historical Society for the lit up train over the holidays. It looked great and was a welcome addition driving into town. Gene Townsend gave all the credit to Larry Wilcox, who built the lighted train and placed it in the John Q. Adams Milwaukee Park.

Last, the Mayor "bragged" about students at the Speech & Debate last week in Belfry.

AGENDA ITEMS FOR NEXT COUNCIL MEETING: 1/22/2019

- Joint City Council / Three Forks Rural Fire District Interlocal Agreement Review
- Cub Scout Pack 523 Presentation in Recognition of "Scout Week" held February 2-10, 2019
- Appointment of Vacant Council Member Seat
- Three Forks Rodeo Arena Annual Report
- Petition by Daniel Schedel to Amend the Determination of Average Sewer Rate

ADJOURNMENT

Mayor Hamilton asked if there was any other items to come before the Council tonight and if not he would entertain a motion to adjourn. Councilman Nelson moved to adjourn. Councilwoman Whitesitt seconded the motion. There was no public comment.

Motion Passed Unanimously. (8:03 P.M.)

Steven B. Hamilton, Mayor

Crystal Turner, City Clerk

**** Page 9 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

JANUARY 22ND, 2019, The Three Forks City Council met with the Three Forks Rural Fire Board at City Hall at 206 Main Street. The meeting was presided over by Mayor Hamilton. The Mayor called the meeting to order at 6:00 P.M.

ROLL CALL: City Council members Gene Townsend, Deb Mickelberry and Dennis Nelson were present. George Chancellor and Teri Whitesitt were absent. Three Forks Rural Fire Board members Justin (Bill) Kamerman, Dale Kober, Roger Nerlin. Bruce Felz and Dave Hargrove were absent. City Clerk Crystal Turner and City Treasurer Kelly Smith were also present.

The record did not reflect a quorum present, with the attendance of three (3) council members, however there was a quorum of the Rural Fire Board with three (3) members and the meeting was held.

The **Pledge of Allegiance** to the American Flag was led by Mayor Hamilton. Mayor Hamilton reminded all in attendance that the meeting was being recorded (however, the recorder died and we did not know this during the meeting so there is no recording).

GUESTS: Broadwater County Commissioner Dale Folkvord, Broadwater County Sheriff Wyn Meehan, Matt & Kelly Bugland, and Jack Smith (Three Forks Voice).

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

JOINT CITY COUNCIL / THREE FORKS RURAL FIRE DISTRICT ANNUAL MEETING

- a) Discussion and Update on the Following Items within the Interlocal Agreement:
 - a. Officers & Firefighters (Limit 28 Volunteers)
 - b. Services Provided
- b) Update and Report Addressing Issues in Broadwater County
- c) Inventory
- d) Budget
 - a. FY2018/2019 Issues
 - b. Approval for Fire Department to Purchase Compressor
 - c. Budget for FY2019/2020
 - d. Update on Fire Hall Remodel

Mayor Hamilton said he would allow discussion for each item on the above agenda. Crystal Turner explained the agenda was based off of the items negotiated in the Interlocal Agreement.

Officers & Firefighters

Gene Townsend said it seems like the firefighters have been doing a good job at recruiting and they are doing better with volunteer numbers.

Services Provided

Mayor Hamilton said we heard their report at the last Council meeting and it seems like they cover a wide variety of calls. Dennis Nelson agreed and said their calls are up.

Update and Report Addressing Issues in Broadwater County

Sheriff Meehan introduced himself and said last year his office took a large call increase with an additional 7,000 calls over the previous year. In his first year as Sheriff, there was 1500+ calls; in his second year ...; and this last year had over 24,000 calls for service. Sheriff Meehan said, "Losing Mason [Moore] we lost a lot of service down in this area." His office interviewed a candidate recently who would have been very qualified; and even offered the job at the end of the interview but he did not take the offer because he would have to accept a \$20,000/year pay cut. "We are a bed & breakfast community and lost a lot of jobs when the saw mill closed. The growth on this end is killing me. The Commissioners who approved the Cavanaugh subdivision should have been slapped. We are stuck in a nightmare," said Sheriff Meehan. (The Cavanaugh subdivision had originally planned for a fire house and police station which would have specifically contributed to the south of Broadwater County.) The Sheriff continued his report noting expenditure-wise the (Broadwater) County authorized two more positions in the Sheriff Office, but did not provide revenue to fund them. "I had to cut 3 positions to balance my budget. Our pay is terrible and it's really a struggle."

While testifying for the Mason Moore bill Sheriff Meehan received a call that the Broadwater County jail automation was not working and everything is electronically keyed. (Right now they have to manually open everything like the old jail.) Broadwater County also had an issue with address mapping for emergency services, but it has been resolved. Gallatin County GIS would not accept Broadwater County's addressing data, which is used for the Three Forks Rural Fire District. Gallatin County has been helpful by physically driving the roads themselves to map each address.

**** Page 11 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

Sheriff Meehan appreciates the Board and Council letting him come to the meeting tonight saying, "We are neighbors but we are kind of like family because we are very close. The lack of law enforcement has allowed the bad element to come in and fester. Bad guys do as much reconnaissance as police do and we need to have a strong presence."

Other Broadwater County Sheriff updates include their receipt of another dog for the K9 unit. He explained the County is quite large and with only eight deputies they put a lot of miles on each vehicle every shift by covering the north and south ends. If someone has to go to jail they have to drive them all the way back to Townsend. There has been so much growth over the years in south Broadwater County with almost 700 homes now in what used to be agriculture fields. "As a former firefighter, the talk about having a brewery out there we would need a ladder truck. We keep promoting growth with homes and businesses but don't support them with [safety] infrastructure," the Sheriff said. He added it might be advantageous to have Three Forks officials come and speak or testify in front of the Broadwater County Commissioners when it comes to growth on this end of the county.

Gene Townsend agreed with Sheriff Meehan. He said, "When the Interlocal with Broadwater County was adopted, there were maybe six homes out there and mostly wheat fields. Now there are over 700 homes in those fields." Gene said last week we had a Parks Committee meeting and we had a bunch of baseball folks who want the City turn some of its parks into baseball fields. The baseball group stated 175 kids from Three Forks play baseball and they estimate 50 live within city limits. "So the others are coming from nearby," Gene said.

Roger Nerlin asked if Sheriff Meehan would be interested in having a joint fire/police station. Roger explained the Rural Board owns a lot in the Wheatland Meadows subdivision. Sheriff Meehan said he would love it. Roger explained the Board's problem is about regulations of how close fire stations can be together. He said, "Maybe we have to sell our lot and get another lot so we aren't too close, but if we all want to get together to review it we could make that a viable option."

Broadwater Commissioner Folkvord introduced himself to the Board and Council and asked if there were any questions for him. There were none specifically but both the Board and Council thanked him for coming tonight and acknowledged he has a challenge ahead of him.

Inventory

Inventory is up to date.

Budget - FY2018/2019 Issues

There are no City FY2018/2019 budget issues. Gene Townsend said the Rural's budget is also in good shape; the Board has not spent 50% yet. "Capital Outlay" funds will cover the compressor purchase. They have hit "Repairs" pretty hard with truck work but pending no major breakdowns their budget should be in good shape.

Approval for Fire Department to Purchase Compressor

The compressor is the only thing that came up without previously being in the FY2018/2019 budget. City will come up with its financing out of impact fees. Without a quorum of the Council to purchase the compressor we will add it to the consent agenda of the next (2/12/19) Council meeting.

Budget for FY2019/2020

Nothing in next fiscal year that either Board is aware of at this time.

Update on Fire Hall Remodel

Dennis Nelson said he is not moving forward with construction right now because he has other things on his plate. He is unsure if the remodel will get done this spring or even in this budget year - so it will be rolled into next budget year if need be.

ADJOURNMENT

Mayor Hamilton asked if there were any other items to come before the these Boards tonight and if not he would entertain a motion to adjourn. Councilman Nelson "so moved". Dale Kober seconded the motion. There was no public comment.

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

Steven B. Hamilton, Mayor

Crystal Turner, City Clerk

**** Page 13 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

JANUARY 22ND, 2019, The Three Forks City Council met in session at City Hall at 206 Main Street, and was presided over by Mayor Hamilton. The Mayor called the meeting to order at 7:00 P.M. for the SECOND meeting of JANUARY 2019.

PRESENT: Council members George Chancellor, Gene Townsend, Deb Mickelberry and Dennis Nelson were present. Teri Whitesitt was excused. City Clerk Crystal Turner, City Treasurer Kelly Smith, and Sheriff Sgt. Dan McDonough were also present.

The record reflects a quorum was 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 Hamilton. Mayor Hamilton reminded the public that the meeting was being recorded and for all those present to review the policies of conduct on the back of the agenda.

GUESTS: Gloria Howland, Matt & Kelly Bugland, Randi Strickland, Janie Strickland, Dave Andrus, Erin Schattauer, Chuck Wambeke, Cub Scouts Samuel Turner, Peyton Buhl, Camden Buhl, Jake Buhl, Steve Dahl, and Jack Smith (Three Forks Voice).

Mayor Hamilton called for any **PUBLIC COMMENTS/CONCERNS** not on the agenda. Seeing none, he introduced the CONSENT AGENDA.

CONSENT AGENDA

Approval of the Following:

- m) City Claims per List
- n) Three Forks Rodeo Arena Claims per List
- o) Meeting Minutes from 1/8/2019

Mayor Hamilton noted the minutes have 1/8/2018 and will be amended to the correct date.

Councilman Nelson moved to approve the Consent Agenda. Councilman Chancellor seconded the motion. Gene Townsend added, "With the changes to the minutes." Councilmen Nelson and Chancellor agreed. There was no public comment.

Motion Passed 4:0.

PUBLIC HEARINGS

Mayor Hamilton announced an Agenda amendment by moving Item "A" under "New Business" to be heard first.

**Proclamation Declaring Scout Week February 3-10, 2019, and Presentation by
Cub Scout Pack 523**

Crystal Turner introduced herself as the parent committee chair for Cub Scout Pack 523. She asked the Scouts to introduce themselves, state their rank, and mention a favorite thing of Scouting or what they have been working on the past month, or whatever they like. Samuel Turner introduced himself as a Bear and stated recently the Scouts conducted science experiments and are making crystals. Peyton Buhl introduced herself as a Bear and said they have been working on making toolkits and practicing with screwdrivers and nails to know which tools to use on projects. Camden Buhl did not want to get up in front of the audience. Gene Townsend asked if the Council passed this resolution could they get discounts on popcorn sales next year. Samuel Turner said, "I don't know," and the room laughed. The Mayor read the proclamation into the record.

Councilman Nelson motioned to allow the Mayor Steven Hamilton to sign the proclamation to announce Boy Scout Week. Councilman Townsend seconded the motion. There were no public or Council comments.

Motion Passed 4:0.

The Mayor thanked the Scouts for attending and let them know they could leave at any time if they did not want to stay for the rest of the meeting.

(Agenda back to the regular order.)

**Public Hearing and Decision on a Resolution Authorizing an Agreement with
Utility Services Partners Private Label, Inc. DBA Service Line Warranties
of America (USP), to Offer Residential Property Service Line Warranty
Plans**

The Mayor introduced the resolution as #298-2019 and read it into the record in its entirety.

The Mayor asked for a reminder of the cost to the customers. Crystal Turner said it was around \$6.75 for interior and \$9.99 for exterior lines (less \$0.50 each program if the City opts to forego that fee). Dennis

**** Page 15 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

Nelson asked if this only covers from the curbsstop to the house. Crystal replied no, the language all states "from the main". She then explained it reminds her of another monthly program which covers legal advice, called Legal Shield. The customer pays Legal Shield a fee every month and when/if they need a lawyer for any reason they contact Legal Shield and Legal Shield has an attorney contact the customer within twenty-four hours. The same process would occur when/if a customer needs a plumber for interior and exterior lines: they would contact USP who would have a plumber contact the customer within four-hours. The customer does not pay the plumber - all that would be done by USP.

Gene Townsend asked for clarification if this covered both water and sewer lines because throughout the resolution it only states "water". Crystal Turner replied that from her understanding, this covers both. She had asked Gene's question to the USP contact, Robert Metson, if they covered groundwater leaking into a basement and not draining out because of tree roots in the sewer lines and he said "Yes." Deb Mickelberry understands the resolution, as read, to only cover interior and exterior water lines. She also looked up an email from the City of Conrad whose message echoes Crystal's belief that it covers both. George Chancellor said he also understood USP would cover water and sewer lines based on documentation provided at a previous meeting.

Public Comment: Matt Bugland said if the Council gives this company permission to use its logo and start contacting its customers, shows an endorsement by the City. Someone who may not do their homework may see the City's name and logo and think they have to purchase this from this specific company. He gave the analogy of "Michael Jordan selling Nikes". Mr. Bugland added this company could come and offer this program to City of Three Forks residents whether they have the City's permission or not. Susan Swimley told Crystal Turner after the last meeting that she was going to call her own insurance company and find out if they covered the same thing.

The Mayor asked the Council if it wished to wait on a decision, as there is no rush. Crystal Turner said there is really no hurry to adopt this resolution tonight and that she could still find out more from Robert Metson.

Councilman Chancellor motioned to table this for a month until we get everything lined out. Councilman Townsend seconded the motion. No public questions or council comments.

**** Page 16 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

Motion passed 4:0.

**Public Hearing and Decision on a Resolution Supporting the Removal of
Headwaters State Park as Listed in the Primitive State Parks Act in 23-1-
116, MCA**

Mayor Hamilton read the resolution into the record in its entirety, noting it would be Resolution #299-2019. Crystal Turner voiced a typo and would correct the MCA number to 23-1-116, MCA.

Headwaters State Park and Madison Buffalo Jump State Park Director, Dave Andrus, introduced himself and said there was a Senate Committee hearing last week regarding SB70. This bill seems to be making its way in the Legislature. No one has spoken against the bill so far and the Committee did not take any action at that time. However, Headwaters State Park would still like to be removed from the primitive parks list and he hoped the Council would support this resolution. Dave would also like to see the addition of a pavilion so people could use it year round and hold weddings or parties in the park.

Gene Townsend said he also attended the Senate Committee hearing. His impression was they would vote on it next Thursday. There were lots of proponents of it and he is unsure how much written testimony they received. He spoke with retired Fish, Wildlife & Parks' folks who felt positive about the way the hearing went. The Committee did not ask a lot of questions from those present.

Mr. Andrus thanked the Mayor and the City of Three Forks for the work they have already done to support Headwaters State Park. "There has been lots of community support and I'm hopeful for the removal of Headwaters State Park [from being declared primitive]. It will be a lot of help to improve this State Park if removed." Gene added, "The whole idea for the trail along the highway going into the Park during the bicentennial time was to keep folks off the highway. But folks walked on the pave trail and when they hit a gravel trail they would move over to the highway and walk on the pavement. That is what we were trying to prevent for safety reasons."

Councilman Townsend moved to pass Resolution #299-2019, with the change to the MCA number. Councilman Nelson seconded the motion. There was no public comment.

Motion Passed 4:0.

REPORT OF OFFICERS

City Treasurer Kelly Smith reported she was caught up on floodplain permits for about one week before another one came in. In 2018, she processed fifteen floodplain permits - the most since she has been here. Kelly also reported the City received a lot more Conditional Use Permits this past year too.

City Clerk Crystal Turner reported she distributed W2s for the 26 employees the City had in 2018 and 1099s for the vendors, as well as reported the income to the State, Social Security and IRS. She also worked with Chuck Wambeke, Dennis Nelson and Susan Swimley to complete a Request for Proposal (RFP) for the bleacher project and got that advertised in the paper. Crystal reviewed the Streets & Alley and Parks Committee meeting minutes to finalize the park mowing RFP. She advertised it and sent it to number of businesses. She also finalized an Engineering Services RFP and got that advertised and sent it to a number of firms. Last, she reviewed and updated the properties, mobile equipment and vehicle inventory in order to finalize the insurance coverage for 2019.

Crystal asked if the Council wished to cover the \$300 per sidewalk mile fee if Precision Concrete was to come and perform another street's trip hazard inventory. Gene Townsend believed the City should be consistent. He stated, "We started this project and I believe we should continue it even though they won't do the inventory for free anymore." Kelly Smith said there are funds in the SID account to cover this cost. Kelly Bugland and Chuck Wambeke agreed the sidewalk program has been successful. They both replaced sidewalks because of the City's participation to remove the existing, saving the property owner roughly half the cost. Both stated it is a great opportunity for property owners to maintain or replace their sidewalks and believe the City should continue the program.

Finally, Crystal reported the heating system in City Hall has been very noisy lately. It began when the auditors were here in December and heater coils were so loud Crystal went to the basement and worried the boiler was about to break because it was physically shaking. She turned off the heater and we have called a repairman. He has been out a couple times and cannot find anything majorly wrong with it. He called the manufacturer to ask for troubleshooting tips, who suggested a winterizer like glycol be added to the water in the boiler to help it break down some of the hard water deposits which may be built up in the system. This may cost \$300-500 but may be a good preventative treatment. Gene Townsend spoke as a boiler operator for many years that he has never heard of glycol to remove

hard water. Typically, some form of acid would be used. There was discussion between Gene, George Chancellor and Dennis Nelson regarding acid and certain pipe material being corrosive. Gene suggested contacting Ambient Air, who Imerys uses, or KOR Mechanical. Crystal explained KOR Mechanical is the one she is already working with. No decision made at this time.

REPORT OF COUNCIL COMMITTEES

Parks Committee - George Chancellor reported they met last Wednesday and hashed over sidewalks (meaning a policy to have owners build where they do not currently exist); talked about our city "forest" and we are not sure we like the idea of replanting trees on a boulevard and then make the property owner take care of the tree. If an owner plants a tree him/herself they are more likely to want to ensure it grows than if we plant it there and say, "You take care of that." The Committee would rather use funds on improving trees the City has control over like ones with a park. The Committee also reviewed the draft RFP for park mowing, and pretty much agreed to keeping our current mower company. Crystal Turner stated the RFP for park mowing and weed control will allow all other companies to provide proposals - the City cannot just say we are going to retain our current company. Chuck Wambeke spoke regarding trees, that if the City needs a place to plant more trees the rodeo grounds could use a lot more.

George Chancellor also reported his attendance at the Zoning & Planning meeting last Thursday. He recapped that an investment group wanted to turn the last Neighborhood Highway Business zoned area into Residential, even though it was surround by industrial uses on three sides. George said, "We didn't discourage them to apply to annex, but we did say we weren't happy about residential use in the center of an industrial zone."

Streets & Alleys - Gene Townsend reported they met last Wednesday and discussed if there was Committee interest in street paving or looking at a way for street paving by combining funds (new gas tax money and quite a bit spent last year on gravel and dust control). Gene wondered if the City would be better off combining and saving that money and start paving these areas, or perhaps take some of the money and work out something with landowners where the City could help pay for some of the pavement. Gene said, "It wasn't unheard of - the first large job in Three Forks was a General Obligation bond that all in the town supported for paving, with the thought we all live in the community and all benefit from paved

**** Page 19 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

streets” The Committee OK’d for Gene to check into it, get numbers and talk to people if there is any interest. Gloria Howland said she would be OK with it if the City pays for it but not for her to pay for it [on taxes]. Gene said he would not discourage someone when they say that they cannot afford it, but no one wanted to pay for a higher sewer rate either but we had to in order to meet standards. It is the Council’s job to look at what the best options and projects are to benefit the community as a whole.

Budget Committee - Dennis Nelson reported they met to review the first six months expenditures. He is happy to report every department is in excellent condition. There are no upcoming purchases that are not originally budgeted.

UNFINISHED BUSINESS

Service Agreement with Service Line Warranties of America, to Allow them to Offer Interior and Exterior Water/Sewer Line Warranty Programs

Mayor Hamilton said this would also be continued to another date if the Council agreed, since it is related to the Resolution regarding USP. The Council agreed.

NEW BUSINESS

Appointment of Vacant Council Member Seat

Mayor Hamilton stated the City has received an email of interest from Scott Marshall and a letter from Erin Schattauer. Steve Dahl voiced he is also interested. The Mayor asked those present if they would like to say anything to the Council. Ms. Schattauer introduced herself to all present. She is a current Zoning & Planning Board member and interested in testing the waters of the Council for the last year of this vacancy. She has lived in Gallatin County since 2008 and worked mostly as a journalist covering city government during her time in news. While covering it she was not allowed to serve, but she learned a lot of the processes and issues facing our small towns. Since she and her family put roots here in Three Forks, she believes it is her duty to serve the town and she believes this is the best way to do that. Erin also volunteers with HAVEN and with the Gallatin County YMCA, and of course serves as our Zoning & Planning board member.

Steve Dahl introduced himself. He said he also believes Three Forks is a great place to establish roots. He and his wife moved here in 1996 and

**** Page 20 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

raised three kids almost entirely in Three Forks. He agrees that Three Forks is a great town to set up and raise families in. His son taught school here in Three Forks for awhile after he earned his degree. Steve opened his own business here in Three Forks in 2003, an autobody shop. He and his wife still work together there. "Living in the community, raising a family here, I feel this gives me the experience," Steve said.

The Council then took a written vote and passed them down to the Mayor. Mayor Hamilton reviewed the votes and announced 3 votes for Erin Schattauer and 1 for Steve Dahl. The City Charter states the vote shall be at least four members for the replacement of a vacant Council seat. This item will be put on the next Council agenda when we have 5 Council members.

Mayor Hamilton said, "We are very fortunate to live in a community that we have quality people who would all be great on the Council. Thank you for your willingness to serve your community."

Three Forks Rodeo Arena Board Annual Report

Chuck Wambeke, Chairman of the Board, provided an update for the Rodeo Arena. The 2018 highlights were: The Board acquired Kelly Bugland as our newest board member this past year, and we have Councilman Townsend serving as secretary. Mike Lane is the Vice President, Adam Miller from First Community Bank is the Treasurer, Casey Elmore and Whobee Hughes are also Board members and Christina Kamps stills serves as our Executive Secretary. Chuck announced the Rodeo Committee is made up of Board members as well as Larry Wabeke, who served as head of the Board years ago.

In December 2017 the Board presented to the Council it wanted to do a bleacher replacement project. However, we did a lot more maintenance improvements like a large electrical project, adding more sand to arena, paid off the building loan and that used quite a bit of our resources. Last spring we hired Gaston Engineering to do a site preparation/investigation to determine what would need to be done in order to tear down and put used bleachers in the current space.

Mr. Wambeke explained the High School rodeo has struggled the last couple years. This used to be a big High School rodeo. However, about 5-6 years ago other communities up north started High School rodeos too over the same weekend. We got in touch with those associations and our stock producer and asked them what to do to draw more people to the High School

**** Page 21 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

rodeo. They suggested combining the High School and Junior High rodeos. The first year that was huge success and actually more than our volunteers could handle. We made adjustments and had a good rodeo for 2 years, but this last year again numbers plummeted again. We will hold another Junior/High School rodeo in spring 2019, but we will reevaluate at the end of this fiscal year and see if we can change things to make it worthwhile again or scrap it.

In July, the annual rodeo had 22 events, of which the facility was occupied 37 days in the season (April - October 1). Back in 2001 we had just 10 events and 20 days of occupancy. That goes to show you how much it has grown. This year's rodeo was outstanding - great weather and a great production. We tried some new things and they all were successes. We went from 1 ticket window taking credit cards to having a credit card station at every point-of-sale (POS). We also added an ATM this year which we did not think would be a big change to a patron, but it was a lot of work to get it set up. Over \$9,000 went through the ATM which is significant. We also added a big screen TV this year. It was a big hit! Our sponsors loved it and the spectators loved it so those in the beer line or cook shack line could still watch the performances. It did cost us some money but we will have sponsors this year that will cover the expense. The Board also implemented pre-ordering at the cookshack this year. Kelly Bugland helped redirect a lot of folks to the soda shack because she caught folks who only wanted a pop, water, or ice cream/candy. That improved sales at the soda shack and cleared up space in the cook shack.

The NRA came out with mandates that limited folks behind the chutes, which we have tried to address but is always difficult to enforce. We had to bolster our security forces.

With all the changes the Board still had a highly successful and well attended rodeo: 2,400 on Friday night which was huge and 2,550 on Saturday, which is more normal. For reference Friday nights used to bring in 1,000 people. We implemented "family night" on Fridays where kids get in "free" if they bring a donation to the food bank. We raise over 600 pounds of food for the Headwaters Food Bank but also brought more people to the rodeo on Friday night. It did not cut the Saturday night attendance though; it just made the whole weekend more successful. Chuck said they had a great crew this past year - they all handled issues they came across well.

**** Page 22 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

The focus of 2019 will be the bleacher project. The Board has now employed Dennis Nelson to help them put a project together. It is premature at this time to know if we will get it done this year - we are still in the scoping phase. We also plan to relocate the water truck loading area to address safety issues.

Important Dates: The Volunteer Appreciation Dinner will be held on 2/7/2019 - We invite the Council and Mayor to attend and get to know your volunteers. "Without them we would not be able to accomplish such a successful rodeo," Chuck said. The dinner will be at Cattleman's with happy hour at 6PM and dinner at 7PM. Junior/High School rodeo will be 4/27 & 4/28. The Annual rodeo will be held on 7/19 & 7/20.

Adam Miller has been going over old spreadsheets just to chart out the rodeo's success - in 2001 we had under 2,000 spectators over the whole weekend and under \$20,000 in revenue. In 2018 we have almost 5,000 spectators and over \$100,000 in revenue. We invite more people to town with this growth so we have new situations to address: we need more parking, more restrooms, more volunteers in the cook/drink shacks, and we have more people downtown. Chuck stated, "If we put in another 1,000 seats can the downtown support it? Can the street dance support it? These are some of the things we will need to discuss with the Chamber, the Sheriff Office and others."

Gene Townsend added that several years ago when the City got into the "rodeo" business - Three Forks was growing and the rodeo grounds were really getting run down. The City thought, "Do we take that ground and subdivide the land and turn it into houses? When the City took over the savings account book it had only \$15,000 in it and there were hard feelings between the Board and City. But it's been a success and we have over \$192,000 in savings." Chuck added the Board received just over a \$40,000 donation this year specifically for bleachers.

Gloria Howland said this past year she was on her scooter and during rodeo events she could not use the trail because people park on it. The Board said they are now enforcing that every event and will ask folks to move their vehicles if they are blocking pedestrian access on the trail.

PUBLIC COMMENTS/CONCERNS (not on the agenda)

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

**** Page 23 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

MAYOR & COUNCIL ANNOUNCEMENTS

Gene Townsend thanked Mayor Hamilton for the letter he drafted regarding SB70. If they are successful, it will really help Three Forks by removing Headwaters State Park from the primitive parks list.

Mayor Hamilton reported on the Debate, and Speech & Drama teams' success at divisional in Missoula last weekend. Sayrna Smith did excellent and got a 4th place. This weekend State competitions will be held here in Three Forks Friday & Saturday, and Sunday will host a wrestling tournament at the school. "It will be busy in Three Forks this weekend," he said.

AGENDA ITEMS FOR NEXT COUNCIL MEETING: 2/12/2019

- Daniel Schedel petition to use an alternate sewer average
- Decision to allow the Fire Department to purchase the compressor
- Council Appointment of the Vacant Seat
- Resolution with USP
- Service Agreement with USP
- Annual Trail report

ADJOURNMENT

Mayor Hamilton asked if there was any other items to come before the Council tonight and if not he would entertain a motion to adjourn. Councilman Townsend moved to adjourn. Councilman Nelson seconded the motion. There was no public comment.

Motion Passed Unanimously. (8:28 P.M.)

Steven B. Hamilton, Mayor

Crystal Turner, City Clerk

**** Page 24 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

FEBRUARY 11TH, 2019, The Three Forks City Council held a special meeting due to lack of quorum on the originally scheduled 2/12/2019 meeting, in Room 17 of the Three Forks School (210 Neal Street), and was presided over by Mayor Hamilton. The Mayor called the meeting to order at 5:45 P.M. for the FIRST meeting of FEBRUARY 2019.

PRESENT: Council members George Chancellor, Gene Townsend, Teri Whitesitt and Dennis Nelson were present. Deb Mickelberry was excused. City Treasurer Kelly Smith was also present and took notes as the Deputy Clerk.

The record reflects a quorum was 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 Hamilton.

GUESTS: Ahren Hastings of TD&H

Mayor Hamilton called for any **PUBLIC COMMENTS/CONCERNS** not on the agenda. Seeing none, he introduced the CONSENT AGENDA.

The Mayor informed the Council the City received eight Engineering Service proposals are available at City Hall or Crystal Turner can email them to the Council electronically for review prior to the decision/award on the February 26th, 2019, agenda.

CONSENT AGENDA

Approval of the Following:

- a. Approval for Fire Department to Purchase Compressor
- p) Claim Paid due to Timeliness to JoAnna Lightner for \$389.08
- q) Claim Paid due to Timeliness to Mail Utility Bills for \$183.24
- r) City Claims per List
- s) Three Forks Rodeo Arena Claims per List
- t) Approval of Three Forks Rodeo Arena Board's Recommendation to Hire Christina Kamps as Executive Secretary for the 2019 Calendar Year
- u) Approval to Allow the Mayor to Sign the ACH Agreement with Manhattan State Bank
- v) Meeting Minutes from 1/22/2019

Councilman Townsend asked to segregate item "g" as he has questions. The Mayor allowed and asked Councilman Townsend what questions he had. Gene

**** Page 25 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

Townsend said he noticed in the cover letter it says the bank will charge an additional \$5.00 for failed ACH. He asked for further explanation. Kelly Smith explained the bank agreement always says that but Manhattan Bank always waives the fee to us (their client) and charges the fee to the user without enough funds in their account. Gene understood and did not have any more questions.

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

Motion Passed 4:0.

Due to the nature of this special meeting, the only item on the agenda was under **NEW BUSINESS.**

Approval of Three Forks Rodeo Arena Board's Recommendation to Hire TD&H / NE45 for engineering of the Bleacher project

Project Manager Dennis Nelson explained the proposals received from TD&H and Gaston Engineering, as well as phone conversations he had with other firms interested but which decided not to submit a proposal. He introduced Ahren Hastings of TD&H, who was present, to the Council and said after review of the two proposals and a meeting with Chairman Chuck Wambeke they have recommended to the Three Forks Rodeo Arena Board an award to TD&H and 45 Architecture.

Dennis Nelson said he is the project manager for the bleacher project but stated he does not feel he needs to recuse himself from the vote as a council member.

Councilman Nelson made a recommendation that the City Council approve the appointment of TD&H to be the engineer on the project. Councilman Townsend seconded the motion. Mayor Hamilton added this includes the architecture component to be awarded to 45 Architecture as well. Councilman Townsend added, from his perspective on the Three Forks Rodeo Arena Board, the Board liked the proposal being presented as time and expenses, with a total of \$13,000 versus Gaston's bid of a lump sum at \$38,000. If the Board cannot get the bleachers at all they were only into the project \$13,000, so essentially would have saved money on the engineering. Dennis Nelson said Gene's comments reminded him the bleachers are not guaranteed to be given to the City or even sold to the City yet until the construction project manager for the Van Winkle Stadium turns the bleachers back over to the Bozeman School Board to "dispose of". Arhen Hastings said he does have a construction schedule, which has been

**** Page 26 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

pushed into the football season and the school does not want to be without bleachers. As soon as the new stadium is complete, then the School Board will be free to turn over the bleachers to the construction manager. Dennis added this news unfortunately does not help us get new bleachers this July's rodeo, but at least we will not be rushing this project.

Motion Passed 4:0.

ADJOURNMENT

Mayor Hamilton for a motion to adjourn. Councilman Nelson moved to adjourn. Councilman Chancellor seconded the motion. There was no public comment.

Motion Passed Unanimously. (5:59 P.M.)

Steven B. Hamilton, Mayor

Kelly Smith, Deputy Clerk

**** Page 27 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

FEBRUARY 26TH, 2019, The Three Forks City Council met in session at City Hall at 206 Main Street, and was presided over by Mayor Hamilton. The Mayor called the meeting to order at 7:00 P.M. for the SECOND meeting of FEBRUARY 2019.

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

The record reflects a quorum was 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 Hamilton.

GUESTS: John Jennings, Lindsay Metcalf, Gloria Howland, Erin Schattauer, Steve Dahl, Shannon Marinko and Brett Megaard of Hyalite Engineering, Ahren Hastings of TD&H Engineering, Melissa & Erica Johnson, Matt & Kelly Bugland.

Mayor Hamilton stated John Jennings will be shadowing him tonight as part of his senior project. He then called for any **PUBLIC COMMENTS/CONCERNS** not on the agenda. Seeing none, he introduced the CONSENT AGENDA.

CONSENT AGENDA

Approval of the Following:

- i. Claims per List
- ii. Three Forks Rodeo Arena Claims per List
- iii. Joint Rural Fire & Council Meeting Minutes from 1/22/2019
- iv. Minutes of the Special Meeting 2/11/2019
- v. Approval of Revised Three Forks Rodeo Arena Board Bylaws dated 1/7/2019
- vi. Approval of Three Forks Rodeo Arena Contract with Jacob's Livestock Rodeo to Provide Stock for the 2019 Rodeo

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

Motion Passed Unanimously.

PUBLIC HEARINGS

There were no public hearings.

REPORT OF OFFICERS

Kelly Smith passed along on behalf of Randy Carpenter that he believes the City could apply for a grant up to \$10,000 from the Department of Commerce. The City match portion would be \$2,500 - this would be used to redo the Growth Policy. Kelly explained there is \$3,000 budgeted towards staff time for a re-write. (The deadline for grant applications is April 1.)

Crystal Turner did not have a report.

Susan Swimley reported on SB300 which proposes to balance the State public defender's budget. What it would do would require every town to pay for public defenders out of its general fund. This bill does not distinguish between jail time or not. There was a hearing this morning at 9AM and Susan has not checked on it yet. This bill would require towns to pay for witnesses too, which would be a huge financial burden. Gene Townsend asked if the bill states how the Legislature will charge towns. Susan said no, any ordinance the town would have to pay for public defenders. Right now any law with potential for jail time allows people to apply for a public defender but none of our ordinance violations have this. Susan will continue to monitor this bill.

REPORTS OF COUNCIL COMMITTEES

There were no Council committees to report.

UNFINISHED BUSINESS

Appointment of Vacant Council Member Seat

Mayor Hamilton stated Steven Dahl and Erin Schattauer were both in attendance tonight. Mr. Dahl read his updated letter of interest into the record and to the Council. Ms. Schattauer thanked the Council for the opportunity to be considered, but said she would not repeat her experience to the Council since she already did that at the last meeting.

Ballots were distributed for the Council to vote. The vote was 3:2 for Steve Dahl. The City Charter does state the Council must have four votes to appoint the vacant seat. Susan Swimley asked the Council to have discussion and debate to convince members of the Council to consider changing their vote. Teri Whitesitt asked if their comments are to be on the record or in private. Susan answered the discussion should take place on the public record.

**** Page 29 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

Councilman Chancellor made a motion to retire to the court room. Susan Swimley interjected and said no it needs to happen in front of the public. She realizes this is an uncomfortable but you need to state why you voted for the candidate in order to persuade a vote of four for one candidate. Motion died for lack of a second.

Teri Whitesitt said she voted for Steve Dahl. She knows him to be very professional and have the utmost integrity.

George Chancellor agreed and said he voted for Steve Dahl, as well as he has put his name in for City Council vacancies in the past.

Gene Townsend said he voted for Erin Schattauer. It rings strong for him that she serves on so many nonprofit boards. Erin came to the Council, about a year ago asking to serve on the Zoning & Planning and that is not a fun board to serve on. He believes she has been good for the Board.

Deb Mickelberry said she voted for Steve Dahl as well. She thinks both Steve and Erin are good candidates, but since the City already has Erin on a board representing the City we could keep Erin on one and add Steve the other. She felt this way the City would be able to take advantage of the knowledge of both candidates.

Dennis Nelson voted for Erin Schattauer. He echoed Gene's comments but added he has really appreciated Erin's input from the Zoning & Planning. Dennis also voted for her as a balance of someone who would look at the issues in a way he may not. Dennis does not have a problem changing his vote to Steve Dahl.

All Council members complimented the person they did not vote for in a variety of ways.

Ballots were redistributed for the Council to vote.

Votes 4:1 for Steve Dahl.

Petition by Daniel Schedel to Amend the Determination of Average Sewer Rate

Applicant was not present.

Councilman Chancellor made a motion to leave Mr. Schedel's sewer rate as is until the applicant can present a case. As of this afternoon he used 2,000 cubic feet also. Councilman Nelson seconded the motion. There was no Council or public comments.

Motion Passed Unanimously.

Utility Service Partners Service Line Warranty Program Resolution

Crystal Turner reported she had asked the Council's questions to Robert Metson with Utility Service Partners (USP), and has forwarded those

responses to the Council's email address or printed a copy for those who do not check email. USP does not have a sewer program yet but do hope to roll out that program this summer. The responses were that the use of the City's logo is simply to show a partnership, he did admit the City would receive numerous phone calls once the program is launched, and that they would not offer the program if the City did not opt for a partnership.

Crystal took Susan Swimley's comment after the first presentation as a suggestion and reached out to her own insurance provider. Crystal explained she has a policy with State Farm, who said they bundle a water and sewer line rider with their homeowner policies automatically. Crystal's policy was old and did not have this rider yet, but was able to add both interior and exterior line coverage for \$15.00/year. The deductible is 10% of whatever total amount of coverage - so for Crystal's policy the deductible would be \$15,000 for \$150,000 coverage. She stated Gallatin Insurance, Three Rivers Insurance and Farm Bureau who all operate insurance offices here in Three Forks probably have this same capability for their policy holders and the City does not have a partnership with them allowing the company to use its seal. She encouraged the public to contact their insurance provider and find out more before purchasing a separate policy with any company.

Dennis Nelson agreed and said he thinks each citizen should take this under consideration and make a personal/individual decision.

There was no Council action taken.

Utility Service Partners Service Agreement

There was no Council action taken.

NEW BUSINESS

Award of Engineering Services Proposal

Gene Townsend stated he reviewed the proposals and actually all the firms are certainly qualified and provided good information and proposals to the City. Gene said, "I went through and scored them for what I like personally. Floodplain will come up more and more to us. Most engineering firms can do sewer and water and streets, but the floodplain is a major item in this time and if we are going to grow we are going to have to do something with the floodplain." Gene added that some engineering firms have taken over city's and town's floodplain permitting - little stuff is still done in house but anything complicated done by the engineering firm. Gene also looked at if we have worked with each firm in the past and considered the projects completed previously with each firm.

Dennis Nelson echoed Gene's comments and scoring criteria. He said Kelly Smith and he have spent a lot of time with the floodplain issues. Kelly can handle a garage, storage shed, or landscaping. She is very

**** Page 31 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

professional and astute, but she has admitted a 32-unit subdivision is too big for her expertise. "I believe our current engineering firm falls short on floodplain," Dennis said.

Mayor Hamilton also reviewed the proposals and noted floodplain was a hot topic for him as well. If the firm did not address the floodplain at all he did not believe they knew the City very well; if they addressed it he knew that firm knew us well enough to know this would be an issue for us. He also looked for experience on projects on the City of Three Forks' capital improvement plan and growth policy/plan experience for each firm.

Dennis Nelson added he asked Steve Johnston, Randy Johnston and Wendell Ewan for their input as well. Based on their comments they informed Dennis they would be agreeable to any of the firms, and still plan to go out for bid on major projects.

Councilman Townsend made a motion to hire Great West Engineering out of Helena for our consulting engineer. Councilman Chancellor seconded the motion. Mayor Hamilton added there was only one [firm] he was not rooting for and only because of how far they are located from Three Forks. Dennis Nelson said Great West was not his first choice, and having worked with them in the past on major projects he would want to have a conversation with Great West about working with specific engineers.

Motion Passed Unanimously.

Board Appointments:

Library Board

Mayor Hamilton read the Board appointment memo into the record. He noted the Library Board did not make a recommendation for just one applicant as they would be happy to have either applicant join their Board.

George Chancellor said he was leaning towards Angela Lehr, and after reading her resume the Library Board should be a walk in the park for her. Dennis Nelson agreed and said believes either applicant would be good for the Library Board.

Councilman Chancellor moved we approve Angela Lehr for the Library Board. Councilman Nelson seconded the motion. There were no public or Council comments.

Motion Passed Unanimously.

Impact Fee Board

Mayor Hamilton read the Board appointment memo into the record, noting the addition of Scott Murphy's application which was received late this afternoon.

George Chancellor asked which members still wished to be reconsidered. Gene Townsend withdrew his name since he only applied because they had a

shortage of volunteers previously. Crystal Turner informed the Council that Ron Elliott lives in Broadwater County - not that the Board says you have to live in the City limits but she just wanted the Council to be aware of that. Deb Mickelberry said she is unsure if Ron's [real estate] license is current. Dennis Nelson said he could also withdraw his application since so many people have put in applications. Kelly Smith stated that one seat has to be represented by someone in the "Development Community" and only Ron Elliott's or Diane Kolberg's applications meet that criterion.

Councilman Nelson moved to approve Diane Kolberg as the development seat on this board. Councilwoman Mickelberry seconded the motion. There were no public or Council comments.

Motion Passed Unanimously.

The Mayor announced that four seats remain. Councilman Townsend made a motion that the following four people be appointed to the Impact Fee Committee: Bill Frank, Kelly Smith, Lindsay Metcalf and Dennis Nelson. Councilwoman Mickelberry seconded the motion. Crystal Turner said that it is nice to have so many citizen volunteers for one and not staff and Council members volunteering. Crystal believes Kelly Smith and Dennis Nelson should not be on the board - Kelly will be in attendance at the meetings anyway as staff to provide information to the Committee. Kelly Smith agreed she would be fine not being on the Board. Dennis Nelson said he understands this concern, but he has been very active in the Growth Policy updates and previous Impact Fee Committee discussions so feels he would be a good addition to the Committee.

Motion Passed Unanimously.

Approval of Revised HIRING POLICY to Reflect Vacancies will be Advertised for 14 Days rather than 30 Days

Crystal Turner explained the Policy has been working great for interviews and hiring. However, Melissa Christoffersen has provided the City her notice. She has given seven weeks notice, but with a 30-day notification to accept applications she has less time to hire, train and get the next Director ready. While we were talking about this we realized it would be best to have an aligned notice for leaving a position and notice of vacancy to accept applicants. This way we will be able to hire and train while the person leaving is still available to be involved in interviews and hopefully training the replacement.

Councilman Townsend moved to revise the Hiring Policy to reflect vacancies will be advertised for 14 days. Councilman Nelson seconded the motion. There were no public or Council comments.

Motion Passed Unanimously.

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

Matt Bugland asked if the Code Enforcement person with the Sheriff Office is back. Mayor Hamilton said he believed so. Mr. Bugland said Jefferson Street has been turned into an abandoned vehicle parking lot.

MAYOR & COUNCIL ANNOUNCEMENTS

Teri Whitesitt said she has a comment, because there is a member of the public present tonight which is here for a specific reason which has not been addressed. She did not know what was going on with the water, and there was a Water/Sewer Committee scheduled for tonight which was cancelled this morning. Melissa Johnson texted Teri telling her that her daughter performed water testing as a science fair project and found high levels of arsenic in the water at the school's drinking fountains. Teri said that was all she knew so far. Mayor Hamilton explained arsenic levels from the school's water fountains were substantially high. Once the City learned that information we ordered sample bottles, took more samples from the school's fountains and sent them in for testing.

The results ranged from .009 - .015 mg/L. The maximum contaminant level (MCL) is .010 mg/L. The City has always been aware Well #2 has high levels of arsenic and roughly 15 years ago the City installed an arsenic treatment plant. We think the media in the arsenic treatment plant is no longer pulling out the arsenic. Currently, the City is not using Well #2. We are running all other wells right now, but they also have issues with radon and manganese. These are all treated at the Water Tank but the water does taste more like chlorine and is airy/bubbly. Some customers have called to say it smells funny and has a dirty appearance. Our plan is to add replace the media, then take more tests and get Well #2 back online. Another round of testing is scheduled for Monday, March 4th. The Mayor said we are way closer to the allowed levels now that we have taken Well #2 offline. There is still some arsenic in the water because the City had filled the holding tank with water from Well #2. The Mayor said, "Because of Erica's project we found this out way sooner than we would have normally. Our testing was not supposed to happen until March and Erica found out in late January and alerted the City by mid-March."

Melissa Johnson introduced herself and her daughter, Erica. They wanted to hear about the actions the City has taken so Erica can make an amendment to her science fair project. She won first place and is going to Regional Finals. Erica requested Mr. Hamilton proofread her amendment

**** Page 34 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

when she has it complete. The Mayor said he would proofread her amendment as well as write her a letter following up on what action the City took.

Gene Townsend presented the **Headwaters Trail System 2018 annual report**. The annual walk/run held in July raised approximately \$6,000 last year and a Farmer's Market BBQ dinner raised another \$600. The Trails also received a \$15,000 Recreational Trails grant in 2015 which was used this past year to overlay asphalt on roughly 3,500 feet of trail. The local match was provided by a donation from Imerys Talc, and the Trails paid roughly \$15,000 out of its fund.

The Trails were interviewed and photographed for a Rails-to-Trails magazine article. Rails-to-Trails has a goal to create a trail beginning in Washington, D.C. and ending in the state of Washington. This is 53% complete! In January 2019, Gene met with the representatives from the State of Wyoming, Montana Fish, Wildlife & Parks, Rails-to-Trails Conservancy, BLM and the US Forest Service for a conference to discuss how to complete the rest of this grand goal.

In closing, Gene gave thanks to Mayor Hamilton, the Council, and the city crew (Randy Johnston, Wendell Ewan, Steve Johnston and Bill Wilson for installing new benches, cutting tree branches, and plowing. The crew is trying their hardest to remove snow - more snow than we have had in almost Gene's whole life here. Please be patient with these workers. Gene also personally thanked Pat Townsend, Kelly Smith and Crystal Turner for all their help volunteering to help the Trail system exist.

Mayor Hamilton reported on State Speech & Drama debate here in Three Forks at the end of January. John Jennings was Lincoln Douglas winner.

Gene Townsend added he complains about not getting grants from the State, but in the Recreation & Trails fund there is only about \$1.3Million that is divided up into a lot of people. \$650,000 has gone to BLM because they have not been getting funded by Washington D.C. and the wildfires have taken their beating on the forest land. There is a Legislative bill proposed to raise the State "opt in" fee on the license plates. The money would be used for fishing access sites. The bill passed out of Committee today, and on to Finance Committee. If passed there will go to the Senate. 79% of people opt in for the current \$6 fee.

AGENDA ITEMS FOR THE NEXT COUNCIL MEETING:

**** Page 35 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

- Public Hearing and Decision on a request by Philip Kedrowski for a Conditional Use Permit to construct a residential duplex at 306 2nd Avenue East
- Public Hearing and Decision on a request by Benjamin C. Linkenhoker for a Conditional Use Permit to operate a business of light manufacturing and engineering design in the garage below the applicants living quarters at 314 W. Front Street

ADJOURNMENT

Mayor Hamilton asked for a motion to adjourn. Councilman Nelson moved to adjourn. Councilwoman Whitesitt seconded the motion. There was no public comment.

Motion Passed Unanimously. (8:11 P.M.)

MANDATORY HARASSMENT TRAINING FOR STAFF & ELECTED OFFICIALS

Steven B. Hamilton, Mayor

Crystal Turner, City Clerk

**** Page 36 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

MARCH 12TH, 2019, The Three Forks City Council met in session at City Hall at 206 Main Street, and was presided over by Mayor Hamilton. The Mayor called the meeting to order at 7:00 P.M. for the FIRST meeting of MARCH 2019.

PRESENT: Council members George Chancellor, Deb Mickelberry, Teri Whitesitt, Gene Townsend, Steve Dahl and Dennis Nelson were present. City Treasurer Kelly Smith and City Clerk Crystal Turner, City Attorney Susan Swimley and Sheriff Sgt. Dan McDonough were also present.

The record reflects a quorum was 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 Hamilton.

GUESTS: Ben & Sarah Linkenhoker, Gloria Howland, Diane Fuhrman, Matt Bugland, D.K. Brooks, John Jennings, Heath Hansen, Philip Kedrowski, John & Mary Hecht, Bill Skinner, Connor Carigli, Canis Communis, Corey Donahue, Joram Zuck, Tony Sorensen and Sheri Brown.

Mayor Hamilton stated John Jennings will be shadowing him tonight as part of his senior project. He then called for any **PUBLIC COMMENTS/CONCERNS** not on the agenda. Seeing none, he introduced the CONSENT AGENDA.

CONSENT AGENDA

- w) Approval of the Following:
1. Claims per List
 2. Three Forks Rodeo Arena Claims per List
 3. Meeting Minutes from 2/26/2019
 4. Zoning & Planning Meeting Minutes from 12/20/18
 5. Zoning & Planning Meeting Minutes from 1/17/19
 6. Allow Mayor to Sign Authorization for Gaston Engineering to Release Documentation to Great West Engineering

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

Motion Passed Unanimously.

PUBLIC HEARINGS

Public Hearing and Decision on a Request by Philip Kedrowski for a Conditional Use Permit to Construct a Residential Duplex for the Property Located at Lot 2, Block 23 of the Three Forks Original Townsite (Plat D-18), More Commonly Referred to as 306 2nd Avenue East

Zoning & Planning Board Chairman George Chancellor read the staff report into the record and recapped the Zoning meeting held on 2/21/2019. City Planner Randy Carpenter recommended approval of the conditional use permit for 306 2nd Avenue East, and the Zoning Board voted to recommend the Council also approve this request.

Applicant Philip Kedrowski said Mr. Chancellor informed the Council very well tonight so he would not be added anything, but he would be happy to answer any questions if the Council had any for him. Gene Townsend asked if he planned to live there. Mr. Kedrowski answered no. Dennis Nelson asked if he planned to have two water meters on this property. Mr. Kedrowski said he believed there would be two meters but he would have to talk with the construction crew when that time came. Kelly Smith clarified that having one or two meters does not mean the applicant does not pay one or two impact fees. Impact fees are set to be 100% the impact fee for the first unit and 80% for each additional unit.

Public Comment - Matt Bugland spoke in support of the design. As the owner of neighboring property at 302 2nd Avenue East, he has had issues with the drainage from the applicant's property in the past and he believes the plan shows this alleviates all that.

There was no applicant rebuttal.

Councilman Nelson moved we accept the conditional use permit application for the duplex at 306 2nd Avenue East. (Gene Townsend asked George if, at the Zoning & Planning meeting, there was talk about putting any conditions on this application. George answered no.) Councilman Chancellor seconded the motion. There was no other public comment.

Motion Passed Unanimously.

Public Hearing and Decision on a Request by Benjamin C. Linkenhoker for a Conditional Use Permit to Operate a Business of Light Manufacturing and Engineering Design in the Garage Below the Applicant's Living Quarters, Typically Monday through Friday 8:00 A.M. to 7:00 P.M. for the Property Located at Block 5, Lots 3 & 4, Buttelman's Addition, Plat D-20, More Commonly Referred to as 314 W. Front Street

Zoning & Planning Board Chairman George Chancellor read the staff report into the record and recapped the Zoning meeting held on 2/21/2019. City

**** Page 38 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

Planner Randy Carpenter recommended approval of the conditional use permit for 314 W. Front Street. The Zoning Board voted to recommend the Council approve this request.

George Chancellor added there are two letters opposing the application, both from John Hecht (owner of 311, 315, 319 and 323 W. Adams Street), which he read into the record. There was one letter of support from Donald & Milly Orr (304 W. Front Street) which he also read into the record. Crystal Turner added she just received an email via our website from Lance Wester (owner of 401 W. Adams Street) which was in support of the conditional use permit request.

Applicant Ben Linkenhoker introduced himself and his wife Sarah. He is very excited about opportunity: the opportunity to have income within their home and the opportunity to grow a business in the community which he feels will benefit the community at large for years to come. He passed around parts he has made to show examples. A CNC machine takes a solid piece of metal, takes a drill bit and cuts or makes holes to be used as parts or tools in other equipment. Mr. Linkenhoker stated starting a small business has huge risks involved. According to the Small Business Association 55% of businesses fail in the first two years, and of those, 82% fail because of cash flow. Starting this [business] at home will significantly increase our chance of success. He understands the concerns of the neighborhood, primarily concerns regarding traffic and noise both of which the research detailed in his report covered thoroughly. We live a sheet a plywood and laminate flooring away of the machine, and have a rental property in very close proximity on the property too. Mr. Linkenhoker said, "We do not want to make our tenants mad or the neighbors mad for being the kind of neighbors which everyone hates."

Public Comment - Sheri Brown (619 2nd Avenue West) met the Linkenhoker's when they became interested in this property; she represented them. From day 1 of meeting them and working through the process of buying this property, they have always shown consideration, compassion, and concern for others. She stated she knows nothing about CNC machines, but believes they will be a great addition to our community. "Ben speaks from the heart and has a lot of integrity," Sheri said.

Corey Donahue (321 W. Milwaukee Street) has been around CNC machines before and quite honestly they are quieter than I usually am at my house. Corey said, "I run masonry equipment [at my house] and have never had a complaint. Quite honestly, he could have brought this machine in without

asking permission and no one would have probably even known." He suggested the Council if they could make the conditional use permit (CUP) nontransferable to appease Mr. Hecht's concerns.

Applicant rebuttal - Ben Linkenhoker has no problem, if this were approved, that the permit be for his operational uses only (nontransferable). His impression was that a CUP for him and his use only. He suggested writing a letter to all his neighbors, and those within the 150-foot already noticed, with his contact information and informing them of his proposed business hours.

Public Comment - Tony Sorenson (223 W. Front Street) spoke regarding his neighbor Canis Communis who also has a CUP for a home occupation. Tony has never heard his business operation, "So I support this request."

Bill Skinner (8250 Dry Creek Rd, Belgrade) spoke in support of the Linkenhoker's request as a person who has worked with him at several jobs. "One word which has been spoken of Ben already is 'integrity' and that is very true. If he says he will do something, he will do it. This enterprise will be a great business for this community," Bill said.

D.K. Brooks (304 W. Milwaukee Street) lives kitty corner from Canis and also never heard his business. "He has been a very good neighbor. My wife and I have spoke with the Ben Linkenhoker on several occasions and feel this will be a good addition to our community."

Canis Communis (223 W. Front Street) supports this application. He probably listens to music louder than the CNC machine and he hopes the Council supports this request.

Diane Fuhrman (310 W. Milwaukee Street) was the listing agent for this property. She stated the former owner had table saws, drills, and a wood planer and no one complained about noise when he was doing his projects, whether or not they were for personal use. She does not believe the application will negatively impact the neighborhood.

John Hecht spoke in opposition. He does not have anything against Mr. Linkenhoker, but John's tenants are directly across the alley and he is worried about the noise. He asked if the Council would be agreeable to place a condition which would only be used by Ben Linkenhoker (not future owners or tenants). That would alleviate some of his and his wife Mary's, concerns. He has heard the other comments tonight saying it is not a

**** Page 40 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

noisy operation, but Ben told him during the initial stage it could be noticeable.

Ben Linkenhoker rebutted he believe Mr. Hecht is slightly taking his comments out of context. Ben's employer has four CNC machines where he took the data. They can be "noisy" but the data proves it is not typically louder than the conversations in this room right now.

Mr. Hecht asked if a neighboring property has any recourse if this were approved. Kelly Smith said, as she was trained by the previous City Planner, this is a condition of use. If the neighbors have complaints, they could file complaints to the City Council and they would decide whether or not to revoke the conditional use permit. Susan Swimley agreed, for example if the Council wanted to adopt a condition like Ben offered tonight to alleviate the neighbor's concerns - then the neighbors could come back and say it was a condition and he is violating that.

Mayor Hamilton turned on his decibel application on his phone during the conversation over the past ten minutes or so. The highest was when Susan Swimley spoke at 80, 60 when he spoke, and the rest of the room registered around 50 decibels (dB).

Matt Bugland spoke regarding the insulation and sound barrier the Linkenhoker's already have in their garage where the business would be.

Gene Townsend asked how big the truck delivering the steel or aluminum would be. Ben said there is usually a delivery cost so he has planned to pick up. Gene continues, "And how would you deliver the end product?" (UPS or personally delivered to Bozeman). "A few council meetings ago we had delivery truck discussions, so that is why I asked," state Gene. Ben replied that most end products will be hand delivered. "I do not drive a heavy equipment truck," he added. Dennis Nelson complimented Ben's application - very detailed, "Thank you." Dennis asked Ben to clarify what he meant by "Standard business hours? Is that M-F 8-5?" Ben answered, "Yes, the plan is to attempt to keep it within those hours, but deadlines may alter that from time to time. My wife and I live upstairs and we intend to be respectful of the neighborhood."

Gene Townsend wished to place a condition on this application that if Ben sells this property or it is no longer used for the request in the conditional use permit application, this CUP will cease and no longer be in effect. John Hecht asked if the CUP could also be if the property were

**** Page 41 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

rented out. Susan Swimley responded no it could not because a home occupation means you live there too. Sarah Linkenhoker asked if they were ever to live in the home which is currently rented to their tenants, and rent out the space they are currently living in - would that be acceptable to the City? Susan responded it would be acceptable as both homes are on the same property, and the CUP is being obtained for the property, with these owners.

Councilman Townsend moved to accept the conditional use permit with the condition I put upon it, and with them getting a business license.

Councilwoman Whitesitt seconded the motion. Susan asked if the Council also wished to accept the applicant's offer for a condition (to provide contact info to all the neighbors). Both Council members Townsend and Whitesitt agreed. [For clarification, that is a motion of: Approval to accept the conditional use permit request to operate a home occupation at 314 W. Front Street, with the following conditions: 1) He suggested writing a letter to all his neighbors, with his contact information and informing them of his proposed business hours; 2) if Ben sells this property or it is no longer used for the request in the conditional use permit application, this CUP will cease and no longer be in effect; 3) obtain a City business license.] There was no further public comment.

Motion Passed Unanimously.

REPORT OF OFFICERS

City Treasurer Kelly Smith reported on McKinstry's visit regarding energy efficiency upgrades to City Hall. They mainly do big remodels, not just electrical upgrades. If The Council wants them to look at all City buildings they can do that, but if we just want to upgrade electrical of City Hall we really should just go out for electrical contract proposals. Teri Whitesitt suggested having Northwestern Energy (NWE) do an assessment as a starter? Dennis Nelson agreed starting with NWE. Dennis did not suggest have NWE review the Fire Hall as there is nothing to improve it. Gene Townsend said we did lighting upgrades in City Hall 15 years ago, but basically due to technology we have outgrown our building. He believes we need to start looking at our meter box and ensure we have enough electricity coming in to our building. City Hall is one of the oldest buildings on Main Street.

Kelly also informed the Council that Michael Tucker said we have the best website in the valley. She reported that the newer Gas Tax revenues will be around \$39,000. Kelly budgeted receiving more than that, so no budget

**** Page 42 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

amendment is necessary - however, the State has this on a calendar year versus a fiscal year (July-June) so we will not ever know our revenues until 6-7 months in the budgeted fiscal year.

Kelly also provided an update to Randy Carpenter's email regarding the Growth Policy update and grant opportunities. Randy thinks we should apply for a bigger grant application, like \$30,000 with a city match of \$10,000 rather than only doing the bare minimum. Randy had great suggestions as to why Three Forks should do a comprehensive update, including growth in Gallatin County (expected to grow by 100,000 in the next 20-30 years) and Broadwater County and how that will affect Three Forks. Other things to consider are the shape of our infrastructure and how soon upgrades will need to be made, how much those upgrades cost, how many more homes will likely be built on the south end of Broadwater County which may not affect water and sewer for the City but it definitely affects our Fire Department, Ambulance District, city streets, and other volunteer organizations. The deadline is still April 1st, so if we plan to apply for any grant we need to get moving on this. Mayor Hamilton asked the Council to give Kelly direction on how it wishes to proceed with this grant. He hopes to see the Council move towards the bigger, in depth Growth Policy updated.

George Chancellor asked if the Council can do another paragraph update to suffice for the next 5 years. Kelly replied yes, the Council can do whatever it wants. Susan Swimley urged the Council to do a more in depth review and update. Gallatin County is the fastest growing county in our State and we need to think about where and how we would like to grow when it does come to Three Forks. Gene Townsend stated he would make motion that we do at least the \$30,000 grant application, and I'm really thinking if it has to be in by April 1st Randy [Carpenter] needs to get writing. If we wait for our next meeting it will be too late. The point Susan [Swimley] made about Broadwater County and what is happening around here - we need to incorporate their growth into Three Forks' plan.

Councilman Townsend moved that we apply for at least the \$30,000 grant application. Councilwoman Mickelberry and Councilman Chancellor seconded the motion in unison. Public Comment - Matt Bugland asked if anyone from the City has spoke with Northern Rocky Mountain Economic Development District. Kelly Smith answered, "Yes, they will help us when we decide what to do." She also stated that Randy Carpenter has stated he will not be submitting a request to do the Growth Policy, so he is not going to financially benefit.

**** Page 43 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

Motion Passed Unanimously.

City Clerk Crystal Turner reported to the Council, and those present, that Headwaters Country Jam organizers have requested to get the word out that they are looking for 6-10 acres of field or open land to have parking in town while they shuttle folks out to the concert venue. They would like to keep people off the roads which are intoxicated, and reduce traffic overall. If anyone has any ideas of properties that would work please contact Jereb Carter (email at bottom of email provided to the Council).

Crystal also reported T.K. Gibson has resigned from the Three Forks Library Trustees, so she will contact Doreen Kennedy (who was not appointed at the last meeting) in hopes she is still interested in serving.

Crystal stated she has been working with Gwynn Rochford, Doug Hamilton and attempted to connect with Danika Quenemoen, all who sell insurance here in Three Forks, on a "Did You Know?" article about the warranty/insurance programs covering water and sewer lines. This is very timely as there are seventeen properties which have frozen service lines.

Lastly, Crystal has been working with Great West Engineering to negotiate a contract for City Engineer. She handed a copy to Susan Swimley to review.

Susan Swimley did not have a report.

Sgt. McDonough did not have a report.

REPORTS OF COUNCIL COMMITTEES

Budget Committee will meet in April and take a look at the \$30,000 grant and match, as well as review of Quarter 3 expenditures.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Award of Park Mowing & Weed Management Proposal

Mayor Hamilton said there were four proposals received, which the Council all has in their packets, as well as a comparison sheet Crystal Turner

**** Page 44 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

created in hopes of looking at these more unilaterally. The Mayor stated two proposals, B&B and All Seasons, have offered 3-year contracts. Crystal corrected him and stated her comparison sheet is incorrect - B&B offered a 5-year term. (Although upon inspection when doing these minutes the comparison sheet was correct in noting B&B offered a 3-year term.)

Deb Mickelberry stated she is concerned B&B Lawn and Snow did not include a fall cleanup in their proposal. She views those as unforeseen charges. Bozeman Tree & Lawn did not submit a complete bid, in Deb's opinion, since they did not include the mowing option. She would not mind paying a little bit more for service we already know is good. She is leaning towards All Seasons. George Chancellor said, "Ditto." He also agreed Bozeman Tree's bid is incomplete. Gene Townsend stated staff told him they [All Seasons] have not increased their prices for six years. They work around our park schedules and programs and Randy Johnston said they know where all the sprinkler heads are and he is very comfortable with All Seasons. Gene agrees in retaining All Seasons. Teri Whitesitt said she agreed. Mayor Hamilton stated he appreciated the Council explaining why they are leaning towards a higher dollar amount proposal. Dennis Nelson agreed with all the plusses already stated: The service, the quality, the no raise over last six years. We are looking at \$3,700 more but the reasons stated give a good offset for that decision.

Councilman Townsend moved to award a 3-year contract to All Seasons, Tree, Lawn and Snow, Incorporated. Councilman Nelson seconded. Public Comment - Heath Hansen of S&H Weed Control, he has bid against All Seasons multiple times and he always hears great things about them. He appreciated the opportunity to bid and said the Council has made a good decision. There were no other public comments.

Motion Passed Unanimously.

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

Tony Sorensen spoke about Wendell Ewan's great work smoothing up Railway Avenue last year, but now it has become a speedway. What about putting a 4-way stop in there? He is looking out for public safety. There are a lot of grain trucks coming out. "BBG and myself don't have a lot of impact - I come out early in the morning and don't get back until late at night." Mayor Hamilton said there is a process - he will talk to Wendell and then to the Streets & Alleys Committee and check it out. He asked Tony to complete a Street/Street Sign Request form.

MAYOR & COUNCIL ANNOUNCEMENTS

Teri Whitesitt encouraged the public to support foreign exchange students.

**** Page 45 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

Dennis Nelson updated the Council on the rodeo bleacher project - TD&H should have a draft contract to him by March 22nd and he will get it to Susan Swimley for review immediately. He hopes of having a draft before the Three Forks Rodeo Arena board at their April 1st meeting.

Mayor Hamilton reported on the Three Forks Schools' boys and girls basketball teams. He added that Mrs. Rutherford just texted him saying the Science Fair projects achieved 12 blue ribbons, 5 red ribbons, 1 white ribbon, 3 gold medals, 5 silver and 4 bronze medals, and the 1st place in Small Schools Award. The project about arsenic in our water got a silver medal and apparently won some money. He visited with Randy Johnston today and the arsenic numbers are back below the maximum limit. We are still looking at the media replacement option.

Gene Townsend wanted to let Sgt. McDonough know he has noticed the code enforcement officer out each week and is glad to see them back in action.

AGENDA ITEMS FOR THE NEXT COUNCIL MEETING:

- FY2018 Audit presentation by Rudd & Company
- Request to Not Spray for Noxious Weeds in Public Right-of-Way at 123 W Jefferson Street and the Field Directly Across from this Address (Karen Walton)
- Board Appointments:
 - a. Board of Adjustment (if we have an application)
 - b. Library Board

ADJOURNMENT

Mayor Hamilton asked for a motion to adjourn. Councilman Nelson "so moved". Councilwoman Whitesitt seconded the motion. There was no public comment.

Motion Passed Unanimously. (8:23 P.M.)

MANDATORY HARASSMENT TRAINING FOR STAFF & ELECTED OFFICIALS

Steven B. Hamilton, Mayor

Crystal Turner, City Clerk

**** Page 46 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

MARCH 26TH, 2019, The Three Forks City Council met in session at City Hall at 206 Main Street, and was presided over by Mayor Steven Hamilton. The Mayor called the meeting to order at 7:00 P.M. for the SECOND meeting of MARCH 2019.

PRESENT: Council members George Chancellor, Deb Mickelberry, Teri Whitesitt, Gene Townsend, Steve Dahl and Dennis Nelson were present. City Treasurer Kelly Smith, City Clerk Crystal Turner and Street Superintendent Wendell Ewan were also present.

The record reflects a quorum was 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 Hamilton. He reminded the public the meeting was being audio recorded.

GUESTS: Brent and Mercedes McDonald (of Girl Scout Troop 3962), Cahal McDonald (of Boy Scout Pack 3523), Julie Kostelecky, Dane Hancock, Matt Bugland, Karen Walton, Kelly Bugland, and Selina (Lena) Fabian.

Mayor Hamilton asked for any **PUBLIC COMMENTS/CONCERNS** not on the agenda. Seeing none, he introduced the CONSENT AGENDA.

CONSENT AGENDA

- x) Approval of the Following:
1. Claims per List
 2. Meeting Minutes from 3/12/2019
 3. Engineering Services Contract with Great West Engineering

Gene Townsend said at the last meeting it was stated that Susan Swimley would be given a copy of the contract for review. He asked, "Has Susan approved the draft contract?" Crystal Turner reported she had.

Councilman Chancellor moved to approve the Consent Agenda. Councilwoman Whitesitt and Councilman Nelson seconded the motion in unison. There was no public comment.

Motion Passed Unanimously.

PUBLIC HEARINGS

**Presentation of the Audit of City of Three Forks' Financials for Year Ended
6/30/2018 (Rudd & Company)**

Julie Kostelecky introduced herself to the Council and then introduced the Audit Manager Dane Hancock. She distributed a letter from Rudd and Company, PLLC of a clean opinion and a draft of the audit report to the Council and Mayor. She said she would go over the key points in the audit and ask the Council to approve the draft so they can finalize it. There were no major negatives found in the audit. On page 3 she drew attention to a change regarding pensions and health insurance for retirees - what is called post employment benefits. Julie noted there is a prior-period adjustment regarding the post employment (retiree) benefits.

Highlights of the audit are that the City paid down a little bit of debt this past fiscal year. On page 65 of the audit, Julie noted the "Subsequent Events", one of which was confirmation of the \$500,000 loan is forgiven in the Water Fund, and the other was the arsenic issue in the drinking water which recently occurred. This is still in the investigative stage and an unknown cost to fix the arsenic treatment plant so the auditors felt it necessary to note it in "Subsequent Events".

Julie said the most exciting information to report is there are no findings in the City's audit!

Gene Townsend said he reviewed the draft audit on the website earlier today and noticed several pages regarding pensions (PERS) and he wanted to make sure the auditors felt the City is "up to snuff" with State PERS. Gene said, "We don't owe them any money?" Julie stated a couple years ago governmental accounting standards changed, and even though the State of Montana is underfunded each local government has to book their pension liability on their own books. Julie said, "Three Forks is doing everything it needs to do to ensure its contractual obligations are taken care of."

Gene continued his questions, asking next about the Fireman's Relief Fund, which he said he believes will come to a sunset in the next couple years. He asked if Julie has a recommendation on the Fire Relief Pension Fund. Julie believed the City was doing well and it is getting close to where they consider it as *close to fully funded*. "If things keep going the way they are - there are no findings anymore because the State Legislature changed the rule on performing actuarial studies - your relief fund is looking pretty good," Julie said. Kelly Smith said there have been a few retired firefighter deaths this past year, which actually may make us fully funded right now.

**** Page 48 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

Gene also commented on his concern of unused sick leave and vacation time accrued, if everyone were to quit at the same time. Kelly Smith said, "We have been budgeting for this in water, sewer, general, and the library funds. We have that factored if everyone quit July 1st we have it budgeted for. We started that about 3 years ago."

Dennis Nelson asked Julie if she knew whether or not the State has any plans on addressing their portion of the retirement fund. Julie replied yes, the State is trying to set aside money each year (a long term goal). She said many communities are asking, "Are they going to ask each city to write them a check to get them funded?" She added, "I don't think that's what they are going to do."

Councilman Nelson made a motion we approve the draft plan that has been presented by Rudd & Company for the Audit of 2018. Councilman Townsend seconded the motion. There was no public comment. Gene Townsend commended Kelly and Crystal both, and Denny who helps a lot with the budget, "You guys do a great job, I appreciate it. So thank you."

Motion Passed Unanimously.

REPORT OF OFFICERS

City Clerk Crystal Turner reminded the Council, Mayor and Kelly Smith, they were all invited to attend the Cub Scout Pack 3523's pack meeting at 6:30PM on Monday, April 1, 2019. She also reported on Cubmaster Jason Kovnesky's offer to adopt the flower bed at the intersection of Main Street and MT Hwy 2, which was recently hit by a car and damaged. Wendell Ewan has given Crystal an encroachment permit application to complete on behalf of Pack 3523, if the Council is agreeable with this idea. (There was no vote, but the Council nodded their heads in support.)

Crystal distributed a draft resolution for the Council to read and report back to her if they would be agreeable with this language. The resolution is in regards to setting a fee for non-profits, governmental entities, for-profit, and private groups, referred to as "User Groups" in Title 8, Chapter 6 "Parks".

City Treasurer Kelly Smith reported on Great West Engineering's request to meet with the Council, or a committee, or the Mayor and few council members - Craig Pozega wants to know what is expected of his firm as the city engineer: what are the Council's goals? Dennis Nelson suggested

**** Page 49 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

Craig Pozega meet with the public works operators instead. Crystal Turner interrupted that we, the City's staff, have a list of things we could inundate the engineers with. However, that may cost thousands of dollars the Council is not expecting. Before Craig starts working on anything, he wants to know what the Council expects. For instance, is staff allowed to just request a project be done? Kelly Smith suggested the Council could define a "not to exceed" amount on internal items and then have separate work orders for bigger projects.

Kelly also reported the confirmed MMIA increase cost to health benefits for FY12019-2020 will be 8%.

REPORTS OF COUNCIL COMMITTEES

Election of Council President

Mayor Hamilton stated Ed Tharp was the Council President, who resigned the end of 2018, so we are now without a President.

Councilman Townsend made a motion that I will nominate Dennis Nelson for Council President. Gene continued, "It seems like in the past we always looked to those who have served on the Council the longest, and have the most experience with a variety of issues. Denny is very knowledgeable and I think he would be a great President - if you're willing of course." Deb Mickelberry seconded the motion. Dennis Nelson said he would accept the nomination.

Motion Passed 5:0 1 abstain.

Kelly Smith said this reminded her that the Zoning & Planning Board also needs to elects its president/chairperson for 2019, as per the bylaws. She will add this to their next agenda.

Dennis Nelson said Budget Committee will be meeting very soon.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Request Not to Spray for Noxious Weeds in Public Right-of-Way at 123 W Jefferson Street and the Field Directly Across from this Address (Karen Walton)

**** Page 50 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

Karen Walton introduced herself and said she would prefer noxious weeds to not be sprayed near her residence. Karen offered to pull the weeds herself around the block of her house. She said she is not an herbicide or pesticide person, and someday she would love to plant an organic garden. She hoped her presentation seemed possible and feasible.

Gene Townsend said he did not have a problem with not spraying "Buttelman's field" but we already signed a contract with our lawn contractor to spray Helton-Peterson park. We could certainly give you a head's up when they are coming out, and they usually spray early morning while the dew is still on the grass. However, the City has already entered into a contract for them to spray our parks for dandelions. I do not think it is unreasonable to ask Randy not to spray by their house.

Teri Whitesitt supports Mrs. Walton - she is a bee keeper and had a hive in town a couple years ago. She asked the Mosquito Control District not to spray near her house, and they did not spray, but her hive still died. We want the parks to be weed free, and we want to treat for mosquitoes because they get so bad, but we also want to be healthy and not overly use pesticides which kill our bees.

Deb Mickelberry asked if All Seasons lets the City know ahead of time of spraying. Kelly Smith said we have not asked for their schedule in the past, but we could. The Mayor said he will visit with Randy Johnston, if the Council agrees, to not spray over in Buttelman's field directly across from Karen's house.

Matt Bugland asked how the City can just not spray in front of one house. George Chancellor said you just turn off the nozzle when at that location. Matt said, well then he wants it double-sprayed in front of his house if she does not want in front of her house sprayed. Mayor Hamilton will talk to Randy about not spraying across from Karen's home only.

Kelly Smith clarified, "Wasn't Karen's request to not spray for the whole block, or just in front of her house?" Karen Walton answered ideally it would be nice to not have them spray on her whole block, but if a neighbor does want their area sprayed Karen said she did not want to interfere.

Board Appointments

Board of Adjustments

Mayor Hamilton read the board appointment memo for this board into the record.

Councilman Chancellor moved to reconsider Gloria Howland and Diane Fuhrman to the Board. Councilman Townsend seconded the motion.

Motion Passed Unanimously.

Gene Townsend asked if the Board of Adjustment needs a specific person - like do you have to reside in a certain area? Kelly Smith answered no, just live within the city limits.

Library Board of Trustees

Mayor Hamilton read the board appointment memo for this board into the record.

Councilman Nelson moved we approve the application we received from Doreen Kennedy to the 5 member board of trustees. Councilwoman Whitesitt seconded the motion. Gene Townsend questioned her living in the county and not in the City limits. There was discussion that this is a City-County library.

Motion Passed Unanimously.

Appointment of Devon Beth as a Probationary Volunteer Firefighter

Councilman Townsend made a motion we accept the application of Devon Beth and submit it for the background checks that need to be done. Councilman Nelson seconded the motion. Crystal Turner explained his background check has already been completed and he has signed his paperwork and ready to train. Kelly Bugland said it was nice to see people step up and volunteering.

Motion Passed Unanimously.

Discussion and Decision on a Request to Install a Stop Sign at the Intersection of Railway & California Streets

Street Superintendent Wendell Ewan said his recommendation for this request is to deny. Wendell said, "The principal complaint was speed and according to the Universal Model Traffic Codes (UMTC) stop signs are not recommended to control speed." He distributed excerpts of the manual put out by Federal Highway Administration regarding stop signs to support his recommendation. Wendell stated his concerns there are no records of accidents at this location, and there is no blockage of vision. These manuals are designed so that if someone travels to a different state they should expect to see the same standard of signs. In this manual, the area of un-yielded stop signs say they are not to be used for speed control. If you put up stop signs where they are not needed they just get ignored,

"Which I'm sure everyone can attest to around town," he said. "I recommend denial of this request. If you have a sign up that is not necessary, the City assumes liability. We currently have 115 stop signs in town, probably a dozen of which are questionable. This intersection doesn't have any sight distance issues," Wendell stated.

Deb Mickelberry agreed, stating if we could put stop signs up for speed control, I think each of us would want them on every corner. She asked if there has been an accident at this corner. Wendell replied no - lots of near misses but there are no records of accidents. "Studies now lead to engineering design to narrow it up when you want to slow traffic. The manual recommends all traffic control be engineered - but I don't know that we need to spend that time or money on this [request]. If the Council wants to, we could do a traffic study," Wendell added. Matt Bugland asked if the Council ever decided about purchasing a mobile flashing sign that says "your speed is X"? Mayor Hamilton stated he has been doing some research on this and did not realize there are so many companies producing them. He and Wendell will research this more and discuss later with the Budget Committee.

Councilman Townsend made a motion that we accept the Street Maintenance Operator's opinion, that he would not want to see a stop sign there.

Councilman Nelson seconded the motion. Brent McDonald asked if the City decided not to put a sign here, would the City make that decision public so if anyone asks again later they would know the City already considered it and what the factors were on the decision. Mayor Hamilton said it will be noted in the public record (which are the minutes).

Motion Passed Unanimously.

Discussion and Decision on BARSAA Gas Tax Fund Expenditures for FY18-19

Kelly Smith reported the State has announced the total funds to each municipality for BARSAA. Three Forks will receive about \$41,000 and then our 5% match. She spoke with Wendell, who recommended spending \$18,000 for dust control, \$16-17,000 for more gravel, and then the rest to be used to install more drains. She asked, "Does the Council have other suggestions on spending the rest?" Gene Townsend said it would probably be a good year for potholes, so maybe the City should budget some money towards asphalt patching. Wendell agreed, adding this is above and beyond our normal operating Gas Tax money. Kelly suggested that some asphalt funds could be budgeted paving the fire hall driveway as well, and the patch work on other streets instead of drains in the resolution. She asked Crystal Turner to draft the resolution.

**** Page 53 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

Councilman Townsend moved to put in approximately \$18,000 in dust control, \$16,000 to \$17,000 for gravel, and the remaining be used for asphalt patching for FY18/19. Councilwoman Whitesitt seconded the motion. Matt Bugland said a flashing street sign is only \$2,000. There was no further Council discussion.

Motion Passed Unanimously.

Discussion on FUBAR Holdings Concept Plan C.O.S. 942A, Tract 3A-1 W2NW4

George Chancellor presented that Randy Carpenter gave a staff report to the Zoning & Planning Board. George said, "The first shot was frowned on by the Z&P board. Then staff recommended a Planned Unit Development (PUD) route and keep the Neighborhood Highway Business (NHB) zone." George read Randy Carpenter's staff report into the record. There was one letter of concern from Kim Kanta Fink asking the Board to address traffic, and she was concerned with two entrances on Main Street, as well as concerns of noise.

Kelly Smith recapped that the Zoning & Planning Board asked for the City Council to give more guidance on what it wishes to see for the development of land and the design of projects since they are only a recommending Board. At the Zoning meeting the applicant had half a dozen pictures showing this type of design (Kelly said she has pictures if the Council wishes to see them). She explained to the Council this landowner has come before the Board three times already, so before they have the expense of putting together a full PUD application, they are trying to get more answers of what the City expects to see for growth in this particular area. They are seeking some direction, or at least let them know worst case scenario the Council would not support, so they can write a PUD and submit an application. She proposed the Council think about density, parking, landscaping, and uses. George Chancellor also asked her to print copies of the types of uses allowed in the Central Business District (CBD) and NHB for the Board to review. Matt Jones, of the Zoning Board, suggested this could be a good spot for Air BnB since it is commercial too. There would not be Conditional Use Permits (CUPs) for each unit to live/work - all this is defined and agreed upon at the PUD approval level. The Zoning Board hopes the Council will consider these questions, and give the applicant some guidance.

Deb Mickelberry asked if the garage doors are for the residences or the businesses. Kelly Smith responded the plan is for commercial downstairs and residential upstairs, but actual entrances have not been finalized.

**** Page 54 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

The lower units will be about 1,200 square feet and upper unit roughly 1,200 as well. The doors could be a glass window - the garage door is only a concept so you can visualize it. A PUD is a "give and take". If you happen to be in Bozeman near Ressler, there is a street called Outlier Way which is a neighborhood of this style. Kelly Smith suggested each Council member drive by and see this type of development. Kelly Bugland stated it was interesting that no other similar developments are located within a municipality.

Steve Dahl questioned on what tax base the units would be in: commercial or residential? Dennis Nelson said what needs to be critically analyzed is the impact on services, and what the taxing will be at: commercial or residential? Commercial will pay for itself, but residential does not. Dennis said, "It's a good point that there are none [of these developments] within city limits in other municipalities in our county." Gene Townsend asked if there would be impact fees. Kelly Smith replied yes for water, sewer and fire. Dennis asked if this would be a build out project or completed in phases? Crystal Turner said the Council could definitely place conditions which would define the PUD and the Council can require one thing be done before moving on to the next thing. Dennis would also like to know what the impact is with live/work on the already empty lots and empty buildings on Main Street.

Gene Townsend asked if the parking lot on the south end of the concept plan - was that put there just to give them enough parking spaces. Kelly Smith said that was also discussed at the meeting. The applicant could put something in the covenants about no long term parking. They are also going to have to have retention ponds, which this space could be used as. To build out of the floodplain they may have to bring 2-3 feet of dirt in. Gene - I thought the unit below would do their business, and it is not simply a garage. George Chancellor said he is certain the Zoning & Planning meeting the applicant discussed some units being drive-through for work trailers, not just a big garage door for a business. Some could be used as a car detail shop for instance and that would work well with a drive-through garage door style unit. It might not be a garage used by the resident above. Gene also asked what if the resident had a camp travel trailer? Kelly Smith said they would most likely have written in their covenants that each owner/tenant cannot use the parking space for storage of their boats, and RVs, but only use it for the businesses and the residences. However, this concept plan may have more parking than the Council requires, based on the uses they want to allow. Kelly Bugland

**** Page 55 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

added if the business does not need to drive through, the space in front of each door could be used as parking.

Dennis Nelson asked if the applicant provided any draft covenant language from other projects they have done like this. George Chancellor answered no. Gene Townsend stated he did not think the overall concept is a bad idea. "The Council certainly cannot fill in the vacant lots and buildings on Main Street, we wish we could but I'm scratching my head on what 32 businesses in the future would be there." Mayor Hamilton said it is an opportunity for us to define how that future will look.

Kelly Smith stated this will be on the next Council agenda, and the architect will be present. She asked the Council to think about what they would like to see for parking, density, landscaping and uses and prepare any questions they may have for the next meeting. Regarding Dennis' tax base question, Kelly Smith said she would ask the County Assessor.

Steve Dahl asked if there are any examples where he could see a variety of types of businesses working together. Wendell Ewan said businesses are required to be inspected by the State, so how does that work if they are live/work? The City does not have a building code enforcer, and businesses are required to be inspected by the State. Kelly Smith said when they build and are required to have a plumbing or electrical permit would the State be alerted then? Dennis said gas line hookups are different on residential versus commercial. The owner could elect to voluntarily have the State inspect. Dennis asked if they will have a Homeowner's Association (HOA). Kelly Smith said each unit will not own the ground so they will have to have covenants and an HOA to administer those regulations. The City will have a chance to approve those documents prior to them being recorded.

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

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

MAYOR & COUNCIL ANNOUNCEMENTS

Teri Whitesitt introduced Lena, her foreign exchange student from Germany.

Gene Townsend asked for an update on the State Entitlement bill - what bill number is it as he has not seen anything on the Legislature's website. Kelly Smith replied there was only talk about using some of the

**** Page 56 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

Entitlement money for public defender requirements, however that has died. Crystal Turner added the Council and Mayor have all submitted letters to our District Legislators in opposition to them using Entitlement money on anything else.

Gene continued a Legislative update regarding SB70, which is the one removing Headwaters State Park from the primitive designation - it has passed the Senate and went to the House. Last week Gene testified at the House Committee about this bill. While he was there, there were no opponents speaking against the bill but they had received some letters.

SB24 could really affect our local area since we have so many State parks and fishing access sites. This bill would increase the "opt out" fee on license plates from \$6 to \$9. The increase would be used for fishing access sites, State parks, Virginia and Nevada City and establish a fund in Montana patterned after the Recreational Trails Fund. The second reading will be before the House on Thursday the 28th, and Gene plans on being there to speak in support of it. We still have close to 30 days left in the Legislature so Gene said, "We'll see what else happens." Gene was happy to announce the Sergeant of Arms at the Legislature is a graduate of Three Forks: John Wilkinson.

Mayor Hamilton asked Gene if he wants to talk about the request on our Facebook page to co-host the Rails to Trails event on May 8th. With the Council's approval, Mayor Hamilton accepted the invite to co-host the event. Gene explained May 8th will kick off an hour long broadcast which starts in Washington, D.C. at 1PM, Columbus, Ohio at 12PM, Three Forks at 11AM, and then Seattle at 10AM. He is very honored to be mentioned with great cities like these. There will be quite a gathering, like a party, for this broadcast. The list is up to about 70 folks attending at John Q. Adams Railroad Park: County Commissioners, the Governor has been invited, representatives from Fish, Wildlife & Parks will attend, and the Council is invited. To watch this, you visit the Rails to Trails website and click on the link.

Gene Townsend announced he, Dennis Nelson and Dave Hargrove are going to Broadwater County tomorrow at 1PM regarding the brewery and the Tax Increment Finance district proposed on the south end of Broadwater County. One thing they will discuss is a report noting the deficiencies in the Wheatland Subdivision, one of which being lack of a fire station and water supply. The purpose of us attending is to hear how that will affect Three Forks.

**** Page 57 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

Mayor Hamilton said one of those effects is lack of law enforcement. He has been meeting with Dep. Mason Moore's widow Jodi Moore, Sheriff Meehan and Commissioner Folkvord of Broadwater County, and Gallatin County's Sheriff Gootkin regarding mutual aid. We are trying to find a way to get law enforcement down here quicker. Sgt. McDonough and Sheriff Gootkin have space in the Three Forks office where a Broadwater County deputy could plug their laptop in and use the restroom. We are working on something along those lines. The Mayor will meet with them again on April 12th, so he will not have anything new to report at the next council meeting. Jodi Moore coordinated this effort. Matt Bugland said they [Broadwater County] has been offered space by other entities too, but their issue is they still do not have any funds to hire more deputies. Mutual Aid is heavily required on calls around the KOA campground and Town Pump area. Sometimes our ambulance or fire volunteers do not go on site until Law Enforcement is available, so they have to wait. Dennis Nelson added the Broadwater County Commissioners okayed hiring more deputies, but the County did not give them any revenue to attain those deputies.

Gene Townsend said he was the Mayor when Rolling Glen went in and he attended many Commissioner meetings and testified their impacts will hit the City of Three Forks. He asked the Commissioners back then, "'Are you going to do anything about that?'" and they said no." Pretty soon they need to step up and do something to cover their County. Gene continued, "I am not against sharing space with them. Broadwater County is maxed out on mills because the value of the mill is not the same. They need to step up and provide services to their residents."

AGENDA ITEMS FOR THE NEXT COUNCIL MEETING:

- **Recommendation for a List to Identify Major Problems and Potential Solutions (Per 11-11-3-A.1) for FUBAR Holdings' Concept Plan at C.O.S. 942A, Tract 3A-1 W2NW4**
 - **Density**
 - **Parking**
 - **Landscaping**
 - **Business and/or Commercial Usage**
- **Resolution on Expenditures for BARSAA Gas Tax Funds for FY18-19**

ADJOURNMENT

**** Page 58 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

Mayor Hamilton asked for a motion to adjourn. Councilman Nelson "so moved". Councilwoman Whitesitt seconded the motion. There was no public comment.

Motion Passed Unanimously. (8:51 P.M.)

Steven B. Hamilton, Mayor

Crystal Turner, City Clerk

**** Page 59 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

APRIL 9TH, 2019, The Three Forks City Council met in session at City Hall at 206 Main Street, and was presided over by Council President Dennis Nelson. President Nelson called the meeting to order at 7:01 P.M. for the FIRST meeting of APRIL 2019.

PRESENT: Council members George Chancellor, Deb Mickelberry, Teri Whitesitt, Gene Townsend, and Steve Dahl were present. City Treasurer Kelly Smith, City Clerk Crystal Turner, City Attorney Susan Swimley and Gallatin County Sheriff Sgt. McDonough were also present.

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

The **Pledge of Allegiance** to the American Flag was led by President Nelson.

GUESTS: Jack Smith (Three Forks Voice), Philip Kedrowski, Bert Brandon, Rick Remitz, Kim Kanta Fink, and Justin Koller.

CONSENT AGENDA

- y) Approval of the Following:
1. Claims per List
 2. Three Forks Rodeo Arena Claims per List
 3. Three Forks Rodeo Arena Board's Recommendation to Enter into an Engineering Design Contract with TD&H Engineering Services for the Bleacher Project
 4. Quarter 1 of 2019 Pledged Securities Report
 5. Great West Engineering Task Order #1 for General Engineering Services in the Amount of \$5,000
 6. Great West Engineering Task Order #2 for Floodplain Services in the Amount of \$3,000

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

Motion Passed Unanimously.

PUBLIC HEARINGS

There were no public hearings.

President Nelson apologized for missing this, and asked for any **PUBLIC COMMENTS/CONCERNS** not on the agenda. Kim Kanta Fink said she just left the Three Forks Youth Recreation Task Force meeting who asked her to relay

**** Page 60 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

their request to utilize Stevenson Park for the Summer Recreation Program this year. Crystal Turner informed Kim the Council adopted a reservation ordinance last year, and she would provide Kim a copy of the application.

REPORT OF OFFICERS

City Treasurer Kelly Smith did not have a report tonight.

City Clerk Crystal Turner reported the Elected Officials' training in May has released its draft agenda and registration is open. The training will be held in Bozeman this year, on Wednesday and Thursday May 8th & 9th. Please let Crystal know if you wish to attend this training so she can register.

Crystal also asked the Ordinance Committee for an update on the definition they came up with for "living" in RVs or camp trailers. She has reviewed the minutes and it is unclear what language was decided upon, or who was to draft up any changes. The Ordinance Committee was also unsure and said they would meet again before the next Council meeting and get that information to Crystal.

Sgt. McDonough did not have a report tonight.

City Attorney Susan Swimley distributed a summary of work she has completed in the past month, which included researching steps to declare a municipal emergency, edit water rights summary for Growth Policy, address issues regarding potential annexation with floodplain violations, respond to issues with 21 gun salute within the City limits, review and edit of new city engineer contract, draft, edit and shepherd an Interlocal Agreement with Broadwater County, conducted work on the contract for bleachers for the Three Forks Rodeo Arena Board, and address FBI background checks.

REPORTS OF COUNCIL COMMITTEES

Budget Committee - Dennis Nelson would like to schedule a meeting at 4PM on April 18, 2019.

UNFINISHED BUSINESS

Recommendation to Create a List Identifying Major Problems and Potential Solutions for FUBAR Holdings Concept Plan (C.O.S. 942A, Tract 3A)

- 1. Density**
- 2. Parking**
- 3. Landscaping**
- 4. Business and/or Commercial Usage**

Philip Kedrowski, of Redleaf Engineering, introduced himself and 2 others as the owners of the property. He provided background of the previous hearings held by the Zoning & Planning Board. At those hearings there was a lot of discussion about what the usage could be or other issues the City may want addressed. They have provided a concept plan (which is the stage we are in now). With that outcome, the applicant would then draft a preliminary Planned Unit Development (PUD) application for review; then ultimately go to final plan/plat approval after that stage.

Bert Brandon with FUBAR Holdings and also VARDA Group, introduced himself. He verified the Council was up to speed on their concept, to which all Council members replied they were. He just wanted to be here in case there were more discussions on this transitional piece of land between residential and industrial uses.

Public Comment: Kim Kanta Fink asked the Council to consider the businesses which are already in this location, and to consider traffic at one entrance on Main Street. She asked, "Can the City accommodate this large of a project if annexed in." She is concerned for the residents living above the commercial spaces. She also asked, "Would there be sidewalks so if there are children living in the residences, would keep them safe from all the traffic?"

(She stated she thought another person was going to drop off a letter, so Kelly Smith checked the night drop box.) A letter from Shelly Williams, was read into the record by President Nelson. Shelly Williams is opposed to this development because it seems too congested for this space and the community as a whole. She stated there is a lack of emergency services, this would impact the school, and our streets to name a few.

Council Comments: Deb Mickelberry is concerned with parking. If the upstairs unit is lived in and the unit downstairs is a business, the overflow of customer/employee parking, 2.5 spaces will not be enough. She has witnessed this with the new building on W. Elm Street. It provided enough off-street parking but the businesses using the spaces need more

**** Page 62 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

than the zoning required and so they are now using the bank and church's parking lots across the street.

Teri Whitesitt said at the last meeting the Council had comments regarding if the units would be taxed residential or commercial. She called the City of Bozeman, who has one similar development on 27th Street, and those are taxed commercial. She did some research and found an ordinance (from Sunnyvale, CA) which said the resident had to be the same person/people as the business owner. She read some excerpts from the ordinance, "Ground level cannot be turned into living quarters; owner occupied only," and added, "We can set the rules for this development." She distributed a copy of the ordinance from Sunnyvale. Teri favored rule #16 which says, "No more than one employee..." and she liked that the business types were those requiring an appointment to mitigate an onslaught of parking needs, like a restaurant would need.

Gene Townsend received a call this past weekend from someone who wanted to discuss this project, but since he had limited information so far other than the site plan there was not much to discuss. Gene has concerns for the ingress/egress because the Talc Plant has as much as 150 semi-trucks a month delivering or picking up. Gene said, "That does not include Kanta Products' truck deliveries." He shared the concern of needed retention ponds with this [land] being in the floodplain. "We had over 24" of snow this year and even an inch of rain today, so we have to address where water will go." Gene is not opposed to the concept of this type of plan. He understands the cost of construction today is tremendous - he understands the need to share common walls to save costs. He asked the applicant for a timeline - do they plan on building four units and see how they sell, then build more? Or do they plan on a full build out and then try to sell or rent each unit?

George Chancellor stated he is not opposed to this idea, however parking and drainage are still his concerns.

Steve Dahl drove by some of these designed neighborhoods, and he feels the proposed concept is a little large for Three Forks but that is the only comment he has for now.

Board Discussion: Deb Mickelberry said Kim Kanta Fink brought up sidewalks and this is a good thing to discuss. If there are families living here, is there a way for them to get to the trail without weaving in and out of parking lot. Will there be sidewalks?

Susan Swimley asked if Kelly Smith gave the suggested uses Randy Carpenter had provided to the Council. Kelly Smith replied she had provided two suggested use lists, which the Council would probably find easier to cross off the uses they do not wish to be in this development.

Dennis Nelson informed the applicant he is regularly a Council member so he will have a vote on this in the future, however he is just acting as the chairman tonight in the Mayor's absence. He stated he also liked the idea, but recommends cutting 32 units to 24, and having a minimum of two accesses, if not 3. He would like to see landscaping used as a buffer as possible - not huge trees, because down the road may destruct the roads. Dennis also liked Matt Jones' suggestion of a privacy fence. He does not want to see mixed residential and commercial garbage. Dennis would like to see restrictive parking of personal boats and campers - or not be allowed at all for those who are going to try to park their motor home or long RV. Retention ponds will be critical. Dennis wants to review homeowner covenants, and he liked the suggestion Teri Whitesitt mentioned of units being owner-occupied. Dennis said he would not want to define the type of siding used in construction, but asked the applicants be considerate of the community and not have loud or gaudy colors.

Susan Swimley asked the Council to think about uses like a mechanic: if someone was allowed to do auto body or engine repair they should have designated parking for that. "If they can handle 6 vehicles at once, but have a 7th waiting to be worked on, it will end up taking one of the other businesses' parking," Susan said. She then asked if the Council saw anything on the list that the Council would not support, and if so to get that information to Kelly Smith.

Dennis agreed he wants the Council to have a couple days to think about this and then get that information back to Kelly or Susan who will write a response to the applicant.

Applicant Rebuttal: Philip Kedrowski (on behalf of the applicant) explained he has been told the City would define the uses and densities [that the Council wants to see] are important to include in their application. "The rest is going to be defined via covenants and that is really not something that the Council needs to tell us - we will already model this after Department of Environmental Quality (DEQ) stormwater retention requirements, County subdivision rules which require two accesses, etc." Philip said. "Regarding accesses on Old Yellowstone

**** Page 64 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

Trail/south extension of Main Street - our idea was to keep commercial traffic through Main Street. We also wonder if we will even be granted two encroachment permits. The former City Engineer had provided some traffic analysis and thought a development this size would generate 234 trips/day. Remember this is not a city block - alleys would not be required. These are not city streets - it's a parking lot. However, we show potential utility alignments at 10-feet but we can increase those to 20-feet to match an alley width. We had not come up with any landscaping, but I do not believe there is any opposition by the owners towards landscaping requirements," he said. He requested the City provide a list of suggested plants or trees. They had not thought of the trash receptacles until the Zoning & Planning meeting and so it is not on the current concept plan but we will address it. Regarding stormwater retention, they have addressed the required space based on development guidelines of DEQ - however if they have to have an access onto Ivy or 1st Avenue West there they may consider splitting up that retention pond into two or three around the project.

Rick Remitz (owner/developer) spoke to the Council. The history is they were told no one can find rentals in this area, and if they built some they would rent immediately. He has several properties where this [type of development] has worked. He has employees who live in Three Forks and they said there is a need. Everyone they talked to said Three Forks needs more places to rent and live. "When this land came up our first thought was to turn it into a nice residential neighborhood. But our first attempt was suggested this not be solely residential. When we design the Homeowners Association (HOA) - which we will manage ourselves - we look at it as a development they can be proud of. We aren't going to have people working on cars in there. As the VARDA Group we will manage the HOA, maybe we'll keep some of the units ourselves and rent them out to control what goes in there," Mr. Remitz said. He hopes the Council will work with them in designing the HOA language. "We want to create a company that controls everything from the first dirt all the way to the end."

Susan Swimley spoke that staff met last week to see what needs to be addressed at annexation, and the order of the Planned Unit Development. She explained that process to the Council, noting this discussion tonight and the Council's recommendations, will guide her to draft a response letter to the applicant(s) so that they may prepare a preliminary application. Then during those hearings both sides will work together on each item, perhaps negotiating terms, to define the development. Annexation and final plan/plat approval will happen concurrently.

**** Page 65 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

Rick Remitz added they would be open to phasing options.

President Nelson asked if the Council needed to make a motion. Susan Swimley suggested the Council cross out what they do not like on the two Randy Carpenter lists, and then get that information back to Kelly or Crystal. Susan will summarize the comments as "reduce the density" but it needs to go hand in hand with what uses will be allowed or limited, and that will drive the parking you need. Bert Brandon asked where Dennis Nelson's suggestion of 24 units came from. Dennis said he was not really sure, but based access size needed and stormwater retention needed he felt there needs to be more open space.

Gene Townsend asked if there was something the applicant is modeling this after so they could look at this type of development. Bert Brandon responded behind the Honda dealership on Huffine in Bozeman is a good example of what could be. "It could be a painter - a new business owner who needs a place to live and a place to put all their painting equipment. This would be a good spot for someone like that, or an electrician for example. Drive by Rowland Drive and see what this neighborhood would be like. They are usually small business owners, working out of this location but working onsite someplace else," Bert added.

Kelly Smith drove through that neighborhood and there were only a couple of signs: a massage place, a body wrap place, imagery and one auto place. She drove by on a Saturday and there was lots of available parking.

Council will accumulate their info, review the list of uses, and direct any comments to Kelly Smith by the end of this week.

NEW BUSINESS

Decision on Three Forks Rodeo Arena Board's Request to Close Kansas Street for Several Events at the Rodeo Grounds (April 27-28, May 24-25, June 14-15, 28-29, July 3-4, 19-20, 26-27, August 2-3, 16-17, 24-25)

Gene Townsend said if anyone has any questions on the dates - two are rodeos (April & July), and then roping events going on. The TFRA asked to bring this to the Council so they can close the road for safety reasons. People park on the other side of Kansas Street and walk/ride their horses over to the arena. This is for safety purposes for people on horses or leading horses.

**** Page 66 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

Councilman Townsend moved to allow the Three Forks Arena Rodeo Board to close the streets for these events. Motion died for lack of second.

Kelly Smith spoke as a member of the public, warning the Council to be careful because this large number of closures. "Last year it was only closed four times. Having it closed almost every weekend in July and August might make citizens upset. It is a main street to leave the neighborhood and get to the Highway for a lot of neighbors," Kelly said.

Councilman Townsend withdrew his motion. He stated he would go back [to the Board] and see if we can pare this down. If team roping contests are not that well attended we may not have to close the street for all of them. Susan Swimley asked if Gene wanted to get approval to at least close for the High School rodeo since the Council meets so close to the event.

Councilman Townsend made a motion to ask permission to close on April 27 & 28 the dates of the High School rodeo. We are going to do it a little different this year on April 27th we will do two rodeos, and one on the 28th then we're going to turn around and do another one. And the reason is because (not sure if they have to) but they have to accumulate points so they can qualify for the State Rodeo at the end of the year. But the reason for this is to reduce travel and we will include July 3 & 4 and 19 & 20 in that motion. Councilwoman Mickelberry seconded the motion.

Motion Passed Unanimously. Other dates will be addressed at a future meeting.

Board Appointments:

Board of Adjustments

President Nelson read the board appointment memo into the record. Teri Whitesitt worked for Mr. Brooks in Willow Creek and he was fair and intelligent. Gene said he agreed - he was a school superintendent and he would be a good choice for this position.

Councilman Chancellor moved to approve D.K. Brooks to the Board of Adjustments to replace Ed Tharp. Councilwoman Whitesitt seconded the motion.

Motion Passed Unanimously.

Decision on a Resolution Requesting Distribution of Bridge and Road Safety and Accountability (HB473 Gas Tax) Program Funds

**** Page 67 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

President Nelson said the resolution would be #300-2019 if approved and then read it into the record in its entirety.

Councilwoman Whitesitt moved we approve resolution #300-2019, a resolution requesting distribution of Bridge and Road Safety and Accountability (HB473 Gas Tax) Program Funds). Councilman Townsend seconded the motion.

Motion Passed Unanimously.

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

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

MAYOR & COUNCIL ANNOUNCEMENTS

Gene Townsend said he is still following SB70 (a bill regarding removing some parks currently listed as "primitive"), he testified on the bill for its second reading before the House last Tuesday. No one spoke against it, but there was one letter from Livingston who opposed it. This will be heard before the full Legislature.

It has passed before the House before going to the full Legislature.

New bill showed up this week HB45 which would be a study bill on safety for multiuse pass for Montana Department of Transportation right-of-way to get funding for safety in the paths?

Gene, Denny and Dave Hargrove went to Broadwater County Commissioners meeting to discuss funding for the Broadwater County Sheriff Department. They were there to state concerns regarding the Rural Fire District. Gene said, "They are broke - not sure how else to say it. Their Sheriff was approved to hire more people, but then not given any revenue. They built a big jail a while back and since other communities have built their own jails they [Broadwater County] will lose their revenue they were banking on. The County Commissioners heard the report but didn't jump out and say they would fund anything. I'll be the bad guy and since we are talking soon about sharing (giving) space. If Broadwater County continues to grow and allow development inevitably that hits Three Forks." Gene continued, "Someone needs to say 'Look Broadwater County it's about time you start packing your own mail. Two months ago their baseball people asked the Parks Committee to tear up our present parks and build baseball fields because they have such high numbers - and 50 of those kids have filled the leagues from Broadwater County.'" They are talking about building a

**** Page 68 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

Sheriff facility and a fire hall, but Gallatin County Rural Fire residents pay \$64,000/year and Broadwater County residents pay \$12,000. Gene said he does not know what the answers are but we need to be thinking. The Commissioners need to be told, "You put 700 homes in 'Three Forks' with our prefix phone number and our zip code, but we [the City] get no tax revenue for any of that growth."

Susan Swimley addressed Gene's comments since she recently worked on the Interlocal Agreement. During negotiations, the impotence was the fact that Broadwater County Sheriff Office was promised three deputies without any money. On the other hand the Gallatin County Sheriff, if they pay for a deputy we would be reducing the consideration we have agreed to pay Gallatin County Sheriff Office for. However, the Gallatin County Sheriff is willing to say he would share the space. It is not so much Three Forks paying for anything, it is the Gallatin County Sheriff giving up some of his consideration for providing us Law Enforcement. Everything else will be paid for by Broadwater County. Susan said, "I don't disagree with you financially, but the broader discussion was if Broadwater County actually took the step to fund someone, that would be something no one has seen in our present time. So to facilitate that, the Gallatin County Sheriff Office was willing to go there in hopes they would provide more deputies and consideration in this end of their county."

Dennis Nelson thinks the Broadwater County Commissioners are slowly becoming aware of their need to address the issues on this end of the county.

COUNCIL ANNOUNCEMENTS

Gene Townsend reminded the Council on May 8th the Rails to Trails event is getting bigger. "We are up to about 100 invited guests, and everyone here is invited too. This will be held at the depot building and I am very happy about it."

AGENDA ITEMS FOR THE NEXT COUNCIL MEETING:

- Approval of Interlocal Agreement between City of Three Forks and Broadwater County Sheriff (with Approval of Gallatin County Sheriff) to Share Office Space at 115 Main Street, Three Forks
- Public Hearing and Decision on a Resolution of the Three Forks City Council Establishing a Fee for Park "User Groups" per Title 8, Chapter 6: Parks (get CT their info by the end of the week)

**** Page 69 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

ADJOURNMENT

Mayor Hamilton asked for a motion to adjourn. Councilman Townsend moved to adjourn. Councilwoman Whitesitt seconded the motion. There was no public comment.

Motion Passed Unanimously. (8:33 P.M.)

Steven B. Hamilton, Mayor

Crystal Turner, City Clerk

**** Page 70 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

APRIL 23RD, 2019, The Three Forks City Council met in session at City Hall at 206 Main Street and was presided over by Mayor Steven B. Hamilton. Mayor Hamilton called the meeting to order at 7:00 P.M. for the SECOND meeting of APRIL 2019.

PRESENT: Council members George Chancellor, Deb Mickelberry, Teri Whitesitt, Gene Townsend, Steve Dahl, and Dennis Nelson were present. City Treasurer Kelly Smith, City Clerk Crystal Turner, City Attorney Susan Swimley and Gallatin County Sheriff Sgt. McDonough were also present.

The record reflects a quorum was 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 Hamilton. He reminded the public the meeting was being audio recorded.

GUESTS: Barbara Mutter, Diane Phillips, Jack Smith (Three Forks Voice), Gallatin County Sheriff Brian Gootkin, Broadwater County Sheriff Wynn Meehan, Matt & Kelly Bugland, and Chris Richards, Tamara Beal and Curtis Appleton.

Mayor Hamilton asked for any **PUBLIC COMMENTS/CONCERNS** not on the agenda. Seeing none, he introduced the CONSENT AGENDA.

CONSENT AGENDA

- z) Approval of the Following:
1. Claim Paid due to Timeliness to Mail Utility Billing on 3/29/2019 in the Amount of \$135.55 (forgot to post on 4/9/2019 agenda)
 2. Claims per List
 3. Three Forks Rodeo Arena Claims per List
 4. Meeting Minutes from 3/26/2019

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

Motion Passed Unanimously.

PUBLIC HEARINGS

Public Hearing and Decision on a Resolution of the Three Forks City Council Establishing a Fee for Park "Use Groups" per Title 8, Chapter 6: Parks

**** Page 71 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

Mayor Hamilton read the resolution into the record, noting it would be #300-2019.

Gene Townsend had suggested the following fees as a starting part to Crystal: \$0 for non-profit and governmental agencies, \$40 for for-profit or private groups for half a day, and \$100 for a full day. Crystal reported Deb Mickelberry had emailed her stating she was in favor of those fees; however no other Council members had provided any suggestions. Crystal also stated these are just a suggestion - the Council could choose any number, or even \$0, if it chooses to.

Teri Whitesitt asked how the City would break down a "half day" because 12pm-6pm would technically be a half day (<6 hours per the resolution), however it would essentially make any other time that day unavailable to others. She suggested if half days are allowed that they be like 8am-2pm and 2pm-8pm for instance. George Chancellor agreed that is half a day but eats the whole day. Teri suggested choices for a half day being like 9am-3pm and 3pm-9pm.

Gene admitted he just thought numbers out and does not really like them. He stated, "Non-profits should never be charged for using our parks. For profit/Private groups - let's use the example Amway holding an event to sell items and making a profit. However, a birthday party is not trying to make a profit but would be a private user group. I don't think a birthday party should have to pay to reserve the park." Crystal clarified this resolution is to define "User Groups" per the ordinance and reservation application which "require public assembly exceeding 75 people, or a group that is given the use of a park for an extended period of time". Crystal explained these are groups which may need extra garbage, or additional bathrooms - will City staff have to go verify the park is cleaned up and if not spend time to clean up the park? There was discussion regarding true non-profits being 501(c)3. Gene said citizens pay taxes for the City to maintain parks - but if someone wants to make money by using a park to hold their business rather than having a business space, they should pay to utilize it. There were comments regarding the City's dumpsters being provided free of charge now but after the current contract expires the City may have to pay for that service. If that occurs the City should not have to incur expenses for someone to hold business transactions in a park.

Matt Bugland suggested private and for-profit could be split out and he reminded the Council the fee could be \$0 if they do not want to put

**** Page 72 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

someone in charge of determining "for profit" or checking in to ensure the park is cleaned up.

Kelly Smith asked if we could just state that one "cannot reserve the whole park for a for-profit business". Kelly said, "The non-profits, baseball groups, farmers market they are here and bring business into town." Teri Whitesitt agrees and said to nix the for-profit language and not worry about it. The parks are for the public's use. Dennis Nelson agreed. Crystal edited the resolution by changing the fee chart: remove "for profit" and just say "not allowed", and \$0 for non-profit and governmental entities.

There was a discussion regarding fireworks being an issue in city parks. Over 4th of July people light off fireworks at Bellach Park, put their used fountains while still hot in the dumpster and end up burning up the dumpster, leaving a huge mess, which gets littered into the ponds and down along the trails.

Councilman Townsend made a motion we accept Resolution 301-2019, a resolution of the City Council establishing a fee for park user groups per Title 8, Chapter 6 "Parks". Councilwoman Mickelberry seconded the motion. There was no public comment. There were no other Council comments.

Motion Passed Unanimously.

REPORT OF OFFICERS

City Treasurer Kelly Smith reported for Steve Johnston that a goose hit the power lines at the wastewater lagoon that knocked out several fuses and the power completely. The power surge harmed the drive, Steve was unsure if the drive was permanently damaged at this point or not. Either way, he thought it would be good to have a spare drive on the shelf in the event this happened again.

Gene Townsend asked if we needed a motion allowing Steve to buy a drive. Kelly replied no, because he already has enough money is in the budget to cover it if needed. Steve just wanted the Council to know.

City Clerk Crystal Turner did not have a report tonight.

Sgt. McDonough did not have a report tonight.

REPORTS OF COUNCIL COMMITTEES

**** Page 73 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

Budget Committee - Dennis Nelson reported they met last week to review the end of Quarter 3 expenditures. "We will have some unanticipated expenditures for street maintenance this year (pot hole repair). The Committee went through the Water and Sewer funds too, and the Water budget does have the chance to go over budget due to the arsenic treatment plant issues. We did have \$12,000 budgeted for a well pump test, but we will not be using that for a pump test and will probably absorb it in arsenic issues. We will budget the pump test again next fiscal year," Dennis reported. Gene Townsend asked for the total of expenditures so far on the arsenic treatment plant. Kelly Smith answered the cost is about \$35,000 spent so far. George Chancellor added that he called Wendell Ewan after the budget meeting to ask about splitting his time out more appropriately in the budget. Wendell informed him they could change it to 15% Streets and split the rest Water/Sewer.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Request by Curtis Appleton to Implement Winter Water Average as the Sewer Rate for Account #0509 Immediately Rather than in July 2019

Curtis Appleton explained he had a washing machine leak he was unaware of for several months. The City had called him and alerted him of high water usage but they could never pinpoint a leak. Once found and corrected he informed the Council you can see, based on his usage, that it is repaired and back down to historic usage.

Councilman Nelson made a motion to reduce the averaging number to the four months indicated at the top of the list there for Curtis and Melanie Appleton. Councilman Chancellor seconded the motion.

Public Comment: Kelly Bugland thanked Crystal and Kelly for reviewing the water usage monthly and calling when things appear different. "I definitely appreciate the ladies in the office notifying us and save the residents costly damages," Kelly said.

Motion Passed Unanimously.

Decision to Allow Three Forks Chamber to Utilize Milwaukee Park on Thursday Evenings for Farmer's Market for the Summer/Fall Season of 2019

**** Page 74 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

Diane Phillips stated the Farmer's Market will run from July 11 through September 5 on Thursday nights, again from 4-7pm. "We have non-profits lined up each night to cook and the non-profits get to make money for their individual organizations," Diane said. She thanked the Council for providing the extra picnic tables this past year and asked if the Council is going to leave the picnic tables in place and trim around them. Diane closed with, "We really appreciate the tables, but we don't always have the manpower to help move them. The Chamber will have the port-a-potty there too." Gene Townsend said it is also difficult for our lawn service contractor to move them without a 2-person job. Diane suggested tipping the tables over and mowing or weed eating under there, and then tipped back the opposite way to mow the other side. Gene added the Historical Society has suggested pouring a concrete slab for the tables to stay on, however you cannot move out of the sun if that is the case. It is an issue we are still brainstorming ideas for.

Councilman Chancellor moved we allow the Three Forks Chamber of Commerce to utilize Milwaukee Park on Thursday evenings for the Farmer's market from July 11 to September 5th. Councilman Nelson seconded the motion. Councilman Townsend asked Councilman Chancellor to correct his motion to state John Q. Adams Milwaukee Park. Councilman Chancellor agreed to amend his motion. Councilman Nelson agreed to the amendment with his second. There was no public comment or Council comments.

Motion Passed Unanimously.

Approval of Interlocal Agreement between City of Three Forks and Broadwater County Sheriff (with Approval of Broadwater County Sheriff) to Share Office Space at 115 Main Street, Three Forks

Mayor Hamilton said the short version is we are providing a place for a [Broadwater County] deputy to work - but it is space we already have, space we are already heating, and using. Sgt. McDonough and Sheriff Gootkin offered this space so that Broadwater County could have someone stationed closer in this end of their County.

Sheriff Meehan said they have hired someone from the Belgrade Police Office, who will start April 30th. His area will be everything from Milligan Canyon to 437 (which is about 8 miles south of Toston). Brian [Gootkin] and I talked about cross-deputizing him, but for now he will only be responding to mutual aid if called. Sheriff Meehan said, "He has been told 'Unless asked you will not partake with anything in Gallatin County.'" Sheriff Meehan would like to bring him to the May 14th City

**** Page 75 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

Council meeting to introduce this deputy. The Sheriff also offered to attend Three Forks' Council meetings too. Gene Townsend said he admired the effort but admitted he "shot his mouth off" last time because he has a problem with the Broadwater County Commissioners. "They have shot themselves in the foot. They can't just approve all those houses, and then approve a brewery, and a music venue and expect services to show up," Gene said.

Councilman Townsend moved to approve the Interlocal Agreement between the City of Three Forks and Broadwater County. Councilwoman Whitesitt seconded the motion. Gene asked Sheriff Gootkin if he was OK with this too since his name is not on the interlocal to sign. "The City has an agreement with you too and we want to ensure you are OK with us signing this," Gene said. Sheriff Gootkin said he was totally in favor of this. He added, to Sheriff Meehan's credit, he has taken a detective position in order to move a deputy south. "We heard you loud and clear at your last budget meeting with us to get more in touch with Broadwater County," Sheriff Gootkin said.

Motion Passed Unanimously.

Proclaiming the Week of May 12-18, 2019 as "Deputy Mason Moore #LOVEWINS" Week in Memoriam of Broadwater County Sheriff Deputy and Three Forks Volunteer Firefighter Mason Moore

Mayor Hamilton read the proclamation into the record.

Councilman Nelson made a motion to approve Proclamation #2019-02. Councilman Townsend seconded the motion. Sheriff Meehan informed everyone on May 16th at 11AM there will be a dedication of a sign at the location of his death, followed by a picnic at DeLaittre Memorial Park in memoriam of Deputy Moore. Sheriff Gootkin asked to change "Sheriff Department" to Sheriff Office in the proclamation, as they are an elected office. Crystal Turner edited the proclamation for the Council and Mayor to sign.

Motion Passed Unanimously.

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

Tamara Beal of Fish, Wildlife and Parks, said on behalf of Lewis & Clark Caverns State Park she is here to ask the Council to proclaim the day of May 18th as Kids to Parks Day. She distributed a copy of the advertisement which includes a ranger program, lunch and a guided hike. The Mayor echoed she is here to also ask the Council to proclaim the day of May 18th as Kids to Parks day and encouraged Tamara to speak with Jack Smith from the Three Forks Voice.

**** Page 76 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

MAYOR & COUNCIL ANNOUNCEMENTS

Gene Townsend reminded all about the Rails to Trails event at John Q. Adams Parks at 11AM - everyone is welcome. Gene will go on the air at 11:15AM.

Mayor Hamilton reported that due to the increase in fuel prices, the quote he received last fall for park equipment in Bellach Park is now roughly \$900 more. The Kiwanis Group donated funds and had picked out specific equipment it wanted to be added to Bellach Park. With the increase, the Mayor felt the increase could be paid by the Parks budget. Gene asked what equipment is being ordered: Steven stated it would be a dual curving slide, a spiral climbing wall, a tommy truck fun bounce (like the old ones on the spring) and the bulldozer and frog of the same thing, and a Rockwell teeter-totter duo. He asked if the Council is okay with the Parks paying the extra \$900. Gene asked how durable the equipment is because we had a lot of vandalism last year, so he wants to make sure it is sturdy equipment. Steven said they looked durable to him, but he will double-check.

Mayor Hamilton thanked Dennis Nelson for covering for him a couple weeks ago while he and students were in Frenchtown for a tournament.

Kelly Bugland reminded all the Junior and High School Rodeo is at the Rodeo Grounds this weekend, April 26 & 27, 2019. Saturday after the rodeo, maybe 7PM, will be a Volunteer Appreciation dinner too for those volunteering.

AGENDA ITEMS FOR THE NEXT COUNCIL MEETING:

- "Kids in the Park" proclamation May 18, 2019

ADJOURNMENT

Mayor Hamilton asked for a motion to adjourn. Councilman Nelson moved to adjourn. Councilwoman Whitesitt seconded the motion. There was no public comment.

Motion Passed Unanimously. (8:07 P.M.)

Steven B. Hamilton, Mayor

Crystal Turner, City Clerk

**** Page 77 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

MAY 14TH, 2019, The Three Forks City Council met in session at City Hall at 206 Main Street and was presided over by Mayor Steven B. Hamilton. Mayor Hamilton called the meeting to order at 7:00 P.M. for the FIRST meeting of MAY 2019.

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

The record reflects a quorum was 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 Hamilton. He reminded the public the meeting was being audio recorded.

GUESTS: Broadwater County Sheriff Wynn Meehan, Broadwater County Sheriff Deputy Loran Carosella, Mel Hamilton, Shelley Dahl and Brady Dahl.

Mayor Hamilton asked for any **PUBLIC COMMENTS/CONCERNS** not on the agenda. Seeing none, he introduced the CONSENT AGENDA.

CONSENT AGENDA

a) Approval of the Following:

1. Claim Paid due to Timeliness to Mail Utility Billing on 4/30/2019 in the Amount of \$135.64
2. Claims per List
3. Three Forks Rodeo Arena Claims per List
4. Meeting Minutes from 4/9/2019 and 4/23/2019
5. Approval to Purchase two Desks and one File Cabinet from Montana Corrections Enterprises totaling \$3,947.00

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

Motion Passed Unanimously.

PUBLIC HEARINGS

There were no public hearings.

REPORT OF OFFICERS

**** Page 78 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

City Treasurer Kelly Smith reported to the Council, saying she knew Crystal Turner would not report it later, that Crystal had graduated from the Montana Municipal Clerks Institute and received a certification in cash handling last week. She also said that Crystal had taught at one of the training sessions on human resource files and was voted one of the best tables offered.

REPORTS OF COUNCIL COMMITTEES

There were no Council Committee reports.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Proclaiming May 18, 2019, "Kids to Parks Day" in the City of Three Forks
Mayor Hamilton read the proclamation into the record.

Councilman Townsend made a motion to approve Proclamation #2019-03, proclaiming May 18, 2019, "Kids to Parks Day" in the City of Three Forks.
Councilman Nelson seconded the motion. Mayor Hamilton stated that Tamara Beal emailed him today to invite the Council to the events at the Caverns. There were no public or Council comments.

Motion Passed Unanimously.

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

Broadwater County Sheriff Meehan introduced Deputy Carosella who will be stationed on the south end of Broadwater County and started on April 30th. Deputy Carosella explained to the Council he and his family have lived in in this area since 2004. He played for the Outlaws years ago as well, so is not new to the area. He will be assisting Gallatin County when asked as best he can and offering service to Broadwater County of course.

MAYOR & COUNCIL ANNOUNCEMENTS

Gene Townsend reported on the success of the Junior and High School Rodeo. The Board held three rodeos in two days to try and do something a little different. We do not have all the invoices yet, so we are not sure if the Board made any money yet. If it does not there is a good chance the Board

**** Page 79 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

will not hold these anymore. They just do not have the high participation they used to.

He also reported on Senate Bill 24 passing which will increase the state license plate fee by \$3.00 which will be used for a trails grant program starting in 2020. Senate Bill 70 passed and was signed by the Governor, which took Headwaters State Park off the "primitive" list.

Last Wednesday, May 8, we held the Rails to Trail event. There were about 100 people attending, and he thanked all those who contributed baked goods for the celebration. Gene thanked everyone who has supported him over the years. Kelly Smith added Rails to Trails has mentioned "City of Three Forks" on its Facebook page twice in the past week. Gene added he heard Three Forks had the largest crowd attend and the best cookies too!

Dennis Nelson reported he met with the structural engineers on the bleacher project. They were going to do a walk through and feasibility study on the Bozeman High School bleachers soon. Dennis will be onsite as well during this process and hopefully this will move forward soon and get some contractors on it.

Mayor Hamilton reported school will be out for the summer before the next meeting so you will see kids about town all hours of the day. He also reported he received a letter from the Historic Preservation Board of Gallatin County that will hold an open house on May 21, 2019. Gene Townsend added the Three Forks Historical Society will actually be speaking at that event as a recipient of one of the Historic Preservation Board's grants.

Next, Mayor Hamilton read a letter to the Council and community officially resigning as the Mayor effective June 2, 2019. He feels he needs to provide more time to his students and less time to the City currently in his life. Teri Whitesitt asked if they could vote on the resignation and not accept it? Mayor Hamilton said no, he has been debating this decision for a couple months and it was final.

AGENDA ITEMS FOR THE NEXT COUNCIL MEETING: 5/28/2019

There are currently no items on the next agenda.

**** Page 80 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

Gene Townsend asked the status of the subdivision development (FUBAR Holdings) and if that would be coming to the Council again soon. Kelly Smith said no, they had not re-submitted anything yet.

ADJOURNMENT

Mayor Hamilton asked for a motion to adjourn. Councilman Nelson moved to adjourn. Councilwoman Whitesitt seconded the motion. There was no public comment.

Motion Passed Unanimously. (7:26 P.M.)

Steven B. Hamilton, Mayor

Crystal Turner, City Clerk

**** Page 81 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

JUNE 11TH, 2019, The Three Forks City Council met in session at City Hall at 206 Main Street and was presided over by Council President and Acting Mayor Dennis Nelson. President Nelson called the meeting to order at 7:00 P.M. for the FIRST meeting of JUNE 2019.

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

The record reflects a quorum was 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. He reminded the public the meeting was being audio recorded.

GUESTS: Gloria Howland, Sean Gifford, Bert Brandon.

President Nelson asked for any **PUBLIC COMMENTS/CONCERNS** not on the agenda. Bert Brandon introduced himself as a member of the FUBAR Holdings group (who had submitted a concept plan for condominiums to be annexed at the south end of town). He stated he is waiting for a letter from the City regarding what the City wishes to see for the proposed development as they waiting to submit a preliminary planned unit development application.

Susan Swimley reported Kelly Smith sent her the summary of the Council's comments on 4/24/2019 and just today she sent the draft letter to Kelly Smith and Randy Carpenter for review and editing.

With no other public comment President Nelson introduced the CONSENT AGENDA.

CONSENT AGENDA

aa) Approval of the Following:

1. Claims paid due to Timeliness in the Amount of \$35,397.38
2. Three Forks Rodeo Arena Claims paid due to Timeliness in the Amount of \$909.28
3. Claims per List
4. Three Forks Rodeo Arena Claims per List
5. Meeting Minutes from 5/14/2019
6. Approval of Record Destruction Request RM88 #6

**** Page 82 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

7. Approval of Three Forks Rodeo Arena Board's Recommendation to Renew CD #7000834 for Another Six (6) Months (Maturity Date 6/12/2019)

Gene Townsend reported to the Council the Three Forks Rodeo Arena voted last night to in support of renewing the CD in the Consent Agenda for another six months.

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

Motion Passed Unanimously.

PUBLIC HEARINGS

Public Hearing and Decision on a Resolution Authorizing Submittal of an Infrastructure Planning Grant Application to the Treasure State Endowment Program (TSEP) and to Montana Department of Natural Resources & Conservation

President Nelson read the resolution into the record, noting it would be Resolution #302-2019.

Councilman Chancellor moved that we approve #302-2019, a resolution authorizing to submit TSEP infrastructure planning grant application.

Councilwoman Mickelberry seconded the motion. Kelly Smith explained this application would be in addition to the Growth Policy planning grant the City is going to apply for. There was no other comment from the public.

Motion Passed Unanimously.

Public Hearing and Decision on a Resolution Notifying the Gallatin County Election Administrator of is Desire to Conduct the 2019 General Election, and Primary Election (if applicable) by Mail Ballot in Accordance with Section 13-19-202, MCA

President Nelson read the resolution into the record, noting it would be Resolution #303-2019.

Councilman Chancellor moved to accept resolution #303-2019. Councilwoman Whitesitt seconded the motion. There was no public comment.

Motion Passed Unanimously.

REPORT OF OFFICERS

Kelly Smith reported on upcoming Mitigation Planning classes which will be held in Miles City on June 25th & 26th if anyone is interested in going. Attendance by elected officials does help improve points on our ISO audit.

**** Page 83 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

Gene Townsend suggested seeing if Randy Carpenter would like to attend on behalf of the City. Kelly also reported she is gearing up for the ISO FEMA audit. The first phase has been already been submitted to FEMA and the second phase is due by June 21st. For the final phase they will be on site on July 23rd.

Kelly also reported on various meeting coming up: Zoning & Planning at 7:00PM on the 20th, Variance Board on the 26th at 5:30PM, followed by the Impact Fee Committee on the 26th at 7:00PM.

Crystal Turner reminded the Council it was still open enrollment for health benefits if any Council members wished to join the City's plan. She also reported she had emailed the Council a notice of public hearing from the Gallatin County Commissioners regarding naming an un-named road which shares a "driveway" to the City Yard off Montana Hwy 2. If anyone has any concerns they can voice those to the County Commissioners. Last, Crystal reported on upcoming Executive Forum training opportunities around the State.

Susan Swimley did not have anything to report.

REPORTS OF COUNCIL COMMITTEES

Dennis Nelson reported there is a Budget Committee meeting scheduled on June 20th at 4PM here at City Hall.

Dennis Nelson also brought up the Three Forks Market campground's sewer rate. He stated the Market has been on a reduced sewer rate for almost two years and he asked the Water & Sewer Committee to meet to start a discussion on how to determine the campground's sewer rate.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

**Request to Use Alternate Four Months' as a Sewer Average for #0616,
125/127 E Jefferson Street**

Kelly Cooper Bugland asked to use four alternate months other than the December-March water usage as the upcoming sewer average, as is allowed in Ordinance #9-4-1. Kelly explained to the Council that Crystal Turner had

informed her of increased water usage over an extended period and suggested it may be a possible leak. She and her husband immediately investigated the rental and found a toilet was leaking which was replaced immediately. Kelly said, "We used an extraordinary amount of water for the months of January through April. This property does have a sand point well to irrigate the outside but in October last year we had an issue with the pump, as you can see on the usage report. We would like to use the months of September, November, December and May."

There were Council comments regarding four consecutive months versus any four months. Crystal Turner explained the ordinance states, "A utility customer may petition the city council to amend the determination of the household size/average sewer rate and present evidence in support of the customer's petition." The ordinance does not state four consecutive month, but "any four months of use in the year".

Councilman Chancellor made a motion that we allow KTB Property Management, LLC to utilize September, November, December and May as their four months. Councilman Townsend seconded the motion. There was no further Council discussion nor public comments.

Motion Passed Unanimously.

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

Gloria Howland asked about any decisions on fireworks this year. Crystal Turner explained the ordinance regarding fireworks is under the Mayor's determination, so when a mayor is appointed it will be that person's duty to determine the rules. The City will then publish the rules.

MAYOR & COUNCIL ANNOUNCEMENTS

Teri Whitesitt congratulated the class of 2019 and said it was a beautiful commencement.

Gene Townsend reported at the Three Forks Rodeo Arena board meeting last night one thing they discussed was the CD which was been taken care of on the consent agenda. They are also working on the arena manager position, and the Board has asked him to relay to the Council to consider a weapons policy. "Last year there was a guy with a six-shooter on his hip and with alcohol served at the rodeo we do not think it is a good idea to have weapons in there too," Gene said. Susan Swimley replied the City can choose to restrict weapons on City property, but so far the City has not

**** Page 85 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

chosen to. Susan added, "I'm sure our insurance policy would like that, but it would not be a problem to have the Council direct her to draft up such a policy."

Kelly Bugland explained last year the guy who was openly carrying his weapon was also consuming an alcoholic beverage. It made several people uncomfortable, a Sheriff Deputy even told him to either put the beer or the weapon away. Teri Whitesitt stated one is not supposed to carry in a bar, bank or federal building - this is kind of a bar with the Rodeo serving alcohol. Susan Swimley explained she already wrote a policy two years ago and she could resurrect it and send it to the Three Forks Rodeo Arena to look at. If they like it, then it could be reviewed and possibly approved on the next Council agenda. (If this is an ordinance change it would take two public hearing readings and then would not take effect until 30-days after the second hearing.)

Kelly Smith asked if this policy would only cover the NRA rodeo or all events at the Rodeo Grounds. Gene Townsend believed the Board just meant the NRA rodeo. Kelly reminded the Council there are events held at the rodeo grounds which do perform shooting contests while on horses. Susan Swimley said she will review her draft policy. The Council asked her to forward that on to them.

Gene added the Board also discussed closing Kansas Street again. He explained to the Board the Council thought the Board was closing the street too often. "To the Board, we are requesting these closures because there is a safety issue. We realize it's an inconvenience to some folks, but our big concern is for the kids, or the person running from a horse trailer to the arena during events. Would it be better to purchase some signs to inform people before Kansas Street the road would be closed so they don't have to turn around? The Board has also discussed designated parking areas and curb stops along the trail (to prevent damage)," Gene said. There was discussion about how to close the street and Crystal Turner explained the Board could request the various dates they wish to close Kansas Street, just like they did in April.

Steve Dahl called the director of communications for Charter internet because they have mentioned being able to provide faster service here in Three Forks. "Manhattan has it and it's five times faster than what we have in Three Forks," Steve added. He asked Charter if they would be interested in having a franchise here in Three Forks and they are researching this now. He will keep the Council updated as he learns more.

**** Page 86 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

Susan Swimley warned the Council of franchise agreements which would say everybody in Three Forks must use a specific company, in this case Charter Communications. There was discussion on franchise agreements versus open markets. Right now we have an open market and each citizen may choose whatever company they want to provide internet service. Crystal Turner said Dish Network, DirecTV, Century Link, Global Net, Little Apple Communications - these are all options currently available to our citizens.

AGENDA ITEMS FOR THE NEXT COUNCIL MEETING: 6/25/2019

- Appointment of vacant Mayor Seat
- Board Appointment: Three Forks Rodeo Arena
- Resolution Regarding Closing City Offices Friday July 5, 2019
- Kansas Street Closure on separate dates

President Nelson explained, unless Susan Swimley tells him differently, he intends to run the mayoral appointment as an anonymous ballot. Per the City Charter the Council will need four affirmative votes for one candidate. He does not intend on kicking the decision to the next agenda if the Council does not have four votes for one candidate after the first motion. Another motion can be made and voted upon. President Nelson announced so far Sean Gifford and Gene Townsend have put their names in as interested candidates. We will interview Sean and Gene at the next meeting, and any other person who submits interest.

ADJOURNMENT

President Nelson asked for a motion to adjourn. Councilman Chancellor moved to adjourn. Councilwoman Whitesitt seconded the motion. There was no public comment.

Motion Passed Unanimously. (7:44 P.M.)

Dennis Nelson, Acting Mayor

Crystal Turner, City Clerk

**** Page 87 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

JUNE 25TH, 2019, The Three Forks City Council met in session at City Hall at 206 Main Street and was presided over by Council President and Acting Mayor Dennis Nelson. President Nelson called the meeting to order at 7:00 P.M. for the SECOND meeting of JUNE 2019.

PRESENT: Council members George Chancellor, Deb Mickelberry, Teri Whitesitt, Gene Townsend, and Steve Dahl were present. City Treasurer Kelly Smith, City Clerk Crystal Turner and Gallatin County Sheriff Sergeant Dan McDonough were also present.

The record reflects a quorum was 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. He reminded the public the meeting was being audio recorded.

GUESTS: Sean Gifford, Brooke Chancellor, David & Heidi Boyd, Gloria Howland, Jack Smith and Melissa Jenkins (Three Forks Voice), Kelly Bugland, Don Peterson, Becca Jones, Shelley Dahl, Brady Dahl, Carl Mohler, Colter Metcalf, Kendall & Adam Klippenstein and Corey & Corbin Lewellen.

President Nelson asked for any **PUBLIC COMMENTS/CONCERNS** not on the agenda. Seeing none, President Nelson introduced the CONSENT AGENDA.

CONSENT AGENDA

bb) Approval of the Following:

1. Claims per List
2. Three Forks Rodeo Arena Claims per List
3. Meeting Minutes from 6/11/2019
4. Zoning & Planning Meeting Minutes from 2/21/19
5. Zoning & Planning Meeting Minutes from 3/21/19
6. Common Boundary Relocation Exempt from Subdivision Review between Michael Claire Jenkins (Lots 2 & 3) and Larry Bjorndal (Lot 4) in Block 62 of Milwaukee Land Subdivision's 2nd Addition to Three Forks
7. Three Forks Rodeo Arena Board's Recommendation to Enter into a Security Contract with Frontier Staff & Consulting to Provide Security at the 2019 NRA Rodeo

Councilman Dahl moved to approve the Consent Agenda. Councilman Chancellor seconded the motion.

Motion Passed Unanimously.

**** Page 88 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

PUBLIC HEARINGS

**Public Hearing and Decision on a Resolution Closing City Offices all Day
on Friday, July 5, 2019**

President Nelson read the resolution into the record, noting it would be Resolution #304-2019.

Councilman Chancellor moved to accept Resolution #304-2019 closing city departments all day on Friday July 5th, 2019. Councilwoman Mickelberry seconded the motion. There was no public comment.

Motion Passed Unanimously.

REPORT OF OFFICERS

City Treasurer Kelly Smith reported on Randy Carpenter's suggestion of the City purchasing a projector for use at Zoning & Planning meetings, as well as Council meetings. He said it would be easier for the public and members of each board to follow along. Everyone is not always looking at the same spot of documentation when they are in presentations or discussions. Randy felt for roughly \$1,000 the City could streamline the meetings and make it easier for all by projecting the documentation on the wall.

Kelly Smith also reported there is tennis court maintenance needed. An inspection was performed, and he estimated \$1,500-2,000 to fix those cracks this fall (next budget year).

City Clerk Crystal Turner she had placed an opinion letter from Susan Swimley regarding weed enforcement in each Council member's box, per Susan's request. If anyone has any questions please relay those directly to Susan. Crystal also reported Andrea Dabling visited City Hall last week and offered youth ages 11-18 help in a community service project. Crystal could not think of any needed projects at the time so took her name and number - if any Committee or Departments have ideas please let Crystal know so she can coordinate their help.

Sgt. McDonough did not have anything to report.

REPORTS OF COUNCIL COMMITTEES

Gene Townsend reported the Three Forks Rodeo Arena Board had a meeting last night and they have been talking about the Department of Revenue

**** Page 89 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

(DOR) permit to allow for the sale of beer/wine at the rodeo. The Rodeo Arena Board passed a motion to allow the Council to apply for this permit. The Board is asking permission for the Council to submit the application to the DOR in order to sell beer/wine at the rodeo.

Councilman Chancellor made a motion we approve to allow the Three Forks Rodeo Arena to submit a beer/wine license for the rodeo grounds.

Councilwoman Whitesitt seconded the motion. No public comment.

Motion Passed Unanimously.

Crystal Turner forgot to report she also distributed a legal opinion from Susan Swimley regarding a "Weapons ordinance" to each Council member's box. Crystal forwarded the draft to the Three Forks Rodeo Arena Board for its input, then she tentatively has the first and second readings scheduled at the July Council meetings, assuming no changes.

Appointment of Vacant Mayor Seat

President Nelson said at this time he would give each candidate three to five minutes to introduce themselves and give any presentation each wished to provide the Council.

Sean Gifford addressed the Council first. He stated he has lived and worked in Three Forks for almost a decade. He said he is asking for the community's support as mayoral candidate this fall. He is a member of the community, a husband and father of four, as well as a local business owner.

Sean provided a history of his career in the U.S. Army and National Guard. He stressed that unprecedented growth in Three Forks has strained critical resources and infrastructure, as well as driven the cost of living higher.

"In the military we were tasked with strengthening and stabilizing communities. This [experience] often required creative solutions in infrastructure placement, governance processes, economic development and security challenge," Sean said. "Larger cities in Gallatin County get priority attention when it comes to county resources," he continued. Sean said these challenges present opportunities too in his eyes. He believes his experience will help the City build a stronger community to come. As mayor, he would work with this Council to reach out to local businesses and the Chamber of Commerce to grow local business from inside the community first. Sean believed the school and City should work together to tackle the growth issue. He wishes to work with the city attorney and

**** Page 90 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

local law enforcement to refine outdated ordinances and update city policy for dynamic, flexible governance solutions. He intends to continue fostering communication with Broadwater County. Sean intends to petition the Gallatin County Commissioners to adequately fund Sheriff Gootkin's budget to give Three Forks more resources. Sean thanked the Council for listening to him.

Carl "Bud" Mohler, introduced himself to the Council next. He stated he moved here six years ago and has seen many things happen with how fast Three Forks is growing. He is seeking to be more involved in the community. He is currently the Post Commander for the American Legion in Three Forks. He stated he was not as prepared with a speech, but thanked the Council for their time and consideration.

Gene Townsend introduced himself as a candidate also hoping to be appointed mayor. The direction he believes the City needs to go is toward the future not the past. "Most people think of sewer and water as the only infrastructure but other components exist. Our sewer system is pretty much top-of-the-line, and our water needs addressed which we are already working on. I was embarrassed to read newspapers this past winter about the arsenic in our water - we let it go and we should not have," Gene said. Infrastructure also includes streets, alleys, sidewalks, parks, and city buildings. Gene told the previous and existing Council "great job" on its sidewalk program. "They did it by working with the homeowners and having a little skin in the game by bearing some of the cost," Gene said. Gene stated parks always need to be looked at, as well as the city hall building (which is almost 80 years old). Electrically in this building is probably not up to snuff and we need to look at our facilities, like the old fire hall too, and improve these.

"People that know me know I'm a pavement person, but our streets need some improvements. I believe we could have a similar program to replace gravel streets with pavement like the City did for sidewalks," Gene explained. Regarding ordinance enforcement Gene said he believes the Gallatin County Sheriff Office is doing a good job. Gene was involved in the recent contract negotiations with the Sheriff but thinks we need more enforcement of the local ordinances like weeds/grass by sitting down with Sheriff Gootkin. "We need to start writing some of the code violations in our local court," he said.

Gene also said demolition of buildings needs to have guidelines on how long these projects take (there is one demolition project on Railway which

**** Page 91 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

has been going on for possibly 4-5 years). "I think it's terrible that on one of the busiest streets in Three Forks there is a building being torn down which appears nothing has been done to it for months." As mayor, Gene would go directly to Columbia Grain and work with them to get them cleaned up because he believes if the lot was improved better opportunities may come into that space. Gene added the first order of business would be to hold a staff meeting - he would ask the staff what it needs, what it thinks are the most important issues. "I am retired and will spend time in the office and am available all hours to perform the duties as mayor," Gene said in closing. He also thanked the Council for this opportunity and listening to his presentation.

President Nelson asked if the Council had questions for any one, or all three, candidates.

Deb Mickelberry asked if all three candidates have also filed to run for mayor in November. All three stated they have filed.

Teri Whitesitt said one of her biggest frustrations has been not seeing the ordinances enforced. "I work for a judge, I worked for the County Attorney's office - I see what they [law enforcement] do to complete work. When we first contracted with the Gallatin County Sheriff Office we were guaranteed they would enforce the local ordinances. I want to hear each candidate's vision on ordinance enforcement," Teri said. Gene Townsend said he kind of answered that already in his report. He would be willing to sit down the Sheriff and Sergeant - first with Sgt. McDonough as he does not believe in going over a supervisor's head. Sean Gifford suggested a possible solution would be to have one of the city employees do code enforcement part time, or hire someone part time to do that. Sean explained, "There are 65 Sheriff Office deputies in Gallatin County; of course a PFMA (partner family member assault) is going to take priority over chicken enforcement. It's the same with animal control. Our current code enforcer is also the entire county animal control enforcer." Bud Mohler said he agreed with the other candidates' suggestions and said there is not much more to add. He would first speak with the Sheriff Office and then try to get reassurances with the Council's lawyer.

Steve Dahl talked about drugs being a big epidemic in our country. "They are out of control. What do you have for a plan for the City of Three Forks in dealing with drugs?" Steve asked. "A lot of people come into this area with problems - do you have a plan to deal with it to try and curb it without having to ask the Sheriff Office to deal with it?" Steve

**** Page 92 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

added. Gene Townsend said he honestly had not considered this issue. He felt the Sheriff and Highway Patrol should be the ones trying to handle that situation. Sean Gifford said unfortunately we live at a junction which goes to Salt Lake City and Spokane easily. He said, "We can't solve it all - we just can't." However, Sean would like to curb this issue with businesses who offer youth programs. "There is nothing for young people to do and we need to provide that for them to keep their hands busy, not idle," Sean said. Bud Mohler said he believes working with the school, churches and health educators would help reduce the risk. He hopes our community at large continues to teach kids the real effects of what drugs can do. Not the celebrity lifestyle but with real education what happens, what you look like, how it affects your health, and criminal consequences need to be educated.

Dennis Nelson explained Three Forks has a strong council/weak mayor design. Two mayor responsibilities are voting only to break a tie and obviously hiring/firing of staff. Dennis asked, "What do you each feel are two additional mayoral responsibilities?" Gene Townsend believed we need have day to day leadership. "Our employees know their jobs well, but it is not their responsibility to answer a complaint from a citizen when people want to complain to a mayor. I think the mayor can also be a leader by pointing the Council in a specific direction to work on: ongoing issues, or upcoming projects, to help them lead. The best way for mayor and council to work together is a partnership," Gene said. Sean Gifford said he would also manage day-to-day activities and be the face of the community. Sean added, "I'm reaching for the stars here - but maybe I could talk to our senators about removing us out of the floodplain. I would use the position that way and even try to work with other entities to paving the streets." Bud Mohler said he has a full time job which would prohibit him from being in the office during the day, but he would make himself available to people in the evenings, introduce himself and walk around the community.

The Council then asked Crystal Turner to distribute ballot sheets. Each Council member voted, folded their ballot and returned them to Crystal who read aloud the totals: 3 votes for Sean Gifford, 3 votes for Gene Townsend. **Vote Tied 3:3.**

Deb Mickelberry asked President Nelson if he would allow public input. President Nelson was uneasy to open a full public debate, as this is a Council appointment not a public hearing. He then allowed for public input.

**** Page 93 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

Public Comment - Corey Lewellen spoke in support of Sean Gifford and cited his service to the community, our country and law enforcement.

David Boyd spoke in support of Sean Gifford as a friend and for his work on the Ambulance Board. David noted Sean has been very instrumental in recovering a dire financial circumstance with the Ambulance District into a solid service provider to the members of this community.

Adam Klippenstein, spoke in support of Sean Gifford. He said he served with Sean in Afghanistan. Adam said Sean followed his orders, but he also took care of his soldiers. "Many of these were heated circumstances and he did a great job for us, and his whole team came back," Adam said. He continued, "A lot of the Council comments tonight were regarding law enforcement; Sean served this community as a law enforcement officer and has the experience you are requesting."

Gloria Howland said she does not know Sean Gifford at all but she thinks he sounds like a great candidate based on his presentation tonight.

Don Peterson asked each candidate what they have done as far as volunteering in the community. Gene Townsend responded that he served as a member of the Three Forks government for 35 ½ years. Gene also created the Headwaters Trail System - which he started to get people out walking but it has been an economic benefit to this community. Gene serves on the following boards: Bike/Walk Montana, HRDC District IV (20 years), the Headwaters Area Food Bank, Three Forks Rodeo Arena, which was instrumental in the old fairgrounds being torn down and new ones built in 1994. Gene is a retired volunteer firefighter, serves on the Bozeman Area Community Foundation, is a member of the Three Forks Area Historical Society, and has been the secretary for the Three Forks Rural Fire District for nearly 40 years.

The public looked to Bud Mohler for respond, to which Mr. Mohler said he thought that question would be more for the other two candidates. Don Peterson agreed and said it was his impression since the vote was tied between the other two candidates this question would be directed to Gene and Sean.

Sean Gifford explained he volunteers with the group called Warriors on Quiet Waters, who take veterans out fishing. He also volunteers with his daughter's at the Museum one shift a week. He explained he was wounded in

**** Page 94 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

Afghanistan so he took a medical leave of absence for now but he is a volunteer firefighter and serves on the Three Forks Ambulance Board.

The Council then asked Crystal Turner to distribute ballot sheets again. Each Council member voted, folded their ballot and returned them to Crystal who read aloud the totals: 4 votes for Sean Gifford, 2 votes for Gene Townsend. **Sean Gifford appointed Mayor with a vote of 4:2.**

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Administer Oath to Newly Appointed Mayor

City Clerk Crystal Turner administered the Oath of Office to Sean Gifford.

Crystal Turner requested a brief recess while finalizing paperwork and explaining the remainder of agenda items to Mr. Gifford to officiate the rest of the meeting.

Board Appointments

Three Forks Rodeo Arena

Mayor Gifford read the board appointment memo into the record. Gene Townsend questioned why the Council was looking at an application from Diane Kolberg which was for the Impact Fee Advisory Committee. Crystal Turner explained when Diane Kolberg submitted her application she also said she was interested in serving on the Three Forks Rodeo Arena Board when a vacancy ever came open. Crystal called her when these terms were expiring, and Diane asked her to submit her application to the Council - which Crystal noted on the top right of the application that Diane was also interested in this board.

Public Comment - Kelly Bugland said she serves on the Three Forks Rodeo Board and could not imagine losing either Chuck Wambeke or Mike Lane at this point in the game. Dennis Nelson agreed. He has worked with them over the years and both do a fantastic job.

Councilman Nelson moved to accept Mike and Chuck applications. Councilman Chancellor seconded the motion.

Motion Passed Unanimously.

Three Forks Library Board of Trustees

Mayor Gifford read the board appointment memo into the record.

Councilman Townsend moved to accept Orly Zikla as the board member. Mr. Townsend continued, "I do know her; I've worked with her over at the museum. Anyone that has a Masters in Library & Information Science is qualified for this board." Councilwoman Whitesitt seconded the motion.

Motion Passed Unanimously.

Decision on a Request by George and Brooke Chancellor for a Modification of Their Conditional Use Permit Issued June 10, 2003: Condition #5, "A hedge must be planted, for a sound barrier, on the Adams Street side of the property on lots 9 and 10, less the driveway to the metal building. This hedge must be grown to a minimum height of 6 feet." The Request for Modification is to Remove the Hedge (Due to Disease) and Replace it With a Fence.

Mayor Gifford turned the presentation over to Zoning Official Kelly Smith.

Kelly Smith explained George Chancellor had asked if he could remove his hedge and she said sure (not knowing the hedge was a condition of a conditional use permit). However, George was honest with her. Kelly stated, "We have had no complaints of any noise issues for the past 8 years." There are pictures of the diseased hedge and the proposed fencing to be used, in the Council's packets. Kelly reported all the neighbors within 150-feet were notified.

Public Comment - Shelley Dahl asked what is in the shop. George Chancellor replied he had a cabinet shop. "It's still there but I work mostly in Bozeman now. I haven't had any complaints from neighbors," George said. He would like to remove the hedge and replace it with fence and grow honeysuckle up along the fence. Shelley Dahl said she did not understand why Mr. Chancellor must ask permission for this. Kelly Smith explained it was a condition about mitigating sound. However, the City has not had any complaints. Kelly Bugland said she has five properties within a 2-block radius of this home. "It is well taken care of, aesthetically it looks amazing and I can't think of a reason it would be a problem. This property is by no means the loudest in the neighborhood," Kelly Bugland said. Crystal Turner read a letter of support to allow the Chancellor's to remove the hedge by Richard and Sharon Smith into the record.

**** Page 96 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

Councilman Townsend moved to accept the modification of the CUP by George and Brook Chancellor to replace, no to remove the hedge and replace with a 5-foot high 4 slat rail fence. Councilman Nelson seconded the motion. There was no public comment.

Motion Passed Unanimously.

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

Kelly Bugland stated she thought additional dates the Three Forks Rodeo Arena Board had requested to close Kansas Street was to be on tonight's agenda. Crystal Turner apologized for not putting it on tonight's agenda. She forgot and will place it on the 7/9/2019 agenda.

MAYOR & COUNCIL ANNOUNCEMENTS

Mayor Gifford thanked the public and Council for this opportunity - this is my first time running a meeting. He thanked Gene Townsend for all his years of service to the City of Three Forks. "He was my boss and he always took care of us. I'll look to you for advice," Mayor Gifford said. Councilman Townsend said Sean could count on it. Mayor Gifford thanked Carl Mohler too, "It's amazing that three people put in for mayor and it's awesome to have such interest in our community."

There were no Council announcements.

AGENDA ITEMS FOR THE NEXT COUNCIL MEETING: 7/9/2019

- Closure for Kansas Streets on Various Dates
- Conditional Use Permit request by AFM/Steve Johnston for Multi-family Housing on Lots 1A and 2A of Block 8A Buttelman Addition
- Resolution Authorizing Submittal of the Growth Policy Planning Grant (Kelly Smith said the Department of Commerce is not ready to accept applications yet and this can be pulled from the agenda).

ADJOURNMENT

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

Motion Passed Unanimously. (8:04 P.M.)

Sean Gifford, Mayor

Crystal Turner, City Clerk

**** Page 97 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

JULY 9TH, 2019, The Three Forks City Council met in session at City Hall at 206 Main Street and was presided over by Mayor Gifford. The Mayor called the meeting to order at 7:00 P.M. for the FIRST meeting of JULY 2019.

PRESENT: Council members George Chancellor, Deb Mickelberry, Teri Whitesitt, Gene Townsend, Steve Dahl and Dennis Nelson were present. City Treasurer Kelly Smith, City Clerk Crystal Turner, Gallatin County Sheriff Sgt. Dan McDonough and City Attorney Susan Swimley were also present.

The record reflects a quorum was 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. He reminded the public the meeting was being audio recorded.

GUESTS: Gloria Howland, Steve Johnston

President Nelson asked for any **PUBLIC COMMENTS/CONCERNS** not on the agenda. Seeing none, Mayor Gifford introduced the CONSENT AGENDA.

CONSENT AGENDA

Approval of the Following:

- a) Claims Paid due to Timeliness in the Amount of \$10,599.08 on 06/28/2019
- b) Claims per List for FY2018/2019 to be paid in July
- c) Claim Paid to Mail Utility Bills in the Amount of \$161.80 on 06/28/2019
- d) Claims per List
- e) Three Forks Rodeo Arena Claims Paid due to Timeliness in the Amount of \$318.20 on 06/28/2019
- f) Three Forks Arena Claims per List
- g) Meeting Minutes of 6/25/2019
- h) Board of Adjustments Meeting Minutes from 12/18/2018
- i) Approval of Three Forks Rodeo Arena's Recommendation to Enter into a Contract with Ascent Technical Services, LLC to Provide two ATMs and Free Wi-Fi for the 2019 NRA Rodeo Guests on 7/19 & 7/20/2019

The Mayor asked if anyone wished to pull any items from the Consent Agenda. No one requested to so the Mayor said he would entertain a motion.

**** Page 98 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

Councilman Nelson moved to approve the Consent Agenda. Councilman Chancellor seconded the motion.

Motion Passed Unanimously.

PUBLIC HEARINGS

Public Hearing and Decision on a Conditional Use Permit to Construct Two Residential Duplexes for the Properties Located at Lot 1A & 2A, Block 8A of the Buttelman Addition (Plat D-20-D), more Commonly Referred to as 602-604 W Front Street and 606-608 W. Front Street

George Chancellor, as the liaison to the Zoning & Planning Board, recapped the staff report to those present. He mentioned the applicant also applied for a floodplain variance request to reduce the 15-foot requirement of dirt around the base flood elevation down to 10-feet, and a variance request to exceed the 40% total lot coverage allowed to be used for multi-family housing. At the Zoning & Planning Board hearing it was recommended that if either of those variances were not approved, the final plans would need to be adjusted or a reduction in the size of the proposed building to meet those requirements. George stated the floodplain setback variance was approved, but the lot coverage variance was not. He also said water mitigation would need to be approved by a professional engineer. Kelly Smith explained the professional engineer stamped drawings for an onsite water mitigation plan was a condition the Zoning & Planning Board had recommended to the Council.

Applicant Presentation: Steve Johnston (of AFM Contracting, Inc. - the property owner) said, "We will redesign the site plan to fit the 40% maximum coverage. As far as the drainage, this is "my problem" in this town so I will definitely address it. If I need to go to an engineer to have someone stamp it I will do that, but I am the one who is going to approve what the engineer has to suggest too. I will make sure the water is contained on the property. Everything else has been covered on the variance request."

Board Questions: Gene Townsend asked about the 40% lot coverage, "You're going to redesign that?" Steve Johnston said yes. Dennis Nelson asked if the reduced footprint would address the drainage issues. Steve replied there will be gutters on everything and water will be controlled and run into a "French drain" at the top of the lots. "I will have a drain up at the top where the driveways come off the garages and in the driveway I plan to put a crown in that so it will go both ways before getting to the street. Minimal water will go into the street." George Chancellor said

**** Page 99 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

at the Zoning & Planning meeting they discussed the trail being replaced with concrete rather than asphalt as it may not stand up to the wear/tear over daily traffic. Steve said he would do that if they require it, however Kelly Smith stated concrete was not a condition placed by Zoning & Planning Board for approval. Gene said the Trail paid for Saltness' replacement from asphalt to concrete, not the property owner. He thinks the trail is handling traffic on Jefferson Street just fine as an asphalt trail. Dennis said he does not see a reason to condition concrete if asphalt is standing up in other areas of town.

Gene Townsend asked Kelly Smith to explain the floodplain fill requirement. She explained lots less than .5 acre can apply for a variance of the 15-foot around the structure at the base flood elevation per the floodplain ordinance. Kelly said this is the third request granted.

Public Comment: Gloria Howland asked about the French drain - will it work better than the other ones in this town? Steve said the drains have to be kept up, and the ones around town have not been kept up for some time. "However, we have been working that over the past few years to fix those, clean them out regularly and suck out when needed. Roots grow into the drains which clog them. However, when groundwater comes up it has no other place to go and even cleaned and maintained drains will appear to be not draining." Gloria Howland asked, "Why will yours be better then??" Steve replied, "Because I'm already higher than most other lots and the groundwater table."

Kelly Smith read an email from Ruth Wyrick opposing this application which did not provide a reason for her opposition.

Councilman Townsend moved to accept the recommendation of the Planner and the Zoning & Planning Board to allow Steve Johnston to build the duplexes with the changes of meeting the 40% and changes to the floodplain thing. Councilman Nelson seconded the motion. Councilwoman Whitesitt asked if the Council was not wanting an engineer's input or signature. The Council did not agree to make this a condition. There was no further public comment.

Motion Passed Unanimously.

REPORT OF OFFICERS

**** Page 100 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

City Treasurer Kelly Smith reported Sheriff Meehan called today to say he could not make tonight's meeting and he had told the Council he would try to attend these meetings. Kelly reported Sheriff Meehan also has invited the Council (and any others interested in attending) to a meeting Wednesday night regarding growth on the south end of Broadwater County. Deputy Carosella will be working rodeo and he hopes to have others help out as well.

City Clerk Crystal Turner reported she was contacted by Jill Peterson with the Three Forks Youth Recreation Board asking if the City would consider placing a bike rack at Stevenson Park for the kids to lock their bikes up. There were three bikes stolen last year during Summer Rec when the kids were at swim lessons in Whitehall. Gene Townsend does not think it would be bad idea to have a bike rack at all parks and was going to ask for City Council's permission to put one near the Depot building in John Q. Adams Milwaukee Park too because we see a lot of visitors [on bikes] come to the Visitors Center. Crystal reported she explained to Jill Peterson that either the Budget Committee or Parks Committee would probably meet first, and if recommended to purchase a bike rack by either of those committees it would then be approved in the budget. Dennis Nelson said the Budget Committee would discuss this at its meeting on 8/1/2019. Crystal warned Jill of the timeliness of government and stated it may not happen this year. George Chancellor said Parks [budget] could afford it. Teri Whitesitt suggested they get a long cable and tie all the bikes together for now. Kelly Smith reminded everyone that last year we allowed the former Summer Rec Director to check out a key and lock the bikes inside the Wading Pool area. Crystal will relay these suggestions back to Jill Peterson. In the meantime, the Council seemed agreeable to purchasing bike racks for all the parks without them in the upcoming fiscal year budget.

Gene also suggested speaking to the shop teacher and ask that over the winter the students build a bike rack, "They built the bridge to the outhouses and there has never been vandalism on it. If they have buy-in they won't ruin in," Gene said. He will go talk to the School. Deb Mickelberry suggested if the School does not want to or cannot build it this winter, will Gene take it on to get quotes? Gene said he would and he will also check with Bike/Walk Montana and get some prices.

Sgt. McDonough reported on calls for service from 1/1/2019 through today. There were a total of 1,190 calls for service in the city limits, of which 132 have become cases (see report for details). He highlighted the

**** Page 101 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

Community Resource Officer (also referred to as the Code Enforcer) calls since civilian Officer Langenfeld took office. She has had 215 calls within the city limits. Sgt. McDonough tried to gather up complaints and all but 8 of those 215 were fixed immediately. He asked the Council and public to take into account the time it takes to follow up on each complaint. Teri Whitesitt asked if someone calls in a complaint are those handled differently than signed complaints. Sgt. McDonough answered no. Teri continued by asking what kind of drugs is he referring to in the listed "drug" cases. Sgt. McDonough said, "Pick one," meaning there are numerous. Teri asked how many are meth cases to which Sgt. McDonough responded, "Meth is very prevalent - almost all of those cases are meth." Teri asked if one calls a complaint in and does not provide their name will it be handled the same. Sgt. McDonough said they will still act on the complaint, but things are harder to resolve without a witness.

Susan Swimley reported she is working with the attorney of the Three Forks Dike & Drain District. We have stored their records at City Hall, apparently forever, but we do not have an interlocal agreement to store their records. "We have been going back and forth about public access to the building, if the building is destroyed who would be responsible for the records, and providing access and copies to the public," she said. The Three Forks Dike & Drain District also has a drainage ditch that has not been maintained appropriately and the City is the one who will suffer the damage if the ditch is not maintained.

Susan reported she has been working on an opinion and a draft ordinance to address weapons at the rodeo grounds. As far as the banning weapons for specific events she cannot find any law allowing the Council to narrow it to specific occurrences. She also wrote an opinion to the Council regarding anonymous voting.

Susan also reported she and Gene Townsend put a lot of time discussing operating the rodeo grounds and trying to reduce the liability, and have since discussed it with the Mayor as well. The Three Forks Rodeo Arena (TFRA) Board of Directors will continue that discussion - Gene Townsend said he has already spoken with Dave Tudor who is willing take on trying to get them their own 501(c)3. "It may be expensive something like 35 pages of documentation is required for that," Gene said.

Crystal Turner explained the TFRA Board has not opted to hold the weapons ordinance hearings yet due to the law not being effective in time for this year's rodeo.

REPORTS OF COUNCIL COMMITTEES

Dennis Nelson said they will hold a Budget Committee meeting on 8/1/2019 at 4PM, here at City Hall.

UNFINISHED BUSINESS

Decision on Three Forks Rodeo Arena Board's Request to Close Kansas Street for Several Events at the Rodeo Grounds (July 26-27, August 2-3, 16-17, and 24-25)

Gene Townsend explained there are various roping events, and he believed O-Mok-See's too, on these dates. "We put up barricades along the trail to keep vehicles from parking there and to keep a clear view, but for safety we still feel the need to close Kansas Street on the dates requested," Gene said. Kelly Smith clarified the O-Mok-See's do not request closure of any streets.

Deb Mickelberry asked if there have been any complaints on the closure in the past. Kelly Smith replied that the first time they closed it was for High School rodeo, but they did not even close it for the 4th of July roping. She said there have not been a lot of complaints.

Councilman Chancellor made a motion to approve closing Kansas Street on July 26th and 27th, August 2nd and 3rd, August 16th and 17th, and August 24th and 25th. Councilwoman Mickelberry seconded the motion.

Motion Passed Unanimously.

NEW BUSINESS

There was no new business.

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

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

Kelly Smith said the playground equipment former-Mayor Hamilton ordered was attempted delivery but returned (which she is still investigating as to why it was returned). She asked Steve Johnston if the Public Works crew wants to assemble and install the playground equipment, because the company can assemble and install for about \$3,000. Steve Johnston said we will do it in house.

MAYOR & COUNCIL ANNOUNCEMENTS

Mayor Gifford reported he was contacted by someone wanting to host a triathlon here in Three Forks. There would be about 150 participants in June 2020. "I will put this item on the next agenda for Council approval of their use the Headwaters Trail and the pond," Mayor Gifford said.

The Mayor also commented on 1,200 calls for service just in the city limits reported in Sgt. McDonough's report tonight, is a lot of calls. There are lots of other calls outside of city limits which they go to, and one deputy just this weekend assisted on a call where children were being assaulted. "They are working overtime for us, so thanks Sgt. McDonough for doing a good job. 1,200 calls almost more calls that all of Broadwater County and they're doing it with 17 deputies, just to put that into perspective for the Council," Mayor Gifford said.

Gene Townsend also reported on the triathlon and said he called Matt and left him a message. He does not have a problem with them using the trails but wondered if we have to contact Fish, Wildlife & Parks (FWP). Gene wondered about the bike riding portion from Willow Creek to Three Forks saying, "We may need to talk to Sheriff Department about traffic control." Sean and Gene both agreed this would be great for Three Forks as well as bringing business into town.

Gene also reported there was quite a mess left at Bellach Park and all over the Headwaters Trail after 4th of July. Teri Whitesitt said the firefighters had a bet on when the dumpster would catch on fire too, and it did catch on fire. Kelly Smith informed the Council Crystal Turner had requested they bring an old dumpster in case that happened but they still brought out a nice one. Gene complained, "They leave a mess. Fireworks were still going off 2 nights ago. We really need to think about closing it down - it gets pretty ridiculous. I was at Headwaters State Park the other night and people were out who told me they live in Three Forks but went out there to camp over the 4th because their pets. I don't think the folks at the ponds are just Three Forks people - they come from all over because we [the City] allow it." He understands that Sgt. McDonough are going to have a hard time catching kids popping off firecrackers. Susan Swimley said even in Bozeman they have similar regulations but they were going off before fireworks were even sold this year, "It sounded like a war zone."

Mayor Gifford said he thought about this issue over the weekend too. He said, "As long as fireworks are sold we won't stop it. I don't know if we

**** Page 104 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

can go to Chamber, something similar to Butte's show, maybe they can take over a big show and make a profit." Steve Dahl asked if the person who started the fire at the City Shop from lighting fireworks, were they ever cited? (There was no answer, just speculation.)

Gloria Howland asked everyone to consider what goes into the ponds after fireworks. "There are a lot of chemicals in fireworks, and we fish in there, and our kids swim in those ponds," she said.

Teri Whitesitt asked if we can we limit the sale or lighting them off more. Mayor Gifford said yes, but the dates were already set when he became the mayor. He cautioned to everyone though that as long as they sell fireworks we will not stop it. Mayor Gifford added, "I think they can start selling the fireworks on June 24th, so plenty of time to buy them before you can light them off." Gene Townsend said, "Don't get me wrong, I like fireworks and the color of fireworks. But they make them stronger than we could get as kids. I like them, but you can't see anything when they light them off at 2 o'clock in the afternoon." Deb Mickelberry said the City could ban them out at the pits [Bellach Park]. Gene Townsend said FWP does not allow fireworks at any of their other spots, so we could ban them out there. Mayor Gifford agreed he would like to get a good solution for next year.

AGENDA ITEMS FOR THE NEXT COUNCIL MEETING: 7/23/2019

- Public Hearing and Decision on a Resolution of the Three Forks City Council Adopting & Levying the Assessments for the 2019-2020 Street Maintenance District No. 1
- Public Hearing and Decision on a Resolution of the Three Forks City Council Adopting & Levying the Assessments for the 2019-2020 Street Maintenance District No. 2 (Ridge View Subdivision)
- Public Hearing and Decision on a Resolution of the Three Forks City Council Adopting & Levying the Assessment for the 2019-2020 Street Lighting District No. 1

ADJOURNMENT

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

Motion Passed Unanimously. (7:48 P.M.)

Sean Gifford, Mayor

Crystal Turner, City Clerk

**** Page 105 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

JULY 23RD, 2019, The Three Forks City Council met in session at City Hall at 206 Main Street and was presided over by Mayor Gifford. The Mayor called the meeting to order at 7:00 P.M. for the SECOND meeting of JULY 2019.

PRESENT: Council members George Chancellor, Deb Mickelberry, Teri Whitesitt, Gene Townsend, Steve Dahl and Dennis Nelson were present. City Treasurer Kelly Smith and City Clerk Crystal Turner were also present.

The record reflects a quorum, with the attendance of six (6) council members, and the meeting was held.

The **Pledge of Allegiance** to the American Flag was led by Mayor Gifford. He reminded the public the meeting was being audio recorded.

GUESTS: Brady Dahl, Catherine Wirtz, Dean Buchholz, Gloria Howland, and Carl Mohler. Kelly Bugland arrived at 7:25.

Mayor Gifford asked for any **PUBLIC COMMENTS/CONCERNS** not on the agenda. Seeing none, Mayor Gifford introduced the CONSENT AGENDA.

CONSENT AGENDA

Approval of the Following:

- a. FY2018/2019 City Claims paid in July
- b. City Claims per List
- c. FY2018/2019 Three Forks Rodeo Arena Board Claims
- d. Three Forks Rodeo Arena Claims Paid due to Timeliness for 2019 Rodeo on 7/18/2019 in the Amount of \$30,550.00
- e. Three Forks Rodeo Arena Claims per List
- f. Meeting Minutes of 7/9/2019
- g. Records Retention Destruction Request (Form RM88) #7, #8, and #9

The Mayor asked if anyone wished to pull any items from the Consent Agenda. No one requested to so the Mayor said he would entertain a motion.

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

Motion Passed Unanimously.

PUBLIC HEARINGS

Public Hearing and Decision on a Resolution of the Three Forks City Council Adopting & Levying the Assessments for the 2019-2020 Street Maintenance District No. 1

Mayor Gifford read the resolution into the record in its entirety noting it would be Resolution #305-2019 if approved.

There was no public comment.

Gene Townsend asked why the numbers are different within the resolution. Kelly Smith explained it is because in the SAMSID program we input a target amount, in this case \$46,350.00, and SAMSID calculates it as near as possible based on the formulas each lot will be charged. Kelly added the larger number will be the budgeted amount and the second number would be the actual taxed, but we may also have past due taxes received in the upcoming fiscal year.

Gene Townsend asked if this tax is the same as last year. Kelly Smith replied, "No, it is up 3%."

Councilman Townsend made a motion to accept Resolution #305-2019, a resolution of the Three Forks City Council adopting and levying the assessments for the 2019-2020 Street Maintenance District No. 1.

Councilman Chancellor and Councilwoman Whitesitt seconded in unison.

Motion Passed Unanimously.

Public Hearing and Decision on a Resolution of the Three Forks City Council Adopting & Levying the Assessments for the 2019-2020 Street Maintenance District No. 2 (Ridge View Subdivision)

Mayor Gifford read the resolution into the record in its entirety noting it would be Resolution #306-2019 if approved. (The total assessed is \$3,400.00.)

There was no public comment.

Gene Townsend asked when new subdivisions are created does the City automatically install street lights. Kelly Smith replied the City has not had any new subdivisions, however when she and Crystal Turner were reviewing the Street Lighting assessments a couple years ago they realized the newly built blocks in Buttelman's Subdivision were not being assessed. Crystal contacted Northwestern Energy and asked them to install lights in the same patterns as the rest of town and then we assessed the lighting

costs to those lots. Kelly added it runs roughly \$100 each month for those four blocks in Buttelman's Subdivision. (Gene acknowledged these questions were not in regards to Ridge View Subdivision's street maintenance, but were anticipatory to the next public hearing regarding street lights.)

Councilman Nelson made a motion we adopt Resolution #306-2019, a resolution adopting and levying the assessments for the 2019-2020 Street Maintenance District No. 2. Councilman Chancellor seconded the motion.

Motion Passed Unanimously.

Public Hearing and Decision on a Resolution of the Three Forks City Council Adopting & Levying the Assessments for the 2019-2020 Street Lighting District No. 1

Mayor Gifford read the resolution into the record in its entirety noting it would be Resolution #307-2019 if approved. (The total assessed is \$38,900.00.)

There was no public comment.

Kelly Smith reported this assessment includes a 7% increase since Northwestern Energy has announced it would most likely have a 7% increase in rates.

Councilwoman Whitesitt moved that we adopt Resolution #307-2019, a resolution of the Three Forks City Council adopting and levying the assessments for the 2019-2020 Street Lighting District. Councilwoman Mickelberry seconded the motion.

Motion Passed Unanimously.

REPORT OF OFFICERS

City Treasurer Kelly Smith reported Community Rating System (CRS), the group who performs the Insurance Services Office, Inc. (ISO) audit, were onsite today to conduct a floodplain permitting audit. Kelly spent the last couple weeks preparing the documentation they would want to review. "It went a lot quicker than the last audit. Every time we have this audit they send a tally of the FEMA insurance policies in town and the total cost. Their report is telling me, with private insurance being able to be sold now, there are only 67 FEMA policies remaining with a total of \$54,000 in premiums paid to FEMA per year. This is a big decrease because

**** Page 108 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

in 2012 there were 203 policies with a total of \$160,500 paid in premiums," Kelly reported.

City Clerk Crystal Turner reported the City was also audited by the Department of Labor & Industry last week. The City has a few safety items to correct to be compliant with the State, which she and Wendell are already working on. Crystal also reported registration is open for the Annual League of Cities and Towns Conference if anyone is interested in attending. This year's conference will be held in Billings over October 2-4, 2019. Please let she or Kelly Smith know if they would like to be registered so we can make travel accommodations.

Last, Crystal reported Kelly Smith was reading old minutes to find some zoning information and came across an ordinance which was read three times before the Council to vacate a portion of Front Street but no documentation can be located. Kelly also came across two resolution vacating other streets, and these should be done via ordinance. Crystal reached out to Sterling Codifiers for advice on the best way to get these street vacations documented. They made the recommendation we send the two resolutions and he will add them to our appendix in the Ordinances. For the Front Street one which has no documentation we will have to redraft that and hold the required hearings and then send them the approved ordinance. Crystal will be working on this soon.

REPORTS OF COUNCIL COMMITTEES

Steve Dahl reported the Water & Sewer Committee met tonight to discuss amending Ordinance #9-4-1 to add Travel-Trailer Park sewer rates, and they also discussed bulk water sales. The Committee figured they could bring their proposed rate changes to the full Council at the second meeting in August.

Dennis Nelson said the Budget Committee will meet on the 31st of July at 4PM, on Wednesday rather than the originally scheduled Thursday, August 1 to work on preliminary budget at that time.

Dennis also reported for Randy Johnston that the arsenic treatment plant is up and running. On 7/2/2019 the arsenic level was tested and results 0.01 of arsenic (0.01 is the limit) and no iron. On 7/9/2019's tests, arsenic results were 0.007 and iron was at 0.05 (iron limit is 0.3).

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Approval of Boy Scout Troop #523 Eagle Scout Project by Dean Buchholz to Bring Planter Box on Main & Hwy 2 into Compliance

Dean Buchholz explained the situation of the "porkchop" area at Main Street and Hwy 2's intersection. It was damaged due a car accident and cannot be rebuilt as is, per the State of Montana Department of Transportation. Dean explained to the Council he wanted to use this opportunity for an Eagle Scout project and take on bringing the flower bed into compliance.

Dennis Nelson asked what Dean believed his timeline to be. Dean said late July to late August.

Councilwoman Whitesitt moved that we allow Dean, I've known Dean for lots of years - my son was an Eagle Scout also so it's been neat to watch him and I'm proud of you for taking this on - so I make a motion we approve his Eagle Scout project to bring that planter into compliance. Councilman Chancellor seconded.

Motion Passed Unanimously.

Approval to Grant Authorization to "Moving Forward Triathlon & Endurance" to Conduct a Triathlon for Montana Olympic, Spring and High School Triathletes along the Headwaters Trails and in the Bellach Park Ponds on June 21, 2020

Mayor Gifford explained Matt Bryan could not make it tonight so he will come talk to the Council late August. He is asking for approval now though so he can move forward with permits from the State. He already talked to Gene who granted approval of using the Headwaters Trails. Gene agreed and said Mr. Bryan anticipates 150 participants, which is fairly small for this type of event. He believes Three Forks could easily accommodate this venue. Steve Dahl asked about water quality in the ponds and if it was safe to have people swimming in the ponds. Crystal Turner said people swim all the time in the second pond, which is where this group intends to hold the swimming portion of the triathlon. We do have water quality information from years past, but recently Fish, Wildlife and Parks contacted us saying they were going to conduct new water quality tests. We will have those results well before the triathlon.

Public Comment: Brady Dahl asked how the City will handle parking for 150 participants. The Mayor replied he is not sure how triathlons work but he thinks they would need some sort of shuttle since there are multiple facets to a triathlon. Folks will probably park in the main parking lot and along Talc Road beaches. He said, "That's a good question and I will bring up with Matt Bryan."

Councilman Townsend moved to allow Moving Forward Triathlon and Endurance to stage a triathlon at the Three Forks ponds and the Headwaters Trail System. Councilman Nelson seconded the motion.

Motion Passed Unanimously.

Ratify Fire Department Officer Appointments

The Mayor stated the Fire Department's elections are noted in the minutes which are in the Council packet.

Councilman Nelson moved we ratify Keith Aune as Chief and Dave Whitesitt as Assistant Chief per their elections at the Fire Department meeting. Councilman Townsend seconded the motion.

Motion Passed Unanimously.

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

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

Sgt. McDonough arrived, so Mayor Gifford offered him a chance to report on anything at this time if he wished. Sgt. McDonough did not have anything to report.

MAYOR & COUNCIL ANNOUNCEMENTS

Mayor Gifford thanked the Budget Committee for moving its meeting since he wanted to attend and he was double booked 8/1.

Gene Townsend reported he and Dennis attended the Broadwater County meeting regarding a brewery wanting to go in the southern end. They want to create a TEDD (tax economic development district) which would not be voted on by the people. The water quality is considered very good. This growth will probably affect the school and fire districts. Brian Obert, the economic development director of Lewis & Clark, Meagher and Broadwater Counties is willing to work with the fire district and with the Sheriff Office on a fire hall out there.

**** Page 111 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

Mayor Gifford said he feels this will put a toll on our emergency service personnel who are volunteers. Most emergency personnel are already stretched very thin so this is a real concern for our volunteers. Mayor Gifford spoke with the Broadwater County Commission and told them that whatever they do out there will affect our residents/volunteers and emergency services, which he believes will be where it hits us first. Gene added he believed there was close to 200 people attending this meeting, also discussed maintaining county roads like Price Road.

Gene also wanted to note he believed we held a very successful rodeo again this year. The Cook Shack cooked about 1,000 hamburgers each night. He does not know the full attendance or profit numbers yet but believes it would beat last year's numbers again.

Last, Gene reported that the GCC Cement Plant (formerly Holcim) is volunteering at John Q. Adams Milwaukee Park by donating the cement and labor to install sidewalks and a patio area at the depot.

Gene has been talking with a woman at Western Transportation Institute who received a small grant to run a van from Bozeman to Three Forks to give rides to town. It will be a free service, but they wanted to know if we have an area to setup as a park-and-ride. Gene suggested to them property near the highway where folks already park-and-ride to carpool; he did give them the property owner's name so they could ask for permission.

AGENDA ITEMS FOR THE NEXT COUNCIL MEETING: 8/13/2019

- Public Hearing and Decision on a Resolution for the Purpose of Declaring Certain City Property as Surplus and Authorizing its Disposal
- Public Hearing and Decision on a Resolution Amending the 2018-2019 Budget to Acknowledge Unanticipated Revenues and Amend Expenditures Exceeding the Original Appropriations
- Public Hearing and Decision on a Resolution Adopting the Fiscal Year 2019-2020 Preliminary Budget

ADJOURNMENT

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

Motion Passed Unanimously. (7:33 P.M.)

Sean Gifford, Mayor

Crystal Turner, City Clerk

**** Page 112 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

AUGUST 13TH, 2019, The Three Forks City Council met in session at City Hall at 206 Main Street and was presided over by Mayor Gifford. The Mayor called the meeting to order at 7:00 P.M. for the FIRST meeting of AUGUST 2019.

PRESENT: Council members George Chancellor, Deb Mickelberry, Gene Townsend, Steve Dahl and Dennis Nelson were present. Teri Whitesitt was absent. City Attorney Susan Swimley, Sheriff Sgt. Dan McDonough, City Treasurer Kelly Smith, and City Clerk Crystal Turner were also present.

The record reflects a quorum, with the attendance of five (5) council members, and the meeting was held.

The **Pledge of Allegiance** to the American Flag was led by Mayor Gifford. He reminded the public the meeting was being audio recorded.

GUESTS: Broadwater County Sheriff Wynn Meehan, Matthew Parks, Gloria Howland, Jack Smith (Three Forks Voice), Broadwater County DES Coordinator Mike Koehnke, Carl Mohler, Jr., Chuck Wambeke, Rob Gilmore (Northern Rocky Mountain Economic Development District (NRMEDD))

Mayor Gifford asked for any **PUBLIC COMMENTS/CONCERNS** not on the agenda. Matthew Parks, of Bozeman Triathlon introduced himself and thanked the Council for approving his request to hold a triathlon 6/21/2020, in Three Forks. He offered to answer any questions the Council may have had last meeting since he was not able to attend. Mr. Parks stated he does carry insurance in the form of a \$10,000,000 umbrella coverage policy. They expect at most 150 racers for the 2020 event. In looking at the area, looks like there is plenty of parking on Talc Road and in the parking areas near I-90 and immediately south of the golf course. He would like to close off the parking lot in Bellach Park to have a safe and open turn around spot. Mr. Parks thanked the Council for its approval of the use of the area.

Gene Townsend asked what time the event will start. Mr. Parks said 8:30a.m. and that they usually wrap up by 1:30 or 2:00p.m. Racers will be done by noon. Gene stated Mr. Parks should coordinate with city crew because he believes sprinklers come on about 10p.m. the night before. Gene said he is happy Matt is doing this triathlon in Three Forks, and happy to have them out here. Matthew Parks left.

**** Page 113 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

Sheriff Meehan provided an update mostly about the designate southern end Broadwater County sheriff deputy. The Sheriff will try keep him down here as much as humanly possible. Gene Townsend questioned if the Broadwater County Commissioners have better funded the Sheriff Office. Sheriff Meehan said they developed budget for FY19/20 using the FY18/19 mills. They are bringing more revenue in through the jail now, so starting to get some cash reserves. Sheriff Meehan told Gene the Commission had trouble budgeting patrol car replacements, but they did allow \$80,000 in the budget for vehicle. "It is looking better than we were in FY18/19. Mill levies did go up fairly substantially which amounted to roughly \$104,000 increase in revenue overall," Sheriff Meehan said.

Next, Rob Gilmore, the Executive Director of NRMEDD spoke. He informed the Council the District is comprised of a 27-member board, mostly elected officials. "I know we presented a MOU [memorandum of understanding] to the City which has not been signed, but it is non-binding," Mr. Gilmore said. He encouraged the Council to sign the MOU. "We don't charge companies to utilize us. There are no membership fee for the use of our services. We work with a lot of business assistance in this area. Smaller city membership fees are \$1-2,000/year while larger city fees can run up to \$20,000," Mr. Gilmore informed the Council.

Chuck Wambeke, also spoke on behalf of the Three Forks Chamber of Commerce. He sits on the Civic & Economic Development Committee who have been working with NRMEDD the last couple years trying to be proactive for the types of businesses we attract to this area. Chuck said, "On behalf of the Chamber I'm here to vocalize our support for the City to sign the MOU."

Mayor Gifford said the MOU was provided to former mayor and decided by him not to sign it. Mayor Gifford has not seen nor read the document. Crystal Turner has a copy via email for Mayor Gifford to review. Mayor Gifford stated he has met with Rob Gilmore and spoken to the other cities and Gallatin County who have signed the MOU. Rob Gilmore distributed a few copies of the MOU to the Council and Mayor.

With no other **PUBLIC COMMENT**, the Mayor introduced the Consent Agenda.

CONSENT AGENDA

Approval of the Following:

- h. Claim Paid due to Timeliness to Mail Utility Bills on 7/31/2019 in the Amount of \$162.88

**** Page 114 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

- i. Claims per List
- j. Three Forks Rodeo Arena Claims per List
- k. Meeting Minutes of 7/23/2019
- l. Approval of Task Order #3 with Great West Engineering for GIS Support Services
- m. Approve Mayor to Sign Annual Financial Report (AFR) Engagement Letter with Craig Shepherd to Conduct FY18/19 AFR
- n. Approve Mayor to Sign Audit Engagement Letter with Rudd & Company to Conduct FY18/19 Audit

The Mayor asked if anyone wished to pull any items from the Consent Agenda. George Chancellor asked to pull claim #144243 to Mike's Electrical and claim #144248 to Sayers Fence. "This is wire damage repair and I think the fencing company should have called 8-1-1 for locates and have to pay the \$1,265.39." Mayor Gifford stated he tends to agree with the Mr. Chancellor. Gene Townsend asked Chuck Wambeke to speak to this concern.

Chuck Wambeke, Chairman of the Three Forks Rodeo & Events Center board, explained they had some modifications to the stalls and Scott Sayers did put his auger through the circuit of wires which feeds the lights. "We didn't tell him there were wires running through there. We should have called 8-1-1 and done a check, but Chuck didn't believe the 8-1-1 crew would have found it because it was on the property, not in the right-of-way. When we spoke of this at the Board meeting last night the Board recommended to pay the bills and eat the cost of Mike's Electrical," Chuck said.

George Chancellor said, "As a contractor I always feel it is the contractor's responsibility to call and find out this." Chuck said he can talk to the vendors if the Council wishes and added, "But like I said the Board approved paying both bills."

Gene Townsend said he knew what happened but disagrees the electrical contractor should be penalized or the fencing contractor be penalized. Gene added, "Scott was with two of our board members at the time, who were helping him. It was a mistake and I guess there are a lot of mind fields out there. We could maybe go back and speak with Scott Sayers, but 2 members were with him and I think we should eat this one."

Deb Mickelberry asked if 8-1-1 locates on private property, since they would not come onto her property when she was building her home. Folks (unknown speakers) agreed 8-1-1 does not come onto private property to locate. Carl Mohler, Jr. corrected the record saying, "It depends on what

they are locating. They will locate their own service; like the gas company will locate the gas line on the private property." Some Council members discussed Wendell Ewan having the chance to locate the wires in the rodeo arena. Steve Dahl asked what method Wendell uses to locate on private property. Kelly Smith and Crystal Turner replied he uses a standard metal detector; it is not more powerful than what anyone else has nor does he have records/maps of what is on private property.

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

Motion Passed Unanimously.

Susan Swimley asked if Mr. Chancellor meant to include the two claims he originally pulled. He said yes.

PUBLIC HEARINGS

Public Hearing and Decision on a Resolution of the Three Forks City Council for the Purpose of Declaring Certain City Property as Surplus and Authorizing its Disposal

Mayor Gifford read the resolution into the record in its entirety noting it would be Resolution #308-2019 if approved.

Gene Townsend asked what "highest responsible bidder" means. Susan Swimley explained similarly to MCA's definition regarding a governing body accepting the "lowest responsible bidder", the governing body must vet out legitimate bids. "You don't have to accept a bid for a lawn mower from me saying I will pay \$1,000,000 - that would be overpaying for such equipment. The governing body reviews and ensures each bid is legitimate prior to accepting one," Susan explained. Gene asked that all this equipment is "as-is and without guarantees"? Crystal Turner explained she has the publication ready to send to the newspapers and it does state "as-is and without guarantees".

Mayor Gifford said he would like to work with the Mason Moore Foundation on the 2013 Interceptors. He added, "Some of the really small communities in the State which are very rural and economically depressed. Deputies use their personal vehicles and slap on decal stickers on their cars showing they are law enforcement during their shift." Susan Swimley reminded the Mayor to keep in mind these vehicles have been well used. Dennis Nelson wondered if September 5, 2019, is enough time to get the advertising out and responsible bidders the time to view the equipment and make a bid. Crystal Turner said she believed it was enough time.

Councilman Townsend made a motion to accept Resolution #308-2019.

Councilman Nelson seconded the motion.

Motion Passed Unanimously.

Public Hearing and Decision on a Resolution Amending the 2018-2019 Budget for Acknowledge Unanticipated revenues and Amend Expenditures Exceeding the Original Appropriations

Mayor Gifford read Resolution #309-2019 into the record in its entirety.

Gene Townsend asked about playground Bellach Park. Mayor Gifford explained the Three Forks Kiwanis chapter disbanded and donated the rest of their funds to the City to purchase park equipment at Bellach Park. Kelly Smith further explained the funds were received last year and the former Mayor price-checked with various vendors the equipment the Kiwanis had picked out. The equipment was ordered the end of May 2019, but not all the hardware nor assembly instructions have been received.

Councilman Nelson moved to approve Resolution #309-2019, a resolution of the Three Forks City Council providing the amendment of the fiscal year 2018-2019 budget to acknowledge unanticipated revenues and amend expenditures exceeding the original appropriations. Councilman Chancellor seconded the motion.

Motion Passed Unanimously.

Public Hearing and Decision on a Resolution Adopting the Preliminary Budget for Fiscal Year 2019-2020

Mayor Gifford read Resolution #310-2019 into the record in its entirety. Crystal Turner explained she printed three copies of the revenue and expenditure budgets: one copy with the Mayor, one in her Council packet file and one on the table for the Council to review. They were posted on the website in their entirety for public/council review as well.

Kelly Smith informed the Council and Mayor that every packet has a "Revenues Over (Under) Expenditures" and the "Revenues Compared with Expenditures" reports. She added the City has received our taxable value from the Department of Revenue and she expects we will get about \$22,000 more this year than last year.

There was no public comment.

**** Page 117 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

Gene Townsend questioned the Fire Relief Agency Fund - are we at the end of the sunset is that why it is budgeted at \$0? Kelly Smith said we always budget to expense all we get to them, but it would sunset this year if utilized as the way it was "sold" to the public. However, the sunset language did not make it on the ballot the people voted for so technically the City could tax this perpetually. The last actuarial study showed we were almost fully funded. Kelly has budgeted for an actuarial study the upcoming fiscal year just in case our auditors requires one but she does feel, with the retiree deaths these past few years that the City is fully, if not over funded.

Mayor Gifford asked Kelly Smith to explain the rest of the budget highlights to all present. Kelly explained the Water Fund will expense more this year because we have been awarded a Treasure State Endowment Program (TSEP) grant (and most likely an RRGL grant and match) for Water Preliminary Engineering Report. She said, the Budget Committee has budgeted to purchase a new truck for Steve Johnston and a mini-excavator for the City rather than leasing one. We also have Geographic Information Systems (GIS) budgeted to have Great West Engineering train our staff on utilizing our existing program. Helton-Peterson Park has budgeted getting new playground equipment as well; it was budgeted last year but never ordered so we will order new equipment this year. Dennis Nelson added the budget includes a 3% raise to employees which the Budget Committee recommended. Gene Townsend asked what the health insurance increase is for this fiscal year. Kelly Smith replied it will increase 8% this year. She wrapped up her presentation on the budget highlights that any SID funds with remaining money will have that money moved to the Street CIP fund per the Budget Committee's recommendation.

Councilman Nelson made a motion we approve Resolution #310-2019, a resolution of the Three Forks City Council adopting the preliminary budget for fiscal year 2019-2020. Councilman Townsend seconded the motion.

Motion Passed Unanimously.

REPORT OF OFFICERS

City Clerk Crystal Turner reported to the Council that the City has been awarded the TSEP planning grant in the amount of \$15,000. Crystal also said many people around town may have already noticed the blue numbers written on the sidewalks around 3rd Avenue East. This is inventory of trip hazards. Once we receive the data from Precision Concrete, she will draft

**** Page 118 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

letters to each property owner asking them if they wish to participate in removing those.

Crystal spoke directly to the Water & Sewer Committee next, saying she drafted a bulk water sales rate resolution based on their direction from the 7-23-2019 Committee meeting. She also drafted an ordinance change to address travel-trailer park rates. She will distribute both to the Committee members present tonight and email them to Teri Whitesitt.

Crystal reported she attended a one-hour webinar/demonstration regarding social media record retention. These records should be preserved the same as hardcopies in City Hall. There are companies which preserve records of the entire history: the original post, all edits and comments even if the comments have been removed. The quote is \$199.00/month. Crystal will look into this with one other company which offers social media record retention. Susan Swimley echoed the importance for the City to keep these records somehow. The Council members did not state at the meeting whether or not they wished to move forward with this service.

Last, Crystal said she had been asked to scan and email a document to TD&H Engineering regarding the bleacher project. Because of the office furniture move last week she was not able to do this right away, but upon scanning it she realized Chuck Wambeke's signature was on the document and it should be a mayor signature of authorization. Dennis Nelson explained the project has moved to Phase 3 which details a structural engineer report and soils testing at the rodeo grounds. This is a \$7,000 change order. Dennis reported TD&H accomplished the engineering a week ago and are ready to move forward with getting the finalized plans to Jackson Contracting. He did not realize it was a monetary change order. He hopes the Council will allow the Mayor to sign the change order and Crystal said we could publish the Council's approval for the Mayor to sign on the next consent agenda to. Dennis said, "I didn't realize it needed to be approved by the City Council, so I jumped the gun. We would like the Mayor to sign the change order so we can forward it to TD&H." Councilman Chancellor made a motion we proceed with the cost of the change and allow the mayor to sign it. Councilman Nelson seconded the motion. **Motion Passed Unanimously.**

City Treasurer Kelly Smith reported she has started to work on getting documentation to Craig Shepherd for the Annual Financial Report (AFR) and Crystal has started to work on getting documents to the auditors as well.

Sgt. McDonough did not have a report.

City Attorney Susan Swimley did not have a report.

REPORTS OF COUNCIL COMMITTEES

No Council Committees to report.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Southern Broadwater Co. Emergency Services Building Project

Mike Koehnke distributed a map of the southern end of Broadwater County, and a proposal for an emergency services building. "This area is growing really fast. About two years ago I made a proposal for an emergency services facility on this end of Broadwater County," Mike said. "It is a long-term plan and may even become a Red Cross shelter." He spoke of possible funding sources and the initial concept.

Mayor Gifford asked if any taxes from the Targeted Economic Development District (TEDD) would go towards supporting the emergency services building. Mr. Koehnke was unsure how that will play out at this time. Mayor Gifford explained a few property owners are proposing a TEDD near I-90 and Hwy 287 which is roughly 600 acres. His concern is the reduced taxes collected would put a strain on school, fire, emergency, any value increase that grows after the TEDD money that would instead go to their request for a sewer district. Mayor Gifford stated he has concern with our emergency (volunteers) services going out there. He is also concerned about properties contribution to the school district within the TEDD.

Mr. Koehnke said Sheriff Meehan would be designing his facility, rural trustees would design their facility, and ambulance design their facility - but all could be in one building which would save in overall construction costs. "What we did in Townsend, was use MSU graduate students to design an ambulance facility," Mike said. Dennis Nelson asked what the project timeline would be. Mike said he was unsure at this point. Susan Swimley asked if the Rural Fire board has met yet to discuss this and discuss what this joint facility will do with our (the city's) relationship. Mike said this would be a new district with a separate board of trustees.

**** Page 120 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

Gene Townsend asked if Broadwater County has talked to the developers who promised money or land. Mike said yes, but some former developers in Broadwater County have gone into bankruptcy or changed ownership, and our county allowed land to continue to be taxed as agriculture until the lot(s) were developed. Susan Swimley said this was due to the Supreme Court case Heidecker vs. the State of Montana. Mike said the Rural Fire District has a piece of property in Wheatland Meadows.

Gene continued the Rural Board also discussed being "in the hole" about \$750 for any Homeowner Association (HOA) fees and really we would like to dump that land. Gene said the conversation that keeps coming up at the Rural Board is, "With a huge district covering both counties (and almost to Norris on the Madison Road) to say to the property owners in Gallatin County that we [the Rural Board] are going to build a facility in Broadwater County would be difficult to justify. We get about \$12,000 out of Broadwater County and \$140,000 out of Gallatin County? Why build a substation six miles away from Three Forks? Where is the ideal place to have a substation? Most of the volunteers are coming from the city limits. These are the things the Board will have to talk about. It doesn't look like a good investment to some of the taxpayers within our district." Gene addressed a history of previous developers all promising to promote an emergency service facility which never formed. Susan Swimley commented on the difficulty this may create for our (City) services. "We share everything from buildings, equipment, and manpower," she said.

Ordinance/Code Compliance shelved to the next meeting.

This item has been continued to the 8/27/2019 City Council meeting.

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

Chuck Wambeke updated the Council on the 2019 NRA Rodeo. There were no major incidents and they implemented security for the first time and performed bag checks and things like that. "We received a little bit of pushback but not too bad and went ok. Attendance was 1,948 on Friday, doesn't count kids we let in for free. Attendance on Saturday 2,660 - another record for a Saturday night," Chuck reported. The revenues were about the same as last year.

MAYOR & COUNCIL ANNOUNCEMENTS

**** Page 121 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

Mayor Gifford shared concerns with the development out there (meaning Broadwater County). "The more is built out there the more it will put a strain on our own emergency services."

Gene Townsend commented that it is time Broadwater County stepped up to the plate and spend some of its own money. When we get some folks from their government, their Commissioners, who say "We'll step up to the plate then our Rural Board will probably stand behind it too."

Mayor Gifford agreed and said it sounds like a lot of promises, and at the end Three Forks will get stuck holding the bag.

AGENDA ITEMS FOR THE NEXT COUNCIL MEETING: 8/13/2019

- Presentation by Prospera
- Resolution Adding Bulk Water Sales Rate to the Fee Schedule
- First Reading of an Ordinance Adopting Travel-Trailer Park Rates to #9-4
- Code Compliance Officer position

ADJOURNMENT

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

Motion Passed Unanimously. (8:13 P.M.)

Sean Gifford, Mayor

Crystal Turner, City Clerk

**** Page 122 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

AUGUST 27TH, 2019, The Three Forks City Council met in session at City Hall at 206 Main Street and was presided over by Mayor Sean Gifford. The Mayor called the meeting to order at 7:01 P.M. for the SECOND meeting of AUGUST 2019.

PRESENT: Council members George Chancellor, Teri Whitesitt, Steve Dahl and Dennis Nelson were present. Deb Mickelberry and Gene Townsend were excused. City Treasurer Kelly Smith and City Clerk Crystal Turner were also present.

The record reflects a quorum, 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. He reminded the public the meeting was being audio recorded.

GUESTS: Gloria Howland, Paul Reichart (Prospera), Matt Bugland, Josh & Shelly Williams. Carl "Bud" Mohler, Jr. arrived at 7:05.

The Mayor explained that Gene Townsend was out tonight because he was receiving an award, if they want to read more on the "24 over 64" it is on page 14 of the Bozeman Daily Chronicle.

Mayor Gifford asked for any **PUBLIC COMMENTS/CONCERNS** not on the agenda. Seeing none, the Mayor introduced the Consent Agenda.

CONSENT AGENDA

Approval of the Following:

- Claims per List
- Three forks Rodeo Arena Claims per List
- Meeting Minutes of 8/13/2019
- Allow Mayor to Sign Release of Ownership of 1997 Ford Explorer to be "Junked" and Hauled Away by Gallatin County Road Department
- Approval of Mayor's Signature Obtained during 8/13/2019 Council Meeting on the Structural Engineering and Soils Testing Change Order in the Amount of \$7,000 with TD&H for the Bleacher Project

Councilman Nelson moved we accept the Consent Agenda. Councilwoman Whitesitt seconded the motion.

Motion Passed Unanimously.

PUBLIC HEARINGS

**Public Hearing and Decision on a First Reading of an Ordinance Removing
Legal Approval Language on Ordinances, as Specified in Title 1, Chapter 6,
Section 9F**

Mayor Gifford read the ordinance into the record in its entirety, stating it will be #383-2019 if approved.

Crystal Turner explained while Susan Swimley was doing research on if the Council could hold a secret vote, she came across this ordinance stating all ordinances would have language saying, "Approved as to Form" and she does not believe this is necessary. It was not high priority to amend until we were working on other ordinances, so that is why Crystal has finally drafted it.

Councilman Nelson moved we approve #383-2019 to approve legal approval language as recommended by our legal attorney. Councilwoman Whitesitt seconded the motion.

Motion Passed Unanimously.

**Public Hearing and Decision on a First Reading of an Ordinance Ratifying
Ordinance #255: Vacating the Easterly Thirty (30) Feet of Front Street
from the Southerly City Limits in a North Easterly Direction to the Corner
of Montana Street**

Mayor Gifford read the ordinance into the record in its entirety, stating it will be #384-2019 if approved.

Kelly Smith explained this ordinance was read at two different meetings in 1992 but no copy can be located and nothing was codified in the Ordinance Book (as required by MCA for the clerk to keep). The vacation of this 30-feet along Front Street has been done, the land is being used, we just have no proof that we vacated the land, but all those lots' plats were changed.

Teri Whitesitt asked if the clerks have double- and triple-checked the legal description to ensure there are no changes to the original motion. Crystal Turner explained she and Kelly Smith have read it over and over again to proof-red, but she cannot guarantee she has not made any mistakes. She does not believe there is any error in retyping the 1992 minutes' legal description.

Councilman Nelson made a motion we approve Ordinance #384-2019, an ordinance of the Three Forks City Council vacating the easterly thirty feet of Front Street from the southerly City Limits in a north easterly direction to the corner of Montana Street, as amended. Councilwoman Whitesitt seconded the motion.

Motion Passed Unanimously.

Public Hearing and Decision on a Resolution Adding Bulk Water Sales Rates to the Fee Schedule Adopted via Resolution #289-2018

Mayor Gifford read the resolution into the record and then asked the Water & Sewer Committee chairman, Steve Dahl, to recap the Committee's intention.

Steve Dahl explained at times the City is asked to sell bulk water to customers not already serviced by the City. Mostly it is a construction crew or someone wanting to fill a water truck to water their animals outside the City's limits. There is nothing in the fee schedule which states how much the clerks should charge so they have been charging just \$1.55 per 100 cubic feet. Kelly Smith said most trucks have a specific gallon size, like 250-gallons for examples, so that would only be charged the \$1.55.

Teri Whitesitt asked if where people get bulk water could be locked. Kelly Smith said one spigot is inside the fence and remains unlocked during rodeo events, but there is one spigot outside the gate unlocked on Kansas Street. Teri believes the City should lock it up. Dennis Nelson thought it would not be difficult to have it locked and handled. He will talk to Steve Johnston & Randy Johnston tomorrow about it tomorrow afternoon.

Matt Bugland stated it seems like a sweet deal for those outside of the City's limits. "They get a half-off rate than hooked up customers. Whether they use 100 cubic feet or not, the hooked up customer pays \$29.50 before they get the \$1.55 rate. But this person can come buy the same amount for half price. Doesn't seem like a fair show." He suggested \$30.00 minimum then said, "I pay for it to come into and out of my house, whether I use it or not."

Mayor Gifford asked if the Council wants to think about increasing the first 100 cubic feet to \$30.00 and then keep the additional 100 cubic feet at \$15.00? Dennis Nelson thought that would be fair.

**** Page 125 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

Dennis Nelson suggested amending the rate to be \$30.00 for the first 100 cubic feet, and \$15.00 for each additional 100 cubic feet. Crystal Turner explained she could amend the language in the resolution (and reprint), note the changes in the minutes and they could still approve this resolution tonight. George Chancellor asked if it would be too complicated to leave it \$15 for a small order like a cooler?

Councilman Chancellor made a motion to approve Resolution 311-2019, a resolution of the Three Forks City Council adding bulk water sales rates to the fee scheduled adopted via Resolution #289-2018, to include the changes of the first 100 cubic feet starting at \$30.00 and each additional 100 cubic feet at \$15.00. Councilwoman Whitesitt seconded the motion.

Motion Passed Unanimously.

Mayor Gifford thanked Steve Dahl for working hard on addressing this fee structure.

REPORT OF OFFICERS

Crystal Turner reported to the Council she sat through a one-hour demonstration by Archive Social, a company specializing in archiving all versions of social media. The demo was on Gallatin County Sheriff's Facebook page and showed removed, edited, and all comments and versions thereof for perpetuity. That would meet our records retention requirement and would help in lawsuits as well as public records requests to prove how long we noticed hearings (or anything) on our website and our Facebook page, even after it is removed. The cost is \$199/month but Crystal did ask them if they would consider a discount and they have offered 3% off if we entered into a 2-year contract, and 5% off if we entered into a longer contract.

Kelly Smith reported on behalf of the Three Forks School Board (as they requested her to do at their last meeting) the Homecoming Parade will be held on September 27th.

Mayor Gifford reported for Sgt. McDonough that he is investigating and will have extra hours on the vandalism at the Methodist Church.

REPORTS OF COUNCIL COMMITTEES

There were no Council Committees to report.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Prospera Business Network Presentation

Paul Reichart introduced himself as the Executive Director of Prospera which is the leading economic development company working with communities in southwest Montana, primarily in Gallatin and Park Counties. He stated he has a PowerPoint presentation he will share via email later.

He just wanted to inform the Council there are a lot of services to help small communities such as planning grants, economic development plans. "We aren't really large. There are matching funds so if there was a project in the community that Three Forks needs help with, they are here with those opportunities. Grants open in December. "I will leave my card so people know how to reach me, and will share the visual presentation with Crystal and asked her to forward on to the Council," Paul said.

Request by Shelly Williams to Use Alternate Four Months' as a Sewer Average for #0933, 722 S Main Street

Shelly Williams explained over the winter they had a leak in their shower which steadily worsened. Now we are seeing the reflection of that leak in their monthly sewer rate. Shelly said, "The leak is now fixed but we just didn't realize it would be that much of an affect. Our house is really old and it wasn't easy to fix. My husband tried to fix it, but we had to tear out the whole wall in order to stop the leak. It was a much bigger project than we anticipated so it took longer to repair. We hope the Council will reflect a better rate. We just can't afford \$300/month for both water and sewer."

George Chancellor stated a whole year's worth of \$230/month sewer bill would be a little foreboding. I see you used \$268 of water consistently over 8 months so I asked the clerks to figure that 8 months of leakage/use over a 12 month period to give you a little break. The leak took 8 months to repair, but you would be paying this rate for 12 months per our ordinance. I propose the higher rate of \$240 x 8 months, divided by 12 months (like budget billing) which would mean your sewer rate would be \$160/month until next July. At that time, your sewer rate would go back

to normal or whatever this coming winter's average will be for your family. Shelly Williams said she understood.

Councilman Chancellor made a motion that we reduce the Willaims' water/sewer rate to \$160/month until next July and then it will go back to their regular charge. Dennis Nelson seconded the motion.

Motion Passed Unanimously.

Ordinance/Code Compliance Officer Discussion

Mayor Gifford explained he got the Code Enforcement job description back from our attorney with a few suggested edits. He heard back from Undersheriff Springer as well who has requested a meeting with Sheriff Gootkin to discuss our proposal of an Ordinance Control Officer. He hopes this will shave time off of the deputies by having someone else follow up on the day-to-day minutia of ordinance violations. He asked the Council members to please read over the description with Susan Swimley's edits. He has a meeting with the Sheriff on 9/4/19 at 10AM and hopefully it will be held in Three Forks. Teri Whitesitt said she would like to attend via phone if that is possible. She asked if Susan would be invited to the meeting. Mayor Gifford said he could but to be candid she has provided her comments and she would charge us to attend.

Decision to Move the Japanese Memorial on Bud & Esther Lilly's Property to Veteran's Park

Mayor Gifford explained it came to his attention the City was going to be responsible for maintaining a memorial on private property and the City intended to run water lines to keep the "park" green. Instead of maintaining private property, the Mayor suggested moving the memorial to where the public can see it better anyway. He met with the VFW last Thursday who were all in favor of moving the Japanese Memorial plaque to Veteran's Park. "Randy Johnston and I met with Esther Lilly over the weekend and she wanted to meet with her kids before agreeing to move it," Mayor Gifford said. They met and informed the Mayor they are in favor. There is a pretty plaque and she would like to have bronzed. There are west coast Japanese veteran associations the Mayor has reached out to them where they would help pay for the plaque.

The memorial is for the 442nd Regimental Combat Team was comprised of Japanese soldiers. Most came from internment camps on west coast and Arizona, however we had local citizens volunteer for this duty. Oiye, Itoh and Satake families from Three Forks and Logan were among some of the first to reach Dachau. "Someone put it to me that we had Japanese

soldiers liberating concentration camps in Germany, while we had Japanese citizens locked up in internments camps in the States," Mayor Gifford said. The mayor proposed to move the memorial by Veteran's Day.

Matt Bugland spoke on behalf of the VFW, who are concerned with the layout of park. Matt added, "We would like to pursue the use our grant to get the plaque bronzed. I'll find out if it's doable and how much the cost is, but the concern is the layout. We don't want it too busy or cluttered. We want to do justice to the veterans but want to minimize covering every single war at the park." Mayor Gifford said there are Three Forks roots of this team, and they are fading fast and he would like to recognize them sooner rather than later.

Councilman Chancellor moved we approve the moving of the Japanese memorial on Bud & Esther Lilly's property to the Veteran's Park. Councilman Dahl seconded the motion.

Motion Passed Unanimously.

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

Matt Bugland said the Council made the argument a while back about weed control. There was a request by the tenant of the property next to his (which he owns) to not spray for noxious weeds and she testified she would pull them. At this time, he has tons of noxious weeds now and they are not removing weeds like they said would do. Next time the Council considers these requests, he just asked them to please remember this.

Kelly Smith did remind Mrs. Walton via a message to pull her weeds because they are spreading badly. Randy Johnston has tried talking to her as well. Matt said he is not asking the City to spray, but please remember this in the future. Kelly added Randy has mowed over the knapweed to reduce it rather than spraying.

MAYOR & COUNCIL ANNOUNCEMENTS

Mayor Gifford explained Gene Townsend is at the the "24 over 64" celebration for all his volunteerism on the Headwaters Trail System and all over Gallatin County.

He asked Mr. Reichart to clarify that Prospera also serves women-owned business as well. Paul said yes, but we offer services to all businesses.

**** Page 129 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

AGENDA ITEMS FOR THE NEXT COUNCIL MEETING: 9/10/2019

- 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, 2019, and Ending June 30, 2020
- Public Hearing and Decision on a Resolution Establishing Wages and Compensation for the Appointed City Officers and Employees
- Public Hearing and Decision Adopting the Fiscal Year 2019-2020 Budget
- Public hearing and Decision on a Request by Eric Fendler for a Conditional Use Permit to Construct Multi-family Residential (Fourplex) on Lots 1-4, Block 65 of the Milwaukee Land Company's 2nd Addition, Commonly Referred to as 704 S. Main Street.

ADJOURNMENT

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

Motion Passed Unanimously. (7:48 P.M.)

Sean Gifford, Mayor

Crystal Turner, City Clerk

**** Page 130 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

SEPTEMBER 10TH, 2019, The Three Forks City Council met in session at City Hall at 206 Main Street and was presided over by Mayor Sean Gifford. The Mayor called the meeting to order at 7:00 P.M. for the FIRST meeting of SEPTEMBER 2019.

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

The record reflects a quorum, with the attendance of five (5) council members, and the meeting was held.

The **Pledge of Allegiance** to the American Flag was led by Mayor Gifford. He reminded the public the meeting was being audio recorded.

GUESTS: Tim Pool, Bill Kent, Eric and Marsha Fendler, Gloria Howland, John and Jeannita Bjorndal, Rick Weisser, and Dennis Rahn.

Mayor Gifford asked for any **PUBLIC COMMENTS/CONCERNS** not on the agenda. Rick Weisser, 503 W. Front Street - spoke to the Council to see if they are interested in paving the streets, especially on the West side. He would support more pavement in our City. The Mayor agreed, but replied he believes the last time it was on the ballot the people did not vote for it so maybe we could get that started again. Rick also said little kids in town do not have a lot to do here in town during the summer so suggested a splash park, like Belgrade's.

Seeing no other public comments, the Mayor introduced the Consent Agenda.

CONSENT AGENDA

Approval of the Following:

- Claim Paid due to Timeliness to Mail Utility Bills in the Amount of \$161.10
- Claims per List
- Three forks Rodeo Arena Claims per List
- Approval of Zoning & Planning Meeting Minutes from 6/20/2019

**** Page 131 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

- Authorize Mayor to Sign Service Agreements with Republic Services for Garbage Hauling at 206 Main Street, 306 Railway, 607 Main Street, 308 1st Avenue East, 13 E. Date Street, Stevenson Park, and Spring & Fall Cleanups

Councilman Nelson moved we accept the Consent Agenda. Councilwoman Whitesitt seconded the motion.

Motion Passed Unanimously.

PUBLIC HEARINGS

Public Hearing and Decision on a Request by Eric Fendler for a Conditional Use Permit to Construct a Multi-family Residential Building (Fourplex) on Lots 1-4, Block 65 of the Milwaukee Land Company's 2nd Addition, Commonly Referred to as 704 S. Main Street

Zoning & Planning Chairman George Chancellor recited the staff report for Randy Carpenter.

Eric Fendler presented to the Council what his intention is for this property: to provide affordable multi-family housing. He provided an updated plan to the City last Friday (Kelly Smith added the copies were sent via email to the Council and are on the table if anyone wished to review them in more detail). He has designed the houses to leave room for L-shaped parking off of Hickory Street and alley, rather than Main Street. He does not care how the building is configured, there are a lot of possibilities so we he will do whatever the Council wishes him to.

Dennis Nelson commented it seems Mr. Fendler has been very agreeable to adjust his plan per the public/neighbor's comments.

Public Comment: Tim Pool asked how much in the floodplain this property is. Mr. Fendler answered it is roughly 6-inches, and Kelly Smith added it is 6-inches to get to base flood but then he would have to build two-feet above base flood.

Jeannitta Bjorndal stated her concern about the alley. She was told it would be maintained, but the manhole really needs some help there is no dirt around it and your vehicle can hit the raised manhole. Right now, the manhole is hidden in a puddle. Teri Whitesitt asked if they have brought the manhole to the City's attention. Jeanitta said it is a big problem when it snows because it drifts there so bad in this alley too. Teri recommended calling the City and letting them know of specific issues so staff can work to correct them as they may not drive around every alley

and see these issues. John Bjorndal said when he called the City last winter about the alley being snowed in, he spoke with Crystal [Turner] and she contacted whoever she needed to and the crew got it done immediately. However, we have not called again this year but he commended the city crew.

Dennis Rahn concerned about the number parking spaces required. Eric Fendler replied the City requires 1.5 spaces per unit. "My intent was to put 1-bedroom units so we, I might as well say it, I want to provide housing for teachers and veterans. If I get hit with discrimination so be it. But this is for people who are trying to get started, I have to provide 6 parking spaces for a fourplex though. That's the minimum required."

Rick Weiser asked about the floorplans and the square footage. Eric Fendler explained the bids he has received so far for a fourplex (stick built), were very expensive. Modular homes are less expensive, and mobiles even less expensive still, but he does not want to do that. I do not have a pulse on the City so am seeking your input (both the public and Council's).

Dennis Nelson commented that 1-bedroom units help to keep parking at the minimum and allowing for larger yards for each unit.

Eric Fendler said he wants to work with the City to upgrade this property. "If someone wants to have the alley paved, it would be nice for me to only have to pave along my property and not the whole alley," Eric said.

Steve Dahl asked about groundwater in crawl spaces and basements - commented on how water get to the nearest manhole and said it sounds like the nearest is at the alley near Ivy Street. The water coming from that parking lot is going to go somewhere and we will need to address that. John Bjorndal commented on the puddles after snow melt and suggested the alley be leveled.

George Chancellor asked Kelly Smith if the manhole has a grade issue is that something the City takes care of. Kelly said in the alley the City might, but any water from the residential development groundwater and surface water, must be retained on the property for floodplain requirements. The applicant will have to address that via retention ponds or a dry well or whatever he has to.

**** Page 133 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

Rick Weiser asked if the manholes are taking water to the sewer system. Gene Townsend explained sewer manholes are not designed to pick up stormwater, which is probably why they are higher in the alley. The City does not have a stormwater drainage system.

Councilman Chancellor made a motion we approve the CUP for Eric Fendler and conditions attached to that would be the parking is moved to the side, six parking places minimum, a collection pond [be installed] on the property to catch rain water as required, and alley maintenance be kept up behind his units. Councilwoman Whitesitt 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, 2019, and Ending June 30, 2020

Mayor Gifford read Resolution #312-2019 into the record in its entirety.

Gene Townsend asked what 18% to Capital Improvement Streets equates to and Kelly Smith replied \$34,278.00

Councilman Chancellor moved to approve Resolution 312-2019, 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, 2019, and ending June 30, 2020. Councilman Nelson seconded the motion. There was no public comment.

Motion Passed Unanimously.

Public Hearing and Decision on a Resolution Revising Resolution #307-2019 for Adopting & Levying the Assessments for the 2019-2020 Street Light District #1

Mayor Gifford read Resolution #313-2019 into the record in its entirety. Kelly Smith explained the reason we are re-doing this, is the increase in electrical costs and we do not have enough cushion in our cash reserves of the Street Light Fund to get us through to the November "payday", or if Northwestern Energy increases their fees more this year.

Gloria Howland asked how much the increase is overall from the previous reading. Crystal Turner replied it is roughly a \$3,000 increase. Jeannita Bjorndal asked if this affect the entire town? Kelly Smith replied it does not include Ridge View.

Councilman Nelson made a motion to approved Resolution #313-2019, a resolution revising Resolution #307-2019 for adopting and levying the

**** Page 134 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

assessments for the 2019-2020 Street Lighting District #1. Councilman Townsend 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 Resolution #314-2019 into the record in its entirety. Teri Whitesitt asked when the Mayor's salary had last been increased, "Was it \$500 when you were mayor Gene," she asked. She asked Kelly Smith to look up the last mayor increase.

There was also a comment from the public regarding the use of the word "reimbursement" and Crystal Turner replied she caught that too and clarified none of these are reimbursements, they are compensation. The wording will be changed in the future.

Councilman Nelson moved we accept Resolution #314-2019, a resolution establishing the wages and compensation for the appointed city officers and employees. (There was no second.) Susan Swimley asked for clarification/point of order, that it was anticipated when Kelly answered when the last mayor raise was, if Teri Whitesitt wanted to amend the resolution. Teri asked what would 3% increase would do, which would equate to \$15/month. She asked, "Do we have enough cushion to cover that without amending the budget?" Kelly Smith looked up in the payroll program and reported the last raise was in 2006. Teri suggested the Mayor's salary be increased \$100 per month if the budget could support it. Kelly said the Mayor is paid out of General, Water and Sewer funds and the salary object code may go over budget but there is enough cushion in the other accounts or object code that would support that recommendation. She further explained if the budget goes over, the process is to amend it via a resolution like we did last month.

Councilwoman Whitesitt moved to amend Resolution #314-2019, establishing wages and compensation for the appointed city officers and employees, and that amendment be the elected Mayor shall be reimbursed a salary of \$600/month. Councilman Dahl seconded. There was no public comment.

Motion Passed Unanimously.

Public Hearing and Decision on a Resolution Adopting the Fiscal Year 2019-2020 Budget

Mayor Gifford read Resolution #315-2019 into the record in its entirety. He noted a blank date in the first "whereas" of a committee meeting. Crystal Turner said she would look it up and report back.

There was no public comment.

Councilman Nelson moved to approve Resolution #315-2019, a resolution of the Three Forks City Council adopting the Fiscal Year 2019-2020 budget. Councilman Chancellor seconded the motion. Crystal Turner explained there was not another meeting in August as it was moved from the scheduled August 1st date to July 31st to allow the Mayor to attend because he had a conflict. She will remove the August language and reprint.

Motion Passed Unanimously.

Dennis Nelson thanked the very hard work the budget committee and Kelly and Crystal for making Three Forks very solid, in an economical status. "We are probably one of the better ones in the state. We get a lot of comments on it. Rest assured your taxes are watched," Dennis said.

Public Hearing and Decision on a Second Reading of Ordinance #383-2019 Removing Legal Approval Language on Ordinances, as Specified in Title 1, Chapter 6, Section 9F

Mayor Gifford stated he would not be reading the ordinance into the record in its entirety, unless someone requested him to do so. No one requested him to do so.

There was no public comment.

Councilwoman Whitesitt moved to approve Ordinance #383-2019 removing legal approval language on ordinances, as specified in Title 1, Chapter 6, Section 9-F. Councilman Nelson seconded the motion.

Motion Passed Unanimously.

Public Hearing and Decision on a Second Reading of Ordinance #384-2019 Ratifying Ordinance #255: Vacating the Easterly Thirty (30) Feet of Front Street from the Southerly City Limits in a North Easterly Direction to the Corner of Montana Street

Mayor Gifford stated he would not be reading the ordinance into the record in its entirety, unless someone requested him to do so. Again, no one requested him to do so.

Councilman Nelson moved we accept, or adopt, Ordinance #384-2019, an ordinance of the Three forks City Council ratifying Ordinance #255: vacating the easterly thirty feet of front street from the southerly City limits in a north easterly direction to the corner of Montana Street. Councilwoman Whitesitt seconded the motion.

Motion Passed Unanimously.

REPORT OF OFFICERS

City Treasurer Kelly Smith did not have a report.

City Clerk Crystal Turner reported she just finished reviewing the sidewalk trip hazards inventory and she will be sending letters out to all those property owners affected next week. She also asked if anyone was planning on going to League of Cities and Towns. (No one responded.)

City Attorney Susan Swimley report she has been studying HB55 regarding city engineer being required to certify sanitary sewer, stormwater, and water requirements for any subdivision applications. She is concerned the City does not have a stormwater system defined and how the engineer would certify such a requirement without that plan. The discussion earlier regarding where the water will go during the Fendler CUP hearing was very timely. She wanted the Council to be aware of this as it may need to adopt a stormwater plan.

REPORTS OF COUNCIL COMMITTEES

There were no Council Committee reports.

Crystal Turner commented to the Water & Sewer committee she drafted the travel-trailer park ordinance and sent it to them via email on 8/14/2019 but has not heard back from any committee members. She asked they check their email, or have her provide a hardcopy, as the ordinance is scheduled for first reading on 9/10/2019.

Mayor Gifford would like to schedule a meeting with the Water & Sewer Committee to meet with Great West Engineering, Randy Johnston, Steve Johnston, and himself. Kelly Smith added Craig Pozega will be in town Friday, but for another purpose. Perhaps this Friday would work for all - just let her know.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Opening of Sealed Bids for Property Declared as Surplus via Resolution #308-2019, and Award to the Highest Responsible Bidder

**** Page 137 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

The Mayor opened the bids and read them aloud as Kelly Smith noted them in a spreadsheet:

1961 Ford Dump truck - \$256.00 from Don Derby
New Holland mower with sickle bar - \$500 from Wes Luegers
New Holland again - from Steve Wilken for \$237.00
1961 Dump Truck \$529 Rob Norman
Craftsman Lawnmower - \$366 also from Don Derby
2013 Ford Interceptor SUV - \$6,500 Manhattan Police Department
Drum Roller - \$5 from Matt Jones
2013 Ford Interceptor SUV - \$3,600 from Yousef Dabbagh of Bayridge Motors
2013 Ford Interceptor Sedan - \$3600 from Yousef Dabbagh of Bayridge Motors
1986 GMC Dump Truck - \$5 from Matt Jones
1963 Kenworth - \$751 from Tim Tribble

Crystal Turner reported the bid for the 1963 Kenworth was not received timely - it was in the night drop box on Monday, September 9th. Susan Swimley said since no other bids were submitted for this equipment it would be fine.

Councilman Townsend made a motion to accept the high bids as presented to the Council. Councilman Chancellor seconded the motion.

Motion Passed Unanimously.

Kelly Smith asked, since there were no bids on the TV/VCR combo and stand, if we could donate it to the school if they wanted it. The City Council said ok.

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

Rick Weisser was unclear on his earlier suggestion for paving, what had happened previously and asked for explanation. Gene Townsend said he will talk to Mr. Weisser in the next couple days, as he has some other people who have talked to them about paving recently. "I can show you all what I accumulated 10 years ago and sit down with you guys," Gene said.

George Chancellor replied to Mr. Weisser regarding a water park idea - that was brought up to him several years ago and the Parks Committee looked into and it was too expensive (he believed it was around \$500,000).

MAYOR & COUNCIL ANNOUNCEMENTS

**** Page 138 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

Mayor Gifford reported he has implemented a weekly staff meeting with the Public Works department and City Hall to discuss day-to-day operations. He intends to present the previous week's Mayoral Brief to the Council at each meeting. The Mayor reported to the Council on the following:

- Water filtration system tests. It has to be official before we announce the results, but the arsenic results are good.
- Staff will be flushing water mains tonight and testing all the hydrants.
- Concern with winter approaching is a cover for the generator at the Wastewater Treatment Plant (WWTP) and Randy is concerned about it not starting at -30 degrees.
- Testing water quality in Well #8 which is currently not being used will also be happening soon.
- Service plan for WWTP UV (Kelly Smith reported Steve Johnston did provide her a quote for \$134/year).
- Streets are working on road patches and redoing the asphalt at the Fire Hall
- Top 3 Zoning issues are:
 - 6 illegal building,
 - zoning enforcement,
 - potential developments:
 - Steve Johnston's duplex
 - Eric Fendler
 - FUBAR Holdings
- Parks top 3 concerns were the safety inspection of all equipment, staff replacement, and we did have 8 permits used for the use of our parks. We also had 1 citizen complaint regarding parks, and there is still playground equipment to be installed. We also had a burst pipe at Bertagnolli Park's irrigation line. Also working on the vandalism at the tennis courts. Kids are kicking open the gate. We are trying to keep vandals out of the tennis court if they are not playing tennis, because that surface is really expensive.
- Mayor's top 3 are:
 - TEDD (Broadwater County growth but will affect City)
 - Met with Sheriff Gootkin about Ordinance Enforcer position, and
 - FEMA - Mayor Gifford was on the radio to discuss the floodplain issues Three Forks deals with, and he spoke with Sen. Tester's staff regarding this issue as well. He has left messages with Gianforte and Daines' offices.
- Today met with NRMEDD - Bridger District will help us with the tourism grant to move Japanese Memorial to Veteran's Park.

**** Page 139 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

Gene Townsend asked if there has been any resolution on who vandalized at the [Methodist] church. Mayor Gifford said he has not heard any update at this time. Gene added there seems to be lots of graffiti showing up on bridges and viaducts.

Gene would like to note we owe a big thank you to Montana Department of Transportation (MDT), Headwaters Golf Course, and Rob Norman who have done a tremendous job this year of keeping the entrances to Three forks mowed and looking really nice. "Please thank Cody Johnston (of MDT but a local resident) if you see him," Gene said.

AGENDA ITEMS FOR THE NEXT COUNCIL MEETING: 9/24/2019

- Public Hearing and Decision on a First Reading of an Ordinance Adopting Travel-Trailer Park Rates to #9-4-1
- Decision on a Request by John Whitesitt of Appeal of Impact Fees Administrator's Calculation of Impact Fees for 2 N. 7th Avenue East

ADJOURNMENT

Councilman Nelson moved to adjourn. Councilwoman Whitesitt seconded the motion. There was no public comment.

Motion Passed Unanimously. (8:15 P.M.)

Sean Gifford, Mayor

Crystal Turner, City Clerk

**** Page 140 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

SEPTEMBER 24TH, 2019, The Three Forks City Council met in session at City Hall at 206 Main Street and was presided over by Mayor Sean Gifford. The Mayor called the meeting to order at 6:57 P.M. for the SECOND meeting of SEPTEMBER 2019.

PRESENT: Council members Deb Mickelberry, Gene Townsend, Teri Whitesitt, Steve Dahl and Dennis Nelson were present. George Chancellor was excused. Gallatin County Sheriff Sgt. Dan McDonough, City Treasurer Kelly Smith and City Clerk Crystal Turner were also present.

The record reflects a quorum, with the attendance of five (5) council members, and the meeting was held.

The **Pledge of Allegiance** to the American Flag was led by Mayor Gifford. He reminded the public the meeting was being audio recorded.

GUESTS: Kelly Bugland, Carl "Bud" Mohler, John David Whitesitt, and Gloria Howland.

Mayor Gifford asked if there were any **PUBLIC COMMENTS/CONCERNS** not on the agenda. Seeing no public comment, the Mayor introduced the Consent Agenda. He also explained the City will be trying to "go a little greener" by showing the documents read/heard by the Council on the new television screen in an effort to reduce the amount of paper this office prints and just goes in the garbage can after the meeting.

CONSENT AGENDA

Approval of the Following:

- Claims per List

Councilman Nelson moved we accept the Consent Agenda. Councilwoman Mickelberry seconded the motion. Gene Townsend questioned a claim return some funds to someone who had rented the gazebo at Stevenson Park. Kelly Smith explained when the people who reserved the gazebo arrived there was broken glass throughout the gazebo and they picked up as much as they could before setting up for their birthday party, and still felt uneasy about letting children play around the area.

Motion Passed Unanimously.

PUBLIC HEARINGS

Public Hearing and Decision on a First Reading of an Ordinance Amending Chapter 2 and Chapter 4 within Title 9 "Water and Sewer"

The Mayor asked Councilman Dahl to read the ordinance, which he did aloud into the record in its entirety.

Gene Townsend questioned if the Council already has rates established via a resolution as #9-4-1 suggests. Crystal Turner stated she believed the language to refer to the existing rates adopted via resolution by the Council. The resolution only has residential and industrial rates defined, but other commercial businesses are charged the base residential rate, so she assumed the Committee meant those rates. However, Kelly Smith had raised the same question today because upon her reading of the ordinance she believed the Council would adopt a new resolution establishing a "travel-trailer park" rate. Both clerks asked the Committee what their intention had been when they met and discussed this. Dennis Nelson explained they had discussed if the business is open 50% of the time, it would only be charged per connection during the time they're open. Otherwise only one sewer connection would be charged when the business is closed for the season.

Kelly Bugland asked if these rates take into account the public use of dumping an RV into. She added it is open to dump sewage all year so long as the space is available. Dennis Nelson replied that the Committee's original discussion was that one of those RV/trailer spaces will have to pay for the connection at all times.

Councilman Townsend made a motion that we accept Ordinance #385-2019 amending Chapter 2 and Chapter 4 within Title 9 "Water and Sewer".

Councilwoman Whitesitt seconded the motion.

Motion Passed Unanimously.

REPORT OF OFFICERS

City Treasurer Kelly Smith did not have a report.

City Clerk Crystal Turner reported that Kelly Smith distributed a copy to each Council member's box on the "Basics of Open Meetings and Public Participation" per Susan Swimley. She also reported on Dean Buccholz' Eagle Scout project of repairing and bringing the flower bed at the "pork chop" into compliance with the Department of Transportation. They have removed the corner stones and all the flowers, and are now waiting for the

stonemason to return to cut the rest of the stones. Crystal reported the Budget document has been completed and is at Main Street Office now being copied and bound and then will be submitted to the Department of Administration. Last, she reported the quarterly payroll reports are done and have been sent to the IRS and MMIA.

Sgt. McDonough did not have a report. Gene Townsend asked about the graffiti on the Methodist church and other buildings around town. Sgt. McDonough replied the FBI is working on it. Gene asked if vandalism done to the church makes it a hate crime? Sgt. McDonough replied that could be stretching it, maybe if it was done to more than one church.

REPORTS OF COUNCIL COMMITTEES

There were no Committee reports.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Decision on a Request by John Whitesitt of Appeal of Impact Fees Administrator's Calculation of Impact Fees for 2 N. 7th Avenue East

Teri Whitesitt recused herself from this discussion and removed herself to the back room.

John Whitesitt presented his case to the Council, including history of the property being a triplex, assisted living facility, then a duplex, then a home with a daycare, then single family and then recently approved to turn it back into a triplex. "We tried to rent it out as a single-family home," he said, "but there was much more interest in two-bedroom homes."

"We request the City Council waive the impact fees since we turned it back into the originally intended use. If the Council wished for him to go into detail with the information in his packet, he would do so," he stated. Deb Mickelberry asked if there were [water] 3 meters on the house. John Whitesitt responded yes, there are 3 electrical meters but only one water meter. Gene Townsend asked what the building was originally built as. Kelly Smith replied the City has record for it originally built as a triplex, then the City has knowledge it was turned into an assisted living facility. We have no records for any change in

use until the Whitesitt's requested a conditional use permit for the home occupation of the daycare.

Gene Townsend stated, now that it is a triplex again and setup to be rented to three different families, he assumes each unit is setup with its own washer/dryer, bathrooms, kitchens. "Since you and Teri moved out, the home is using two times more of everything - two more families doing laundry and dishes versus one family," Gene said. John Whitesitt rebutted there is not any more people in those units now than there were when his family was living in the home. Gene said, "I don't buy that argument. In a single-family home, it is based on the water usage. Working off three units there would be three base rates. In all honesty I think it could be more impact from a triplex impacting the sewer and water system than a single-family residence." Gene also addressed John's statement in the documentation he presented. He argued the Council's decision to waive the impact fees for Michelle Jones, "I can go back to the 1950s and remember it always being multi-family. And same with Chris McFadden - he came to us because he [Chris McFadden] didn't realize the City was unaware there was a residence inside what I call the 'old Trent welding shop'," Gene explained. John disagreed, stating the City approved this building to be a triplex from the beginning. "I feel we are being unfairly punished for following the rules (by obtaining the conditional use permit). Gene reported that in the letter from the City dated 8/19/19 we can agree the use has changed several times for this property.

Deb Mickelberry argued the Whitesitt's are not adding any bathrooms or toilets so may not be impacting the system any more than it already has been. She asked if the tenants will pay their own water bills? John Whitesitt replied no, stating there is one water meter and so the owner/property manager will pay. Deb apologized, she assumed each unit would pay and the City would get that impact via a base rate for each unit.

Steve Dahl asked if the property has paid impact fees of any sort on any of the previous uses. Kelly Smith answer no.

There was no public comment. Mayor Gifford closed public comment and stated he would entertain a motion if there were no further Council comments.

Councilman Townsend asked what type of motion the Mayor was seeking, as he was inclined to make a motion that we accept the letter that was sent to

**** Page 144 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

the John & Teri Whitesitt. Mayor Gifford stated that would be fine if that was what the Council wished to do.

Councilman Townsend said he would like to make a motion that we impose the impact fees that were presented to us in a letter dated August 19, 2019.

Councilman Nelson seconded the motion.

Motion passed unanimously.

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

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

MAYOR & COUNCIL ANNOUNCEMENTS

Mayor Gifford paused to let Teri Whitesitt to return to the room.

Mayor Gifford reported on his brief to the Council:

- Public Works
 - Outfall line had another cave again. Wendell and Steve are working on repairs.
 - Still waiting for water quality report regarding arsenic so we can share that with the public.
 - During the hydrant flush on 9/10/19, staff learned of four which are inoperable and will be repaired.
 - Completed the motherboard and CPU replacement at the Arsenic Treatment Plant.
 - Upcoming grant for Preliminary Engineering Report
 - Upcoming Well #8 water testing
 - Received 8 complaints on water quality after hydrants flushed.
 - Road patches ongoing
 - (Gene Townsend added that Randy Johnston texted him and informed him the rodeo grounds has been winterized.)
- Zoning & Planning
 - 6 zoning violations
 - 92 business licenses have been renewed, as well as 1 new
 - Steve Johnston started on his duplex.
 - Nothing from FUBAR yet
 - Eric Fendler CUP for multi-family housing was approved last Council.
- Parks

**** Page 145 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

- o Safety inspections on equipment - Wendell would like to train the pool attendants to do some of the playground equipment checks to help out.
- o Playground equipment at Bellach park will be installed near the existing fire truck playground equipment.
- o 1 complaint - The vandalism at Stevenson that Gene brought up earlier tonight with his question on the claim. "In the future, when someone schedules the parks now we will communicate to Randy or Wendell so they will check it out and clean up anything before the reservation date. We have kept a schedule previously but did not communicate the schedule. The staff meeting will help that," the Mayor said.
- Fire Department has had 151 calls for service. The average response time is 20 minutes.
- Mayor Updates
 - o "Kelly & I working on grant to bronze the plaque for Japanese Memorial at Veteran's Park"
 - o Economic development meeting with Chamber and NRMEDD and met with the airport board
 - o Japanese War Memorial

Gene Townsend reported he believes there is another beaver plugging the culvert near the intersection and trail again. If there is a beaver, he will contact that gentleman Fish, Wildlife & Parks recommended. Sean Gifford added that we discussed the high water at the last staff meeting too and he will be trying to contact the right person to remove some willows in the Willow Creek ditch. "We don't want to have the same thing we dealt with last year," Mayor Gifford said.

AGENDA ITEMS FOR THE NEXT COUNCIL MEETING: 10/8/2019

- Public Hearing and Decision on a Second Reading of an Ordinance Amending Chapter 2 and Chapter 4 within Title 9 "Water and Sewer"

ADJOURNMENT

Councilman Nelson moved to adjourn. Councilman Townsend seconded the motion. There was no public comment.

Motion Passed Unanimously. (7:36 P.M.)

Sean Gifford, Mayor

Crystal Turner, City Clerk

**** Page 146 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

OCTOBER 8TH, 2019, The Three Forks City Council met in session at City Hall at 206 Main Street and was presided over by President Dennis Nelson. President Nelson called the meeting to order at 7:00 P.M. for the FIRST meeting of OCTOBER 2019.

PRESENT: Council members George Chancellor, Deb Mickelberry, Gene Townsend, Teri Whitesitt, Steve Dahl and Dennis Nelson were present. City Treasurer Kelly Smith and City Clerk Crystal Turner were also present.

The record reflects a quorum, with the attendance of six (6) council members, and the meeting was held.

The **Pledge of Allegiance** to the American Flag was led by President Nelson. He reminded the public the meeting was being audio recorded.

GUESTS: Olivia Whitesitt, Gloria Howland, Carl "Bud" Mohler, Jr.

President Nelson asked if there were any **PUBLIC COMMENTS/CONCERNS** not on the agenda. Seeing no public comment, President Nelson introduced the Consent Agenda.

CONSENT AGENDA

Approval of the Following:

- a. Claim Paid due to Timeliness to Mail Utility Bills in the Amount of \$162.64
- b. Claim Paid due to Timeliness to purchase a Backup Generator for the Fire Hall in the Amount of \$800.00
- c. Claims per List
- d. Three Forks Rodeo Arena Claims per List
- e. Meeting Minutes of 8/27/2019, 9/10/2019, and 9/24/2019
- f. Quarter 2 and Quarter 3 of 2019 Pledged Securities Report
- g. Approval of Mayor's Signature on the PayGov Service Agreement for Credit Card processing.

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

Motion Passed Unanimously.

PUBLIC HEARINGS

Public Hearing and Decision on a Second Reading of an Ordinance Amending Chapter 2 and Chapter 4 within Title 9 "Water and Sewer"

President Nelson stated the ordinance was read into the minutes of the last meeting, Ordinance #385-2019. If anyone wished for him to read it into the record again he would, however no one requested him to do so.

Councilman Dahl made a motion that we accept Ordinance #385-2019.
Councilwoman Whitesitt seconded the motion.

Motion Passed Unanimously.

REPORT OF OFFICERS

City Treasurer Kelly Smith reported the Code Enforcement position would be advertised in the next couple weeks. She also reported that on October 11th at 9AM Fish, Wildlife & Parks would be meeting with the Mayor to review the pond water quality tests. (Teri Whitesitt and Gene Townsend mentioned being interested in attending this meeting.) She also reported that Great West Engineering has invited everyone to the MSU Bobcat homecoming football game against Sacramento State. If anyone is interested in attending please let her know how many tickets so she can inform Craig Pozega.

City Clerk Crystal Turner reported for the Mayor on the Three Forks Running Club fundraiser run on October 15th, 2019. Costs are \$15.00 for the 5k, \$10.00 for 1K walk/run and 12 & under are free.

REPORTS OF COUNCIL COMMITTEES

There were no Committee reports.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

There was no unfinished business.

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

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

**** Page 148 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

MAYOR & COUNCIL ANNOUNCEMENTS

Steve Dahl reported he and Dennis Nelson met with Craig Pozega last Friday to discuss the warranty on the backup generator at the Wastewater Treatment Plant. Craig has spoken with Generac about the warranty and they will get back with the Committee once he hears any update from Generac.

AGENDA ITEMS FOR THE NEXT COUNCIL MEETING: 10/22/2019

There were no items on the agenda currently.

ADJOURNMENT

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

Motion Passed Unanimously. (7:07 P.M.)

President Dennis Nelson

Crystal Turner, City Clerk

**** Page 149 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

NOVEMBER 12TH, 2019, The Three Forks City Council met in session at City Hall at 206 Main Street and was presided over by Mayor Gifford. Mayor Gifford called the meeting to order at 7:00 P.M. for the FIRST meeting of NOVEMBER 2019.

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

The record reflects a quorum, with the attendance of six (6) council members, and the meeting was held.

The **Pledge of Allegiance** to the American Flag was led by Mayor Gifford. He reminded the public the meeting was being audio recorded.

GUESTS: Carolan Bunegar, Scott Pitcher, Matt Bugland, Mike & Gloria Howland, Olivia Whitesitt, Dean Buccholz, and Jason Combs.

Mayor Gifford asked if there were any **PUBLIC COMMENTS/CONCERNS** not on the agenda. Gloria Howland congratulated the Mayor on his seat.

CONSENT AGENDA

Approval of the Following:

- o. Claims Paid due to Timeliness in the Amount of \$24,903.64 on 10/18/2019
- p. Claim Paid due to Timeliness in the Amount of \$5,146.83 (Visa) on 10/23/2019
- q. Claim Paid due to Timeliness in the Amount of \$160.49 to Mail Utility Bills on 10/31/2019
- r. Claims per List
- s. Three Forks Rodeo Arena Claims per List
- t. Meeting Minutes of 10/8/2019
- u. Lease Modification (Name Change Only) from 3LV, LLC to Black Labrador, LLC for the Property rented at 113 B S. Main Street
- v. Contract with Gallatin County to Distribute County Funds to the Three Forks Community Library to Operate a City-County Library for FY19/20 in the Amount of \$66,399.00

**** Page 150 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

w. Contract with PageFreezer for One-Year of Social Media Archiving of the City's Facebook (\$50) and Website (\$50) Data for the Total of \$100/month + \$100 Initial Setup Fee

Councilman Chancellor made a motion that we approve the Consent Agenda.
Councilman Nelson seconded the motion.

Motion Passed Unanimously.

PUBLIC HEARINGS

There were no public hearings.

REPORT OF OFFICERS

Neither City Clerk Crystal Turner, City Treasurer Kelly Smith or City Attorney Susan Swimley did not have a report.

Three Forks Community Library Annual Report has been postponed until the next meeting.

Approval of Volunteer Firefighter Joshua Randall to Probationary Status per Assistant Chief Whitesitt's Recommendation

Mayor Gifford read Asst. Chief Whitesitt's letter of recommendation into the record. Dennis Nelson said he does not have any problems with it. Gene Townsend said Mr. Randall attended the Rural meeting the other night and participated in discussion and was impressed with him so, I move we accept the recommendation to appoint Joshua Randall to probationary status. Councilman Nelson seconded the motion. There was no public comment.

Motion Passed Unanimously.

REPORTS OF COUNCIL COMMITTEES

There were no Committee reports.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Request by Jon & Christina Kamps to Use Alternate Four Months' as a Sewer Aver for #0798, 106 W. Elm Street.

Applicants were not present.

Board Appointments: Library Board

Mayor Gifford read the board appointment memo into the record.
Councilwoman Mickelberry moved to appoint Diane Althans. Councilman
Nelson seconded the motion.

Motion Passed Unanimously.

Board Appointments: Three Forks Ambulance

Mayor Gifford read the board appointment memo into the record. He added
that he personally sat in on an interview of Kim Todd last week; she is a
trauma nurse lives in Willow Creek.

Councilman Townsend made a motion we accept Kim Todd to the Ambulance
Board. Councilman Nelson seconded the motion.

Motion Passed Unanimously.

Approval to Purchase 2020 Chevy 3500 Truck for the Public Works Department

Mayor Gifford reported there are three quotes before the Council tonight
and that all quotes are within the Council's approved budget of \$50,000.
Mayor recommended the first quote presented which is a basic model with
the tow [snow] package, cruise control, engine block heater and running
boards for \$35,327.68.

Kelly Smith corrected the minutes to reflect she had written "tow" package
but it should say "snow package". The upgrade cost of this package is for
safety flashing lights. Gene Townsend asked if this would replace Steve
Johnston's current truck. Steve answered yes, and the Code Enforcement
person would have his old truck. The Council asked why there was a diesel
quote - is it better? Steve answered diesels are better for towing and
longevity of the motor. The only long distance travel the truck would go
on would be for equipment to be serviced, but most of the travel would be
around town. Steve Dahl said Duramax is good for long travel but
otherwise he would recommend gas. Kelly explained the Council could pick
other options to include if it chooses to. Dennis Nelson asked if there
were other options that would help Steve do his job more efficiently that
are not included in the basic package presented. Steve replied there are
so many options available, but he was thinking a gooseneck ball towing
option to tow the backhoe and they could use his [personal] gooseneck
trailer. Off-road suspension might be nice to have as well. Kelly
suggested a spray-in bedliner as an add-on for the work truck. Dennis and
Gene would like to take a look at the individual options a little more and
decide this later.

Councilman Townsend moved to table the decision to the next meeting.
Councilwoman Mickelberry seconded the motion.

Motion Passed Unanimously.

**Approval of Memorandum of Understanding with the Northern Rocky Mountain
Economic Development District and to Contribute \$500 Towards the Annual
Fee**

Mayor Gifford said Steve Dahl just attended one of the NRMEDD meetings with Livingston elected officials and felt the District is providing a lot of education and help to newer elected officials. Mayor Gifford said, "In my opinion he's done his \$500 worth of work in helping businesses in Three Forks." First Community Bank will put up \$1,000 and the Chamber will put up \$500 and he hopes the City will also put up \$500.

Susan Swimley recommended the Mayor should cross out the word "draft" and initial that edit, and the part that says the annual payment add in "\$500 payment towards annual member fee" since it does not currently state how much the annual fee is.

Teri Whitesitt asked about the City used to pay \$1,000, correct? Kelly Smith said Teri was correct. Councilman Nelson moved they [the City] stepped it up and he moved to approve the Memorandum of Understanding with the Northern Rocky Mountain Economic Development District and to contribute \$500 towards the annual fee. Councilman Townsend seconded the motion.

Motion Passed Unanimously.

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

Carolan Bunegar said she is new to town and noticed only one deputy around and wanted to know how the City will deal with chronic speeders. In speaking with her neighbors, she realized all the little kids around while they were talking and she is concerned for kids' safety.

Dennis Nelson asked what time of day she sees chronic speeders. Ms. Bunegar replied, "Usually late in the afternoon after school is out." She asked if the Sheriff could park his car down there and get them.

Mayor Gifford said she could call the non-emergency number, but he will ask the deputies to conduct extra speed checks.

MAYOR & COUNCIL ANNOUNCEMENTS

Gene Townsend announced that he would like to have the Council's permission to apply for a Recreation & Trails Grant for the same grant he applied for last year to extend the trail on the west side of Three Forks where we are trying to connect the Droulliard trail to the headwaters System near the golf Course. "I will do all the grant writing but need the Council's approval in the minutes to submit in my application," Gene said.

Councilman Nelson recommended giving Gene the approval to write the grant and submit. Councilman Chancellor seconded the motion.

Motion Passed Unanimously.

Gene Townsend also announced Monday night they will hold the annual trials meeting at City Hall at 7PM on 11/18/19.

Mayor Gifford moved to the **Water Quality of the 3 Three Forks Ponds**. He read the introductory page from Fish, Wildlife & Parks' (FWP) report into the record. They recommend they will meet with the Headwaters Golf Course to discuss best management practices of the turf management.

Scott Pitcher introduced himself as the President of the Headwaters Golf Course Board of Directors, and said he wants to work with the City and FWP if, in fact, fertilization is the causing problems. He is here to learn what the tests were conducted for, and understands this was mainly to prove the wastewater lagoons were not leaching into the pond. He pointed out on the Google map you can see the Golf Course has two ponds completely surrounded by the fairways (and our same fertilization practices) which appear clear on the map. Scott said, "We are open to working together and perhaps should do testing specifically designated to fertilization and not just human fecal matter and then say 'It must be the golf course'."

Mayor Gifford announced Great West Engineering invited the City officials and staff to their Christmas Open House which will be held December 6th from 4-9PM.

Susan Swimley asked about the agenda skipping over the Kamps' request under "New Business". Mayor Gifford replied we will continue it until the next meeting when the applicants are present. Councilman Chancellor moved to move it [Request by Jon & Christina Kamps to Use Alternate Four Months'

**** Page 154 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

as a Sewer Average for #0798] to the next November meeting. Councilwoman Whitesitt seconded the motion.

Motion Passed Unanimously.

Mayor Gifford then reported interviews for the Code Enforcement position were conducted today.

AGENDA ITEMS FOR THE NEXT COUNCIL MEETING: 11/26/2019

- Three Forks Community Library Annual Report
- Request by Jon & Christina Kamps to Use Alternate Four Months' as a Sewer Average for #0798
- Approval to Purchase 2020 Chevy 3500 Truck for the Public Works Department

ADJOURNMENT

Councilman Nelson moved to adjourn. Councilman Townsend seconded the motion. There was no public comment.

Motion Passed Unanimously. (7:31 P.M.)

Mayor Sean Gifford

Crystal Turner, City Clerk

**** Page 155 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

NOVEMBER 26TH, 2019, The Three Forks City Council met in session at City Hall at 206 Main Street and was presided over by Mayor Gifford. Mayor Gifford called the meeting to order at 7:00 P.M. for the SECOND meeting of NOVEMBER 2019.

PRESENT: Council members Deb Mickelberry, Gene Townsend, Steve Dahl and Dennis Nelson were present. George Chancellor and Teri Whitesitt were absent. City Treasurer Kelly Smith, City Clerk Crystal Turner, Library Director Fawn Venzor, and the newly hired Code Compliance/Animal Control Officer Heidi Jones-Magee were also present.

The record reflects a quorum, 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. He reminded the public the meeting was being audio recorded.

GUESTS: Matt & Kelly Bugland, Jon & Christina Kamps, Gloria Howland

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

CONSENT AGENDA

Approval of the Following:

- x. Claims per List
- y. Meeting Minutes of 11/12/2019

Gene Townsend questioned Susan Swimley's claim regarding the line item to pay another attorney, Dana Pepper. Crystal Turner explained Susan has been working with Dana Pepper, a water rights attorney, regarding Three Forks' water rights and the possible changes being presented by DNRC. The City has paid these for roughly a year while this dispute with DNRC has been going on.

Councilman Nelson made a motion that we approve the Consent Agenda.
Councilman Townsend seconded the motion.

Motion Passed Unanimously.

PUBLIC HEARINGS

There were no public hearings.

REPORT OF OFFICERS

Kelly Smith reported that all the documents have been provided to the auditors for their onsite inspection in December. Gene Townsend asked, he had noticed there was a claim to pay Kelly back some mileage for a couple meetings - do you have anything to report on those meetings you attended? Kelly explained she attended a meeting hosted by Gallatin County who is updating their Growth Policy. They invited all the communities to provide input; Randy Carpenter also attend. The other meeting, she attended was the Economic Development Council which discussed the future of the [Gallatin] area.

Crystal Turner reported she got a few quotes for different copy/printer machines. She and Kelly have selected a Konica Minolta C300i Color Laser printer for \$6,997. This is over budget by almost \$1,000 but they will credit the remaining time on our current service agreement (roughly \$250), their service agreement is \$250 less/year and Kelly Smith added the City Hall does not intend to purchase a couple new chairs that are in the budget. With these savings we will be within the overall account for the budget year.

Approval of Volunteer Firefighter Harold Ralston and Ryan O'Shaughnessy to Probationary Status per Chief Aune's Recommendation

Crystal Turner read the letter of recommendation from Fire Chief Keith Aune for both Harold Ralston and Ryan O'Shaughnessy.

Councilman Townsend made a motion we accept the recommendation from Keith Aune, I on the other one that Dave Whitesitt that he had recommended Harold, Crystal I apologize I didn't catch the second name you said Crystal (Crystal stated Ryan O'Shaughnessy into the record), and Ryan O'Shaughnessy that they both go to the probation status with the Three Forks Volunteer Fire Department. Councilman Nelson seconded the motion.

Motion Passed Unanimously.

Three Forks Community Library Annual Report was provided by Fawn Venzor. She reported she has only been the director for a few months but wanted to report the numbers she had crunched:

- 102 child programs were held with 1,224 children attending
- 5,901 children materials were circulated

**** Page 157 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

- 34 adult programs were held with 347 people attending
- The Library checked out their 1,470 DVDs a total of 2,662 times!
- There were 465 audio books and 2,094 e-books checked out
- There were 6,630 users of the Library computers

The library recently received a whole bunch of donated DVDs and City Hall had given us the TV/VCR combo, so we offered our old VHS videos with the TV/VCR combo as a package deal to anyone interested but they had to take the whole package.

We have Mahjong now two afternoons a week as well which is well attended. We have a better system now for early readers; in listening to their requests we have got more chapter books for them in stock. Fawn also started craft projects, most recently a gnome class which was sold out and another one is scheduled later this week which is also sold out!

The Council thanked Fawn for her hard work.

REPORTS OF COUNCIL COMMITTEES

There were no Committee reports.

UNFINISHED BUSINESS

Request by Jon & Christina Kamps to Use Alternate Four Months' as a Sewer Average for #0798, 106 W. Elm Street.

Christina Kamps apologized for their absence at the last meeting due another meeting conflict. She said, "We asked in 2015 for a reduced sewer average which was helpful to our bottom line - otherwise we could not have been able to compete [with other car washes]. Now the sewer rate is over \$1,000/month. It is my belief that since we are not putting any solids into the system, we are not impacting the sewer system like other users. Our tanks are baffled out and we remove a lot of the sediment." She asked two other car washes in Townsend what they are paying. They are paying about \$130/month which includes their garbage service.

Gene Townsend in comparing costs with the City of Townsend, "We aren't up to speed if they have done any significant sewer work in the last few years which greatly affects Three Forks' rates. Paying for the updated \$6,000,000 wastewater plant costs our customers. Townsend may not have that kind of improvement. Three Forks has also done significant main work as well." Gene said he understands the hardship, but none of us like our

**** Page 158 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

high sewer bills. "I also question if you considered raising the rates to your customers," Gene asked. Christina Kamps said yes, they have raised the rates \$1.00, but will not be able to compete if they continue raising the rates. She added they are currently working with Deb Mickelberry to refinance the existing capital loan.

Dennis Nelson asked what the top rate is on the drive through? Christina replied it is \$11.00. Dennis said Town Pump in Belgrade is the same price. Christina argued, "If we go higher than that we just push people away." Jon Kamps said they could probably put it up for sale, but honestly no one will buy it if they review our books. "The City would lose \$12,000 a year if the car wash closes. Are you prepared for that?" Jon asked. He continued, "We put about \$5,000 out of our own pocket annually just to keep the business open. "It's not good business sense but we want to provide the service to the community," he said.

Steve Dahl asked for clarification on the Balance Sheet (not in the packet for the public as it is a private document - only the Council members had this document during the meeting). There was discussion regarding Schedule "C".

Gene said stated he is sympathetic to the Kamps' situation, and he personally uses the car wash, but is worried about opening a "can of worms" (to other commercial users). He gave the example of a motel asking the Council to reduce its rate simply because they are not making money. I understand water and sewer fees to be part of your business expenses. He asked the Kamps, "What is your proposal to us, so we can help you?" Christina said she does not know exactly what she is asking for - other than to have the Council consider a lower rate because we do not feel we are impacting the system like other users. Gene said our attorney is not here to guide us, but he does not believe it is legal for the Council to lower one customer's sewer rate unless based on what is stated in the ordinance. Jon Kamps said what will happen is they will have to close and whoever opens a new car wash will move it to Broadwater County. Jon said, "I don't understand how we can pay four times the amount they pay in Townsend." Gene asked if Townsend has arsenic they have to treat for, or do they discharge to the river? Christina added maybe the City's rates are the reason there are no laundromats in town.

Gene again said he would like to know what the Kamps are asking us to vote on and not have us just throw out something, some price. "I want to be able to justify it other customers," he said. Christina offered that

**** Page 159 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

maybe I it is beneficial to the City's sewer system to have more gray water like they produce. Gene replied maybe it is, but we do not know about this without the Kamps providing some sort of evidence to that effect.

Steve Dahl said he uses the spray wash frequently but has not ever used the drive through. He said washing a full-size pickup truck only costs him \$4.00. He suggested those rates need increased. Jon Kamps asked why one would pay only \$10.00 in Bozeman and \$12.00 here. Christina stated she guesses they will have to do another increase as they are open to all suggestions. Gene said I thought in your request you were asking for alternate months. Christina answered yes but said when it is colder the temperature does affect the cycling of the water usage and so they use more in the winter. Deb Mickelberry asked what months do they use the least amount of water? Christina said it varies depending on the weather.

Gene said I need to hear from the applicant what kind of relief are they really needing - we could lower your rates to your four lowest months, but it may not be enough.

Dennis Nelson said they average \$1,000/month on sewer. Crystal Turner interjected the sewer rate is \$723 and change; the \$1,000 bill includes the water charge. Crystal added the lowest four months would be an average of 8,300 cubic feet/month at \$604.90. Dennis said the Council needs a realistic number from the Kamps that they can live with so that the Council can justify treating our sewage and customers fairly.

Public Comment: Kelly Bugland stated Gene had provided an example about motels. Sewer calculations are based on usage in winter months - and hotels/motels are slowest in those months, so they get lower usage rates. Matt Bugland said if I owned an RV and I pulled and hooked up and took a shower - but I filled up elsewhere and just dumped my sewage at the RV camp - does the City factor that into its rates for RV parks? He said, "I don't know how we can sit here and say that the impact of a car wash and an RV park are the same. Perhaps the rates are not setup correctly, or perhaps a car wash impact is less than other users. How do we go about factoring those things in to the rates or testing the car washes' water?" Matt asked.

There was discussion regarding retiring debt and keep the system operational. Dennis said asked if the Kamps can come back with more information by the December 10th meeting. The Kamps agreed. Dennis asked

**** Page 160 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

if they could also provide their car count numbers for the last four years, when they said their rates started increasing from \$400/month to now a \$1,000.

Gloria Howland asked the Council to consider that we do not have a laundromat that means we are pushing business and folks to do business outside of Three Forks. Kelly Bugland said she penciled out a laundromat and spoke with former owners of one here in Three Forks, and it does not pencil out because of the sewer rates. She asked the Council to at least consider the Kamps' lowest four months like they have for her own past requests in the past.

Mayor Gifford closed public comment.

Gene said he is not comfortable making a rash decision now, as Deb Mickelberry suggested earlier, he would like to get more information from Jon & Christina, then have the Water & Sewer Committee meet and bring the public works' crew in for their opinion on the removal of solids via the baffle wash. "I don't think we should make a decision just so we can go home in a hurry and make everyone happy. I'm not opposed to lower rates but at the same time I'm here to represent Three Forks and I can't put the City in jeopardy. We wouldn't have a town if we didn't have sewer and water," Gene said.

Steve Dahl proposed waiting until after the 12/10/2019 meeting. Crystal asked if that means the Water & Sewer Committee would hold a meeting before the 10th Council meeting. Steve thought yes, so Crystal explained that meeting also needs to be noticed 48-hours in advance of when it will be held - to take into consideration that deadline if they hope to have a recommendation by the 12/10 Council meeting. Steve again proposed waiting until Water & Sewer Committee meets, with the prices the Kamps provide they can live with, and then provide the recommendation at the next Council meeting.

Councilwoman Mickelberry made a motion to table it to that time.

Councilman Townsend seconded the motion. Mayor Gifford said regardless of the business type - we just raised the rates for another business at the last meeting due to its effect on the sewer system.

Motion Passed Unanimously.

Approval to Purchase 2020 Chevy 3500 Truck for the Public Works Department

**** Page 161 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

Kelly Smith reported Dennis Nelson, Gene Townsend and Steve Johnston met and reviewed the bottom-line things needed to get the job done. She finetuned those options in the Sourcewell program and got a quote for \$37,931. There is \$50,000 in the budget. Dennis added they also have \$5,000 or so for installation of some of the plow attachment, safety light and tool box.

Councilman Townsend said he was open to discussion, Dennis, he, Kelly and Steve sat down and went over everything one afternoon, and I'll make a motion we accept that price and order it from Sourcewell. (Kelly Smith added the MSRP is \$48,570.) Councilman Nelson seconded the motion. Kelly Bugland asked if it includes a service plan. Kelly said she was not sure but presumed with Sourcewell's extremely lower prices it probably does not include a service plan.

Motion Passed Unanimously.

NEW BUSINESS

Proclamation Declaring December 1-7, 2019, in Memoriam of MHP Trooper David J. DeLaittre #269

Mayor Gifford read the proclamation into the record.

Next year instead of reading this every year we will do a permanent proclamation, and next year would be the 10-year anniversary of David's death.

No motion made - the Mayor signed the proclamation and handed it down to have the Council members sign.

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

Kelly Smith asked if the Council minded if the Library and City Hall closed on Christmas Eve and New Year's Eve at noon? The Council said that would be fine.

MAYOR & COUNCIL ANNOUNCEMENTS

Gene Townsend attended a Fish, Wildlife & Parks meeting regarding the Recreational Trails program last week. He will be going to Helena in December to attend a grant writing workshop to improve his grant writing skills

Dennis Nelson reported he is expecting a bid from AFCO, a construction company out of Butte, by early December to tear down and rebuild the rodeo bleachers.

**** Page 162 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

Gene also updated on the remodeled food bank. The sheetrock is up, insulation has been installed and we thought Northwestern Energy was going to come hook up the natural gas last week. Their crew came onsite and said it was not ready to hook up. They are supposed to be back the week after Thanksgiving. "We are getting close but can't open until the that gas is on. Hope to be open by the 1st of year in 2020. The steps and walkways are all done though," Gene said.

Mayor Gifford met with Congressman Gianforte and the Gallatin County Commissioners about the floodplain regulations. They seemed sincere about the floodplain being a concern for Three Forks, but it is a federal regulation. The state regulation we may be able to persuade the Legislature to change that before we ever get anywhere at the federal level.

The Mayor also reported the propane tank has been raised at the wastewater treatment plant in hopes of it alleviating power failures experienced last winter. Also, the Auditors will be onsite starting 12/9 and may request an interview with some Council members.

He provided tours for two construction companies to provide bids on the bathroom remodel project at the Fire Hall. The Mayor then introduced our new Ordinance Enforcement Officer Heidi Jones-Magee. She is an Air Force veteran, has a bachelor's degree in Communication and a master's degree in Organizational Leadership, and lots of experience in dealing with enforcement as she was a property manager for low-income housing for several years. Welcome Heidi!

AGENDA ITEMS FOR THE NEXT COUNCIL MEETING: 12/10/2019

- Public Hearing and Decision on an Application by Bridget Corbett for a Conditional Use Permit to Operate a Daycare at Lot 2B, Block 4 of Headwaters Subdivision, Commonly Referred to as 2 Milwaukee Street

ADJOURNMENT

Councilman Townsend moved to adjourn. Councilman Nelson seconded the motion. There was no public comment.

Motion Passed Unanimously. (8:15 P.M.)

Mayor Sean Gifford

Crystal Turner, City Clerk

**** Page 163 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

DECEMBER 10TH, 2019, The Three Forks City Council met in session at City Hall at 206 Main Street and was presided over by Mayor Gifford. Mayor Gifford called the meeting to order at 7:00 P.M. for the FIRST meeting of DECEMBER 2019.

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

The record reflects a quorum, with the attendance of four (4) council members, and the meeting was held.

The **Pledge of Allegiance** to the American Flag was led by Mayor Gifford. He reminded the public the meeting was being audio recorded and to follow the policy on the backside of the agenda.

GUESTS: Chuck Wambeke, Bridget Corbett, Mike & Gloria Howland, Dustin Fraker, (and Sophie Corbett 7:15).

Mayor Gifford asked if there were any **PUBLIC COMMENTS/CONCERNS** not on the agenda. Chuck Wambeke, President of the Three Forks Rodeo Arena Board of Directors spoke to provide the Council an update to the bleacher project. He would like to get permission to start working with Kelly Smith and some funding agencies to look at where their budget will need to be set as far as financing options. George Chancellor asked if the board was still evaluating the Bozeman High School bleachers. Chuck replied yes, they are looking at both new and used options. He did not wish to provide quotes to the Council yet as he only has ballpark figures at this time.

The Mayor asked for the Council's permission to amend the Agenda and move the Public Hearing up before the Consent Agenda so they could allow Bridget Corbett to leave and go pick up her daughter right after the hearing. The Council agreed.

AGENDA ADJUSTMENT: PUBLIC HEARINGS

Public Hearing and Decision on an Application by Bridget Corbett for a Conditional Use Permit to Operate a Daycare at Lot 2B, Block 4 of Headwaters Subdivision, Commonly Referred to as 2 Milwaukee Street

**** Page 164 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

The Mayor turned the presentation over to George Chancellor, chairman of the Zoning & Planning Board, who read the staff report into the record.

Applicant Presentation: Bridget Corbett said her husband installed a patio door out to the play area. They have been cleaning and painting and getting everything ready to go. She is still waiting on the State's approval of the final licensing. There has been a lot of support by those in the community.

Board Questions/Comments: Gene Townsend asked if there was a recommendation by the Zoning & Planning Board as he did not see that in the staff report. George Chancellor said he thought he had stated into the record the Board had recommended approval without conditions. Kelly Smith apologized for the Zoning & Planning Board's draft minutes not being included in the Council's packet.

Public Comment: Gene Townsend believes daycares are in very high demand in our community. He has had the pleasure of living next door to the Lutheran Church for almost 50 years who also have had a daycare in that church, and they have been great neighbors. "It is fun to hear the kids laughing," Gene said. He thanked Bridget for bringing this community need to a realization. Bridget Corbett added she managed/operated a large daycare facility in California.

Councilman Chancellor made a motion to approve the conditional use permit for Bridget Corbett to have a childcare operation at Lot 2B, Block 4 of headwaters Subdivision. Councilman Townsend seconded the motion.

Motion Passed Unanimously.

The Mayor then went back to the agenda order to introduce the Consent Agenda.

CONSENT AGENDA

Approval of the Following:

- a. Claim Paid to Century Link on 11/27/2019 in the Amount of \$923.84
- b. Claim Paid to Mail Utility Bills on 11/27/2019 in the Amount of \$159.75
- c. Claims per List
- d. Three Forks Rodeo Arena Claims per List
- e. Meeting Minutes of 11/26/2019
- f. Replace Windshield due to Rock Chip from City Vehicle - \$260.00 to Dahl Auto Body

**** Page 165 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

- g. Pay \$100 to Montana Department of Justice - Motor Vehicle Division to Authorize the Code Compliance Officer to Lookup Vehicle License Plat Registrations

Mayor Gifford asked if anyone wanted to pull any consent agenda items. Gene Townsend asked to pull Claim #144507 to Hawley Troxell Ennis & Hawley and asked for more clarification. Susan Swimley responded this claim is the bankruptcy firm hired to represent the City of Three forks in the Imerys bankruptcy case. Susan explained bankruptcy cases of this size, especially being with a large company like Johnson & Johnson, could take a significant amount of time to complete: possibly as long a decade. Imerys' current contract with the City expires in less than two years and that states they would need to annex into the City. The City still must provide utilities during bankruptcies, but the company does not have to pay - if they decide to not pay us or not to annex, no matter what we still have to provide them service. Gene Townsend asked Susan how much work she anticipated they will continue to do for the City, as this bill is already \$2,600. Susan replied they have already made contact with one of the chief counsel at Johnson & Johnson; she understands they are expensive but they are highly skilled in bankruptcy law. Based on the fact Imerys' contract is up is why she recommended the City hire a specialty law firm.

Mayor Gifford pulled the rock chip item from the consent agenda and move to regular agenda so he can better explain this one to the Council. He then asked for a Motion to approve the Consent Agenda minus the windshield item. Councilor Chancellor, "moved that." Councilman Townsend seconded the motion.

Motion Passed Unanimously.

Replace Windshield due to Rock Chip from City Vehicle - \$260.00 to Dahl Auto Body

Mayor Gifford explained a city vehicle flipped up a rock chip. He spoke with the employee, who stated he pulled over spoke with the other driver. The employee apologized and offered to have the driver turn in a claim to the City. The driver has taken a while to get it taken care of (this apparently happened this past summer). George Chancellor expressed concern. He has always believed if a pavement rock was thrown from a tire it is your own responsibility. He has a hard time paying for this and admitting responsibility adding, "It happens to everyone. I have to replace my own [wind shield] every two years and it lives with a crack for one year."

Gene Townsend agreed saying we could be open one heck of a can of worms for everyone else to say that if we pay for this wind shield replacement. He did not doubt it happened, but it seems strange as he has never seen this request before. "I have a hard time to swallowing paying for this bill," Gene said. George added that unless the rock falls off our truck, he does not believe it to be the City's liability.

Public Comment: Mike Howland spoke as a truck driver for 30 years he had the window busted by the vehicle in front of him several times. He witnessed the truck hit the rock and fly towards his wind shield. He even had a police officer once come and the officer asked if the driver had been hauling gravel...and could he prove it? Was it from an oncoming car...and could he prove that? Mike does not think the City should be responsible for it. Susan Swimley offered to look at the City's liability if they wish her to.

Mayor Gifford asked for any other public comments. Seeing none, he closed public comment.

Councilman Townsend moved we delay this claim until Susan looks at the liability and can comment back to us since the work hasn't been done but I think we really need to do it [investigate the City's liability]. I make a motion we don't pay this claim right now. Councilwoman Mickelberry seconded the motion.

Motion Passed Unanimously.

REPORT OF OFFICERS

Headwaters Trail System Annual Report

Gene Townsend reported the Council had asked him to provide this report annually when the Trail System first came under the City. He would like to note the Trail System is now 23 years old. In 1996 he and his wife wrote the first grant application to Recreation Trails, in 1997 they were awarded a grant with a match provided by Rio Tinto (now Imerys). Since then he has applied for this same grant and whoever owned the Talc Plant has also agreed to match the 20% if the grant was awarded. "We have progressed over the years and the Trails now include quite a bit of ground: 11.8 miles of paved trail! The City should be proud of this," Gene said as he distributed a map. The City has also been acted as the government sponsor and he thanked the City for that partnership. "If you remember, I requested the Council's approval to apply for a Recreation Trails grant in November - which would connect the trail on Front Street to the beginning of the trail near the school (he distributed another map

**** Page 167 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

with the proposed section in blue). It would be a new section roughly 1.4 miles. I don't believe we will get an award for the entire request, but I hope for the award. It would provide a safer route to school, would open opportunities for people to walk and get exercise. There is a lot of wildlife that way and it would be a really pretty walk," Gene reported.

January 2019 (from a meeting held last year at Chico Hot Springs) he learned the Rails to Trails Conservatory had a plan to have a trail from coast to coast - when the route of the trail got to over 50% complete, they would announce the plan and make it public. Last year finally achieved 53% complete and the two states lacking most of the trails were Wyoming and Montana. He was very happy to be invited in that celebration and looking forward to the next meeting with the Rails to Trails Conservatory.

In February 2019 he testified at the State Legislature on SB24 (final hearing passed and signed into law to allow opt-in funding on license plate registrations) and on SB70 (Bike/Walk Montana proposed this bill to have a vehicle stay way 3 feet from a bicycle - but it died at second reading). He is currently helping to make this bill better drafted for the next session.

March 2019, he attended the State Comprehensive Parks and Recreation meeting - every 10 years they re-do the vision for the State of Montana.

May 8, 2019 was the Rails to Trails broadcast, announcing the project and Three Forks was one of the four towns chosen to broadcast. Washington D.C., Ohio, Three Forks, and then Seattle. Also, in May I learned I was not awarded the Recreational Trails grant from January 2019's request.

In July we held the annual Headwaters Bank Run - named because of the generous support from the three local banks and Stockman Bank too. There were 130 participants this past year which raised about \$6,500 for the Trail System. We have great volunteers to help us out annually.

In August we did the Farmer's Market BBQ which all proceeds benefit a local non-profit and we raised about \$700 towards the Trails. He also started working with a new trail group in Manhattan, who are trying to get the trail connected from Manhattan to Logan.

In November we held our annual meeting at the City Office and received a resignation from an original member. "I wore out 2.5 dogs on that trail,"

**** Page 168 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

Bob Jones said. The board also approved applying for the Recreational Trails grant in January 2020. "On the 20th, I attended another Recreation Trails meeting," Gene said.

Gene reported he also attempted to take trail user counts this year - nothing scientific, just informal. We polled different days of the week, different times, but only the part of the trail towards the Headwaters State Park - we did not count on the section towards Droulliard Fishing Access. Based on those polls, we estimated 40,000 users to the Trail each year.

Last week Gene was approached by the School Superintendent to let me know they bought a 4-wheeler with a plow attachment, and truck with a plow, and offered to help manage snow plowing on the trail.

For 2020, Gene will again apply for the Recreation Trails grant. July 2020 the funding from SB24 will be available. They believe it to raise roughly \$1,000,000 a year. In September 2020 the Land & Conservation Grants will be available again, assuming Congress funds the program. Gene plans on doing more maintenance to the heavy vegetative areas, and some smoothing where the bridges connect to the trail (little rough for cyclists), as well as graffiti cleanup. Gene also intends to install a couple more benches. The folks that donated the dock also donated money for a bench - so he will have one installed near the dock.

Kelly Smith did not have a report.

Crystal Turner reported that Craig Pozega of Great West Engineering offered to host a "Preliminary Engineering Report 101" style discussion to the Council, Mayor and anyone really interested in attending. He has free time Wednesday, December 11th, and Friday, December 13th. The Council and Mayor were not available during these dates and asked Crystal to coordinate with Craig another time next week.

Crystal also reported the Three Forks Rodeo Arena board met last night and made a recommendation to cash out a roughly \$50,000 CD and transfer it to their savings account at First Community Bank. Crystal reminded the Board they have to tell us these things the Council would make decisions on before we finalize the agenda. She told the board she would report this for them, but may not get a Council decision since this request was not on the agenda nor met the 48-hour public notice requirement. She also reported the Board would need to add Sean Gifford as an authorized signer

to the bank accounts as well as include Christina Kamps to the Council's future motion since she is already an authorized signer. Then she informed the Board if they chose to cash out their CDs expiring in January she could provide agenda language for the Board and have it on the January Council agenda for final approval of the Board's recommendation. The Council agreed to allow these decisions and Mayor Gifford said he would add them to "Unfinished Business" tonight on the agenda.

Last, Crystal reported she did not ask permission of the Council but did authorize a change to City Hall's Century Link contract for internet and phone service. We currently pay about \$400/month for internet and phone at City Hall and Century Link now offers a better program with faster upload internet speed. Crystal authorized the change and this will save the City between \$50-\$75/month.

Gene Townsend explained, from the Board's perspective, that they did not want to wrap money up in a new CD (but letting it auto-renew) and then cash out in February before it expires if the bleacher project worked out before the expiration date. However, the Board has no intention on spending the money right now.

Susan Swimley reported her monthly invoice best details what she has been working on, but most recently a project which just came up is there are two streets that run under the school (they remain platted as City rights-of-way). The School will petition the City to abandon them. The Council would review/vote on that, and then she would draft an ordinance to vacate, reserving the easement to the existing utility easements. The Council will probably have it before them in January.

REPORTS OF COUNCIL COMMITTEES

There were no Committee reports.

NEW BUSINESS

Request by Dustin Fraker to Use Alternate Four Months' as a Sewer Average for #1215

Dustin Fraker said they had a water softener that had a valve that broke and someone from the City called to alert us of high water. He has reviewed the proposal of spreading out his higher rate over 12 months, but paying the full amount for the same number of months' when the duplex used a lot of water, then reducing it to the lower rate (all within the 12

month period - see packet). He agrees with this proposal and believes it to be fair.

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

There was no applicant rebuttal.

Councilman Townsend made a motion to accept Kelly Smith's recommendation to Mr. Fraker's bill with his newer sewer calculation rate. Councilman Dahl seconded the motion.

Motion Passed Unanimously.

UNFINISHED BUSINESS

Mayor Gifford added **Approval of Three Forks Rodeo Arena Board's recommendation to cash out CD #7000854 in the amount of \$50,162.05 and transfer that money to First Community Bank savings. Mayor Gifford also asked for a motion to approve Sean Gifford and Christina Kamps, (along with the Rodeo Board's recommendation of Chuck Wambeke, Crystal Turner, Kelly Smith and Gene Townsend) to the accounts at First Community Bank as authorized signers.**

Councilman Chancellor moved we allow the Rodeo Board to cash out the CD and put it in a savings account, and to add Sean Gifford and Christina Kamps to the signing authority as well as those already recommended by the Rodeo Board. Councilman Townsend seconded the motion - he declared that he is on the TFRA board and the FCB board.

Motion Passed Unanimously.

Kelly Smith clarified it was not her idea, but George Chancellor's. He gave her the credit and said she did all the work.

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

None.

MAYOR & COUNCIL ANNOUNCEMENTS

Mayor Gifford reported that he attended the Fire Council meeting last week with Chief **Linden** (??) of Bozeman Fire. Mutual aid over in Broadwater County was the main focus of the Mayor's discussion. He also reported the new Code Enforcement Officer has been hard at work he feels like a lot of people have already moved their campers. She started addressing trash along with parking this week. She rode with two Gallatin County deputies

**** Page 171 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE
CITY OF THREE FORKS, MONTANA, JANUARY 8TH, 2019**

and then the Gallatin County Code Enforcement Officer a couple times as well for training.

The Mayor stated the Japanese Memorial plaque is finished if the Council wants to look at it, it is over at the City Shop. It is beautiful and they did an amazing job. We hope to install it in February 1, 2010, because 2/1/1943 was the date the Regiment were activated. He is working to get a guest speaker for the ceremony. Wendell Ewan has picked out a really nice looking large rock to attach the plaque to which would be set in Veteran's Park. Last, he reported there have been lots of break-ins in town - folks going through alleyways and jiggling garage doors. Keep an eye out and call it in if you see anything.

AGENDA ITEMS FOR THE NEXT COUNCIL MEETING: 12/24/2019

No meeting due to it falling on Christmas Eve.

Next meeting will be 1/14/2020, which is also joint Rural Fire District & City Council annual meeting and would most likely be held at 6:30pm at City Hall.

ADJOURNMENT

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

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

Mayor Sean Gifford

Crystal Turner, City Clerk

(The elected officials, staff and any board members present stayed to participate in the harassment training.)