

**** Page 1** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL MEETING
CITY OF THREE FORKS, MONTANA, JUNE 10TH, 2025**

JUNE 10TH, 2025, The Three Forks City Council met at the Three Forks City Hall at 206 S. Main Street and via Zoom. (Zoom is a virtual meeting tool which the City began using due to COVID-19 and social distancing guidelines and continues to use to encourage participation from the safety of one's home.) The meeting was chaired by Mayor Randy Johnston, who called the meeting to order at 6:00 P.M.

ROLL CALL: City Council members George Chancellor, (Warren) Garret Buchanan, Ed Tharp, Gene Townsend, Roxi McDermott, and Reagan Hooton were present. City Treasurer Kelly Smith, City Clerk Crystal Turner, Gallatin County Sheriff Sergeant Des Doonan were also present at City Hall. Lee Nellis joined the meeting at 6:30PM via Zoom.

The record reflected 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 Johnston. Mayor Johnston reminded the audience that this meeting was audio and video recorded and may be streamed via Zoom and on our Facebook page.

GUESTS: Kevin Cook, Mike Stenberg, Andy Willet, Tori Cook, John Hansen, Joe Robbins, Gloria Howland, Doug Carr; Jeff and Teri Gottlob arrived roughly 6:30PM.

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

George Chancellor spoke to the Council's decision regarding on the dog permit application at the last meeting being wrong. He recommended changing the law, not breaking the law and felt the Council could do better as leaders.

CONSENT AGENDA

- a. City Claim Paid due to Timeliness on 5/30/25 to Mail Utility Bills
Totaling \$204.38
- b. City Claims to be Paid
- c. Three Forks Rodeo Arena Board Claims to be Paid
- d. Council Minutes of 5/27/2025
- e. Zoning and Planning Board Minutes 4/22/2025
- f. Advertising Salesperson Contract for Three Forks Rodeo (12% of all Sales)
- g. Sales/Marketing Director Contract for Three Forks Rodeo (\$425/month)
- h. Water Project Draw Packet #30 Totaling \$371,169.34, Including Draw #15 of ARPA Minimum Allocation Grant (MAG) for \$95,729.27, Draw #8 of

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ARPA Competitive Grant for \$274,255.57, and Draw #2 of Montana Coal Endowment Program (MCEP) Grants for \$1,184.50

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

Motion Passed Unanimously.

PUBLIC HEARINGS

**Public Hearing and Decision on a Second Reading of Ordinance #404-2025
Adding the Southeast Zoning District to the Zoning Code (Title 11, Chapter 22)**

Mayor Johnston asked if anyone wished for him to read the ordinance into the record again. No one wished for him to do so.

Councilman Tharp moved to accept as is. Councilwoman McDermott seconded the motion. The Mayor recited that this was Ordinance #404-2025 and asked for any public comment. There was none.

Motion Passed Unanimously.

**Public Hearing and Decision on a Second Reading of Ordinance #405-2025
Adding a Landscaping Chapter to the Zoning Code (Title 11, Chapter 23)**

Mayor Johnston asked if anyone wished for him to read the ordinance into the record again. No one wished for him to do so.

Councilman Buchanan moved to approve Ordinance #405-2025, and ordinance adding Chapter 23 "Landscaping" to Title 11 "Zoning Code." Councilmen Tharp and Chancellor seconded the motion in unison. No public comment.

Motion Passed Unanimously.

**Public Hearing and Decision on a Resolution of Intent to Increase the
Minimum (Base) Sewer and Water Rates by up to 10% and 15% Respectively**

Mayor Johnston read what would be Resolution #438-2025 once approved, into the record in its entirety.

Gene Townsend asked, "If we pass this tonight, do we have to send a notice to everyone that it has been passed?" Kelly Smith replied yes, a notice will be sent to every user as well as to the Public Service Commission. Mayor Johnston repeated what was written in the resolution, "It's been 10 years since we've done any increases so that is less than a \$1/year for increases. All our costs have increased, like testing and keeping our staff, and we have been fortunate to have had so much grant funding. We have mains that were installed in 1935."

Garret Buchanan said at the Water & Sewer Committee they learned, as well as covering the increase in costs to the City, the increase is so that the City has access to the additional grant money that has allowed us to move forward with all the projects. "That was a driving factor for me, I am

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paying these increases as well and felt this was a good investment to have all those improvements to the rest of the City," Mr. Buchanan added.

There was no public comment.

Councilman Chancellor moved we approve Resolution #438-2025, a resolution of intent to increase the minimum (base) sewer and water rates by up to 10% and 15%, respectively. Councilman Buchanan and Councilwoman Hooton seconded the motion in unison.

Motion Passed Unanimously.

Public Hearing and Decision on a Resolution of Intent to Declare Certain Property as Surplus No Longer Necessary to Conduct City Business and Authorizing Its Sale or Disposal

Mayor Johnston read the resolution, which would be #439-2025, into the record in its entirety.

There were no Council questions.

Public comment: Gloria Howland was confused about the two open/transferring dates referenced in the resolution. Crystal Turner explained that governing bodies have "first dibs", and so any bids from a political subdivision will be opened first and awarded, then anything remaining will be opened on July 8th.

Councilwoman Hooton moved to authorize Resolution #439-2025, a resolution on intent to declare certain property as surplus no longer necessary to conduct city business and authorizing its sale or disposal. Councilman Townsend and Councilwoman McDermott seconded the motion in unison.

Motion Passed Unanimously.

Public Hearing and Decision on a Resolution Calling for the 2025 General Election, and Notifying the Gallatin County Election Administrator of the City's Desire to Conduct the Election by Mail Ballot

Mayor Johnston read what would be Resolution #440-2025 into the record in its entirety.

There were no Council questions. There were no public comments or questions.

Councilman Buchanan moved to approve Resolution #440-2025, calling for the 2025 General Election, and notifying the Gallatin County Election Administrator of the City's desire to conduct the election by mail ballot. Councilwoman McDermott seconded the motion.

Motion Passed Unanimously.

REPORT OF OFFICERS

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Gallatin County Sheriff Sgt. Doonan reported there were 212 calls for service in April. He continued, "May was more normal, with around 151 calls, and there are 41 calls to date in June. These are all in the City limits. May was the biggest month in Gallatin County's history with 5,200 calls for service overall." Sgt. Doonan has been working with the Chamber of Commerce to prepare for Rodeo Dayz. "We changed the parade route a little bit as only one-way route this time, to keep it contained," he said.

City Clerk Crystal Turner reported that she has created a YouTube page to upload the Council meeting video/audio files to, and we are testing streaming live to the channel tonight. "Once we confirm it is working, we will upload as many of the Council videos as we can to be in compliance with §2-3-214, MCA and even farther back," she said. She also reported that she made the edits to the Personnel Policy decided upon at the last Council meeting and distributed it to all the staff. The City received the resignation of Josh Miller, the Fire Department Secretary, so that job has been advertised (it closes on 6/20/2025). Finally, the Wading Pool is tentatively set to be open on June 18. "The workers will clean and setup the pool and take inventory on June 16th, and then might even be able to open on June 17th if everything goes well," she said.

City Treasurer Kelly Smith distributed a printout of the courses she attended at the National Floodplain conference because she did not want to speak about every individual course that she attended. "The main ones I attended were on the CRS review, since we have one coming up. I sat in a couple *Risk Rating 2.0* that FEMA has pushed out, and classes on updating the Flood Ordinance which will probably occur later this year. This will include more regulations on garages, fences and other man-made changes in the floodplain," she said. Then Ms. Smith talked about the presentation she and the Floodplain Mitigation Project Team gave. "It was one of the most well-attended presentations and a lot of people who knew about our project nationally and they came up and talked to us afterwards," she said.

REPORTS FROM COUNCIL COMMITTEES (if any)

Gene Townsend reported on the Water/Sewer Committee meeting on 5/30/2025 to discuss the Water Main Replacement Project and the New Wells we are trying to get online. "One of the things brought to our attention, is that we are starting to dip into our contingency fund because of the streets and soil issues. They did do core samples, but none of the sampling provided data that foresaw these issues. Some of the equipment the contractor is using is larger and heavier than our streets could handle. Our paving back to the original condition will be more costly than originally budgeted. We believe the soil will get better as we head north and east. Our engineers are keeping a close eye on that and keeping us updated. We also spoke about the copper and plastic lines, there were

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some odd spots that the contractor felt were really long service lines that may need replaced. We are happy with the contractor as far as being responsible; our Public Works Director had a few issues but it seems like it is all working out well and the project will finish on schedule right before fall," he said. We do not want to be too late into the season when they repave. Garret Buchanan added, "Of 19 blocks in the entire project, they are into 8, and 4 of those needed extra stabilization to get the roads back to stable condition."

Gene Townsend also reported on behalf of the Budget Committee meeting held on 6/2/2025. "We got a good start at looking forward into FY2025-2026, and feel we have a good budget almost finished up. No departments were over budget in FY2024-2025. One of the things we were directed to do was to review the CIP at budget time, so we looked at 2024 and 2025 projects in the CIP list. We picked out what we thought were critical and will try to work them into the upcoming budget. We do have one fairly large purchase item planned for this year, which is going to be a new backhoe, but we went through all the projects. One of the things that makes the budget process so hard is we don't know how much money we are going to get, and at the time we had our meeting, we still had not received the tax revenues from the County through the end of our fiscal year. The other thing is, we don't know what we will get for our assessed value for the upcoming fiscal year until the Department of Revenue gives us a letter stating that, we hope to get that early August." He added, "This is one of the worst systems I have been involved with; the State tells you you have to have a budget done, but you don't know what you're working with for more than a month later, so that is weird," Gene said.

Gene continued, "One of the big things we looked at is the increase to our health insurance this year, which is seeing a significant increase. We talked about employee raises as well, and took into consideration the cost of the health insurance, and will continue to provide that and absorb the cost to the Employees. This time we are proposing a 4% raise to our employees, unless something changes our mind. I don't anticipate going higher, but we may have to go down if the money is not there," he added.

UNFINISHED BUSINESS

Agenda Adjustment: Susan Swimley asked if "Item d" could be moved to the end of Unfinished Business, as it was going to be a training session.

Flood Mitigation Project Update

Kelly Smith announced, "We are hoping this month to have the conditional letter of map revision sent to FEMA so they can look at our whole project to make sure they are in agreement prior to us doing the project. MDT is on board with the culvert design; there will be four of them. You guys approved the first draw on that project at the last meeting. We are still on schedule to have this project done at the first part of next year."

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Water Project

There was no further update, see Committee Reports above.

Continuation of Public Hearing Held January 8, 2025, and Decision on Resolution #436-2025 Accepting the Amended April 2025 Service Area Reports and the Impact Fee Advisory Committee's Recommended Impact Fees for Fire, Water, Wastewater, Transportation, and Municipal Buildings

Mayor Johnston read Resolution #436-2025 into the record in its entirety. He then directed all to page 21 of Exhibit C.

Lee Nellis stated that water and sewer fees were fairly easy to calculate and they added additional fees for municipal buildings and transportation. He anticipated that the addition to the southeast, and in the northwest end of town, would need significant transportation improvements and so this will allow the City to start setting aside funds as it will need to improve various intersections. The rest of the funding for projects could be done by grants or loans. "These are quite modest compared to the rest of Gallatin County, and they are quite modest in the costs of new buildings. I don't think the City is over-reaching at all," he said.

Garret Buchanan said he believed the Council has gone over this pretty thoroughly. Mayor Johnston said if you looked at page 18 and \$10,084.97, "The IFAC felt it would discourage investment in town for housing and business by implementing those full fees. So, the new table would bring those to \$5,329.66."

Kelly Smith said, "When the Council heard this in January, I thought I remembered the Council say they felt the Southeast would be adopted at the higher amount. But what I remember didn't make it into the minutes. Large Scale development isn't in the schedule at all, and I think that should be added. I would think this discussion needs continued to verify that. Also, the 5% administrative fee is not in the resolution even though it is in Exhibit C on page 4." Mayor Johnston asked Susan Swimley for advice. Mrs. Swimley said the Council could accept the Impact Fee Committee's report, take in Kelly's recommendations and adopt them as findings. "This leads up to the training I will lead later tonight." Garret Buchanan asked, "If we vote on this today, it is accepting what the IFAC presented. Susan Swimley replied yes. Then our next meeting we add/change any recommendations like Kelly recommended, or anyone else's comments or suggestions. Is that what we do?" Susan Swimley replied yes. "Procedurally, here are the proposed impact fees, and it's up to you guys to say yes, we accept or not with edits, etc.," she advised.

Councilman Buchanan moved to accept the Resolution #436-2025, adopting the revised schedule as recommended by the IFAC and municipal code.

Councilwoman Hooton seconded the motion. There was no public comment.

Motion Passed Unanimously.

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Agenda Adjustment: Decision on Whether or Not to Accept the Three Forks Chambers' Offer to Take Over the Christmas Decorations

Reagan Hooton questioned if this would be hanging lights or owning the decorations, or both? Roxi McDermott said the Chamber's offer is to do both. Mayor Johnston asked, "If the City did this, would it have to store them as well?" Roxi replied said the Chamber could still store them. Gene Townsend said that when Crystal reported on this offer at the last meeting, he went and talked to Public Works. "I found out from the City crew they would be willing to do this, but we don't have a boom part, so we would have to rent one to put up the decorations." Roxi said the Chamber could ask for a boom to be donated. Gene added the City Crew said they were less busy in winter, but we want to do it safely. "Again, they need to do it safely and they could not think of any place to store them." Roxi said they have plenty of space to store them, but the Chamber does not have any manpower to hang them up. Gene asked what condition the decorations are in. Roxi replied that most are brand new, "A lot of the older ones got tossed last year and all lights have been tested." Gene asked if someone from the Chamber would be on-site with them to make sure they are put in the right spots. Roxi did not think so. Crystal Turner said she thought there is a specific spot for some, and asked if someone could make a map? Roxi replied yes. Reagan Hooton stated, "So, the cost to the City is we have a rent the lift?" Roxi offered another member could donate the lift. Susan Swimley asked the Council, "Is that a condition upon the City's accepting this: that the lift would always be donated and no cost to the City? And that in exchange for the City putting them up, the Chamber would house them?"

Gene Townsend said he is worried the decorations becoming the City's responsibility, and if in 3 years these start to die out, is the City the responsible owner to replace them? Susan Swimley said, "It sounds like it." There was discussion on understanding the Chamber would maintain them, own, store, and the City would cover the labor to put them up. Reagan said she thinks it makes total sense for the City to take over the lights. "We could make a budget line item to maintain them. We put on the Christmas stroll so it goes hand in hand," she added. Garret Buchanan clarified, "The City would own the lights, maintain them, install them, but the Chamber would store them and supply means to safely install them." All agreed.

Gene Townsend said he has a problem with owning the lights. "I'm looking at the larger picture. Would we put up the 10 commandments? Christmas is a religious holiday, and I don't know if it's a City function." Ed Tharp thinks it is more than the City should be doing, as far as owning them. "Down the road, we'll have to replace them all. I'm not opposed but think it's more than we can bite off," he said. Crystal Turned commented, "I agree Christmas is considered a religious holiday, and I'm a Christian. Also, the City does not put on the Christmas Stroll, the Chamber does all of that and the City's contribution is to clean up the streets." Kelly

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Smith commented that it would be tax dollars to maintain Christmas decorations too and asked, "Do the taxpayers want us adding a line item for that?"

Councilman Chancellor moved that we respectfully decline the Chamber's offer to take over the Christmas decorations. Councilman Townsend seconded the motion.

Public Comment: Gloria Howland said every business in this town is going to profit from the stroll, so maybe some of the businesses could take on the cost of that. Roxi McDermott said the Chamber will look at other organizations too because, "There are some cities that do take care of this, so we came to the City first."

Motion Passed 4:1 Hooton opposed, McDermott abstained.

Decision on Whether or not to Recommend an Elected Official as the Three Forks Representative to Participate at Gallatin Drought and Deluge Adaptive Management Plan (DDAMP) Meetings, and/or Financially Contributing

Mayor Johnston read most of the handout, but not all to the public and Council (see packet). The Council discussed it may be a valuable discussion and worthwhile attending, but did not feel financial contributions was something to decide upon yet until they learn more. Garret Buchanan asked if anyone was available on the dates listed in #7 of the handout? Reagan Hooton said she would be willing to attend and learn more, but not sure of the dates. "I think it is a worthy cause, we are affected by droughts and deluge," Reagan said.

Councilman Buchanan moved to send a City of Three Forks representative, who is an elected official, to the Gallatin Watershed. Councilman Tharp seconded the motion.

Public Comment: Doug Carr said the approach of sending a representative is the best approach because, "I do not think the things they will be discussing would have anything to do with the Manhattan or Three Forks end of the valley."

Motion Passed Unanimously.

Decision on a Resolution Approving 105 E. Adams Street for More than Four Dogs

Susan Swimley asked the Mayor not to read this resolution into the record. She wanted to use the resolution as a training exercise. Mrs. Swimley read each "Whereas" and asked the Council whether it was a fact or hearsay as she went through each one. "George was right, you approved 5 dogs without any reasons. So, the next application for five could come in and get approved. That decision essentially makes the ordinance useless," she said.

She explained, "The first "Whereas" notes dates of the ordinance - which all ordinances are effective 30 days after the second reading. In the future, if you get an application for an additional dog permit are you

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considering a valid application? No, when you learn there are five dogs, you send to enforcement. The application you heard in May implied there were four dogs; you had false information. I couldn't ask for a better learning experience for you all."

George Chancellor asked if the City ordinance is still in tact? Susan replied, "We will get to that." She then continued recapping that the meeting on 5/27 devolved and was not in held in order. "You had that big gavel but you did not use it. You lost control of the meeting," she said directly to the Mayor. "You guys are always allowed in board discussion to ask anyone for more information. And you are always allowed to say I don't have enough information and table it to get more information," she explained to the Council. "You read an application that the title changed, but the word kennel was still within the application. We failed at that as a City, and we failed by requiring an inspection that was exactly the same as the previous kennel license procedure. It's no longer a kennel license. Three dogs are permitted, and four are allowed with this additional dog permit. That's it. When the applicant stated that one dog was with her husband five days a week, that was an area that you could have asked more questions and dug in to learn more about the dog that is not really there. If I visited Crystal and she has four dogs, and I bring my two dogs, she is not in violation because we do not require those with dogs who do not live in town to license them. So that gave you an opportunity to delve deeper and maybe still fit into the ordinance as written." Mrs. Swimley continued, "Then you get the complaint part and when I read that, I could call up Des and say *"the dogs are barking"* and five minutes later do it again, and get six complaints in less than half hour. That's probably not the world's best condition," she said.

Mrs. Swimley explained that she put this resolution together because, "I had in mind Gerge's concern: you have approved that there are five dogs allowed at that property and that if there are six barking dog complaints the applicant has to reduce to three dogs. My preference in this process is that if you make an exception or a deviation to any ordinance, you can't take that back now you gave this person that right. I also want to preserve your ordinance, so I ask you how you would like to proceed in making findings that support your decision. I think there are factors you know now, that you could make findings to support. That way when the next person comes in with five dogs, and they say you let the other person have five, you could say, "Yeah, but that other person has a dog that is not necessarily there the whole time," as an example."

Reagan Hooton said, "We should have questioned why law enforcement went to their house? Isn't that part of the inspection?" Susan Swimley said law enforcement is not required to do the inspection. The ordinance now states *or code enforcement*." Kelly Smith suggested, "Maybe ask *"Why are you doing it now when you've had these dogs since May?"* They didn't just move to town - they knew they had to license their dogs per their own

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letter in application, so why now?" Susan closed by asking if the Council has learned something that could help them when the next person asks for more than four dogs, "That you can straight-faced answer: No, that it's not allowed."

Susan Swimley asked the Council what jumps out to them now, looking at the application? Garret Buchanan said the biggest one is the amount of time one dog is at the property. Gene Townsend replied he thought the really odd part of the inspection report was that they brought out one dog at a time. He wondered why and thinks now he should have asked that question on the record.

Garret Buchanan said another point were conditions #4, #5 and #6. Susan Swimley added she felt condition #3 would be helpful. "With your permission, I would like you to send me back to the drawing board and revise this resolution. I would remove the two paragraphs about the bite, I tested you guys with that *whereas*." George Chancellor said he is pleased and said she has his permission to go back to the drawing board.

She reminded the Council, "One cannot even apply for an additional dog permit with more than four. If you get that application, send it back to enforcement. You can't apply if you have five."

Councilman Chancellor moved to table this resolution until the next meeting to allow Susan to revise it. Councilman Townsend seconded the motion.

Public Comment: Gloria Howland said the Council should talk to the person who got bit. Susan Swimley said she appreciated the Council finding out more facts, but after they have made the decision, learning more about any bite is pointless.

Motion Passed Unanimously.

Reagan Hooton asked, "If someone gets bitten by a dog, where is the connection for us to learn that?" Sgt. Doonan replied that 50-60% of dog bites come in first to the hospital. The hospital is required to report them to the county health department. "Most of them show up to urgent care or hospital. Staff at hospital has to register it and then that defaults to Animal Control with the Gallatin County Sheriff Office. Sometimes, it's not unusual for these things to land in our laps 10 days after the incident," he said. Susan Swimley asked, "Had you know that one of the dogs bit somebody, what difference would that have made for you?" George Chancellor argued that the applicant told us there had been no complaints. Reagan said that it makes a moot point because the fact that they had 5 dogs still did not change what the ordinance allowed for.

Crystal Turner said this brings up an issue she has wondered since the Council agreed to more than four dogs. Does the Council want to send it back to the ordinance committee to be revised? Garret Buchanan said, "No,

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it was a well written ordinance but it has taught me to drill down farther and ask more questions."

NEW BUSINESS

Board Appointments to the Three Forks Rodeo Arena Board

Mayor Johnston read the Board Appointment memo into the record.

Councilman Chancellor moved to reappoint Mike Lane and Ryan Pestel to the Three Forks Rodeo Arena Board of Directors. Councilman Tharp seconded the motion.

Motion Passed Unanimously.

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

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

MAYOR AND COUNCIL ANNOUNCEMENTS

Mayor Johnston said he will meet with MDT on 6/26.

No other announcements.

The next meeting will be on July 8, 2025, and will have the following items:

- Public Hearing and Decision on a Resolution to Increase the Minimum (Base) Sewer and Water Rates By up to 10% and 15% Respectively.
- Public Hearing and Decision on a First Reading of an Ordinance Repealing the Existing Impact Fee Ordinance and Adopting the Amended Version
- Resolution Ratifying the 5th Additional Dog Permit

ADJOURNMENT

Motion to adjourn the meeting was made by Councilman Chancellor, seconded by Councilwoman Hooton. The meeting was adjourned without a vote taken by the Mayor's gavel at 8:40P.M.

Randy Johnston, Mayor

Crystal Turner, City Clerk