

JANUARY 10th, 2017, The Three Forks City Council met in session in 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 JANUARY 2017.

PRESENT: Council members George Chancellor, Deb Mickelberry, Teri Whitesitt, Sharon Smith, Ed Tharp, and Dennis Nelson. Also present was City Attorney Susan Swimley, City Treasurer Kelly Smith and City Clerk Crystal Turner.

The record reflects that 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. Reminder to the public that the meeting was being recorded.

GUESTS: Chuck Wambeke, Melissa Christoffersen, Gloria Howland, Gene Townsend, Matt Bugland, Ed Covey, and Michael Tucker.

Mayor Hamilton asked if there were any **PUBLIC COMMENTS/CONCERNS** that were not on the agenda. Seeing none, he introduced the Consent Agenda.

CONSENT AGENDA

- a) Approval of Claims already paid due to timeliness at year end:
 - a. 16 claims totaling \$574,584.29
 - b. 1 Claim for Wastewater Loan in the amount of \$139,299.19
 - c. 2 Claims to Great West Engineering and to mail utility bills on 12/30/2015 totaling \$33,626.72
- b) Approval of Claims per List(s)
- c) Approval of Meeting Minutes from December 13, 2016

The Mayor asked if there were any items the Council or public wished to pull from the consent agenda. No one wished to pull any items.

Councilman Nelson made a motion to approve the consent agenda. Councilman Tharp seconded the motion. There was neither public comment nor Council discussion.

Motion Passed Unanimously.

PUBLIC HEARINGS

There were no public hearings scheduled at this meeting.

REPORT OF OFFICERS

Request by Fire Department for Council Approval of Charles Christman to Probationary Status as a Volunteer Firefighter

Councilwoman Whitesitt stated that Charlie Christman has always been known to her to be the most polite person, very respectful, and she believes he would be a very good listener and one to follow direction well in the Fire Department.

Councilman Nelson moved that we approve the request that Fire Chief Keith Aune has recommended Charles Christman as a probationary fire fighter.

Councilwomen Whitesitt and Smith seconded the motion in unison. There were no further comments.

Motion Passed Unanimously.

Library Director's Annual Report

Library Director Melissa Christoffersen distributed her annual report for the Fiscal Year 2015/2016 (see packet for full report). Total Items Circulated are down from FY2015, a decrease of almost 16%. Total Computer Users is also down, however she believes this is due to people using the wifi on their own tablets, phones and laptops in and around the Library. There have been almost twice as many programs than last year with the introduction of "game night", "craft night" and the "Crazy 8s" math club (up 49.6%). There are also more attendees this year (up 25.7%), and more books checked out in house as well as through the borrowing program. Melissa also reported that the meeting room usage is down slightly this year (-8.2%). She believes this past year has been a good year and that this current fiscal year will be an even better one.

Mayor Hamilton stated that he believed Melissa has done a wonderful job for starting mid-year as interim director, then being hired on as the Library Director. He commended her for her fabulous work.

Dennis Nelson thanked Melissa for an excellent job and said the Council greatly appreciated her staying within budget. The Council will be reviewing the budget in the next couple weeks and if she had any questions on her budget, Dennis invited her to attend the budget committee meeting.

Fair Board Chairman's Annual Report

Fair Board Chairman Chuck Wambeke presented his annual report on what has happened at the rodeo grounds this past year. They installed new arrow calf sorting pens and it really helped in operations this past year. They repaired the crow's nest: installing new windows, new stairs and new doors. The bleachers are still an issue for the board - they replaced broken wood and re-stained all the wood on the bleachers. They are still looking at different [bleacher replacement] options and will keep the Council posted. For income last year they had about \$120,000 and spent just over \$100,000. Did pretty well for their 70th anniversary! They would like to buy a new piece of equipment for working and grading the arena for events. It is a pretty expensive piece of equipment they have demoed - it is called a Black Widow. The Board will probably buy one. Cook Shack has some issues as well - possibly repair a faulty piece of equipment, if not fully replaced. There will also be some modifications to the fencing by the pump house, and some repair to the fencing along with the perimeter of the property on Hwy 2, which was taken out by a vehicle accident.

Kelly Smith asked how much a Black Widow costs - Chuck believed around \$5,000. She reminded him that it would need to be a capitalized asset once purchased.

Headwaters Trail Annual Report and Request to apply for Recreational Trails Grant

Trails Department Head Gene Townsend would like to apply for the Recreational Trails Grant. He has applied for this grant since 1997, and this will be the 20th anniversary of the Trails System. He will request an amount of \$45,000, which does require a 20% match. The match has been promised to be covered by Imerys for whatever amount he is awarded. Any money received will be used to rework the section of Frontage Road along the golf course where the grass has grown through the asphalt trail. As part of the grant application he must include proof of the City Council's approval.

Last year he received a \$15,000 Recreational Trails grant; he also applied for a grant from the American Hiking Society which was not successfully awarded, and another grant application to Patagonia is still pending award. The trails will have some money available this year since they paid off the loan to the City for the bridge over the Madison River. Gene plans to do more weed mitigation this year. He hired Thomas, Dean & Hoskins (TD&H) to do a complete assessment of the existing 12-miles of

trails, and to make recommendations on work to be done based on priority. TD&H said they will assist Gene on any removal or replacement of trail.

Gene plans to retire from Imerys this year, and one of his goals in retirement will be to spend more time on the trail. With his personal money he plans to buy some equipment to maintain the trails, like a mower and a 4-wheeler to help maintain them. Dave Hargrove has donated a 40-gallon weed sprayer to help with weed removal along the trail, so he has been slowly gathering items to help with his personal goal.

The biggest fundraiser is the annual 5k/10k/½ marathon race. This past year we had one of the better years: 140 runners and walkers at the Headwaters Trail Race. In the past we only advertised locally, but this year we also reached out to the Whitehall Ledger, the Townsend paper and the Madisonian - hoping to reach a larger audience. He believes next year they will expand advertisements to Livingston and Big Timber as well. We are very fortunate to have the local banks sponsor this event - it is now called the "Headwaters Bank Run" and it is a great fundraiser for the trails system. He looks to add more benches this year, and continue replacing those in poor shape. There are some benches already built and ready to replace the ones by the river which are disintegrating. The goal is to have as many benches as possible for those who need to stop and rest and just enjoy the trail.

The goal for the Recreational Trails Grant is still to get to Manhattan - and if awarded this money would be used to continue the extension of the trail in that direction. He discussed the extension of trails between Bozeman and Belgrade - and talked about the economic value of the trails by bringing commuters to and from those two cities. Gene believes having trails from Three Forks to Bozeman provides the opportunity of a 30-mile bike trek, which includes stopping for meals and possibly hotel lodging. Gene explained that the Cycle Greater Yellowstone bike tour this past summer had about 200 cyclists, and the Sacajawea Hotel has confirmed return guests to the hotel from that cycling trip.

Gene would like to eventually have better signage throughout the trail, and to add an extension from the Droulliard trail, coming along Jefferson Street and end up with a "Y" connection by the Teslow Grain Elevator. The reason is because many people are apprehensive to utilize the trail from in the school property during school hours. Signs throughout the trails saying "you are here" and showing how many miles it would be to Headwaters State Park, or Droulliard Fishing Access, or anywhere else along the trail would be useful in decisions for those using the trails who are unfamiliar

with this area. Signage would not have to be to scale, but he hopes this could also be something accomplished this year.

He has received some complaints about the trail not being plowed this winter - and one of his dedicated volunteers went into a nursing home this past year. This volunteer, Don Stockburger, plowed almost daily starting at 4AM. Three Forks has had some pretty bad drifting, and heavier snow than normal so far this winter; Ed Tharp, Stephen "Beaver" Carey, the City crew all help plow the trails when they can. He joked that many husbands have got their wives to believe they needed a \$16,000 4-wheeler with a plow - and so they all go out and help when we get snow by plowing sidewalks and trails. The room erupted with laughter. Gene added that no one has wanted to go out and volunteer in -30 temperature so possibly we may have to hire a contractor at some point to clear the trail. Susan Swimley asked when Gene would become a full-time grant writer. He said he was not very computer literate and again the room laughed. Susan said that with it being the 20th anniversary of the trials she believed it would be a good [grant] year for him. Gene agreed it would be a good year - donations are received almost daily to the trail and he is very pleased with just over 12-miles of trails for our little community. Gene requested the Council make a motion to allow him to apply for the Recreational Trails Grant.

Councilman Chancellor made a motion to allow Gene permission for a grant for \$45,000 for the trails system. Councilman Tharp seconded the motion. There was no public comment or Council comments.

Motion Passed Unanimously.

Teri Whitesitt thanked Gene for his passion for the trails.

City Clerk Crystal Turner reported that after Craig Shepherd completed the financial portion of the AFR, we still have some documentation to add to the final report and submit it to the State. That has been completed and has been submitted to the State online, and if anyone would like to see a complete copy one is available for public view. Crystal also reported that SafetyFest Montana is coming up on January 30-February 2 in Missoula. The topics range from bloodborne pathogens and first aid, to defensive driving. She has shared this information with the Fire Department. The training is free to all who register.

Gallatin County has implemented a "Community Notification System" which is an opt in program to be alerted on a wide range of emergency topics, from weather and road conditions to dam failures. Even if you work in another

county than where you live, you can sign up to be alerted of news which may affect you in your many locations. The County has asked all cities to inform its public, and she has posted this on the City's website.

Crystal has been working on the history of the subdivision regulations in hopes of finding an approval by the City Council. She has established a timeline and drafted a resolution to adopt the subdivision regulations as heard and review in public hearings in 2009 and 2010, so that we have a record of their adoption. This resolution will be reviewed by Susan Swimley first, and then heard on the 2/14/2017 agenda.

Also, like Gene Townsend stated, she will be working with him to help collect letters of support for his Recreational Trails Grant. Along those lines, another grant opportunity is the Transportation Alternatives grant, which applications would be due by March 31st. This grant could be used for sidewalks. Kelly Smith added that Brent Miller had emailed asking if the Streets & Alleys Committee would like to meet and discuss the possible projects. Crystal read the email Kelly had from Brent citing ADA ramps, pavement markings, pavement preservations, and traffic calming as those which would be eligible for funding.

City Treasurer Kelly Smith echoed another grant opportunity is for a Homeland Security Grant. She reported that Crystal has signed up to listen in to a training webinar for this grant. The City previously applied for this grant to buy a generator for the wells and then fence around our wells - she did not believe that fencing is solely allowed for grant funding but may be in conjunction with other items applied for. Kelly informed the Council that there is an Executive Session in Helena for training on Legislative updates, State Capitol tour, cyber security and ethics training, if anyone is interested in signing up.

Kelly reported that we will discuss the audit RFPs next and who the City will use in the future, but wanted to chat with the Council regarding the \$500,000 that we received in SRF loan forgiveness. She explained what "Single Audit" means and that if you have expended more than \$500,000 (this was the rule in 2014/2015 and has now been increased to \$750,000) of federal funds in any one fiscal year, you are required to have a single audit performed on each fund. Kelly asked questions to the Department of Administration about when funds were expensed vs. when the money is forgiven. The City was not aware that some of our loan money was federal. Kelly will submit many questions and facts to the Department of Administration, which she believes will answer if the City needed a single audit for FY2015.

Kelly also reported that she and Crystal have edited the drafted "Client Responses" to the audit report and asked the Council to review those, and choose an option to submit back to Rudd & Company. Kelly asked Chuck Wambeke to weigh in on the client responses regarding the two Headwaters Fair Board findings. Crystal Turner distributed the draft client responses. Chuck agreed the Board has been working on trying to balance and figure out the discrepancy. One thing the Board could do is change the fiscal year starting 7/1/2017. They have discussed going out on their own too, but it was not discussed too seriously; there are a lot of unknowns for that discussion to be valid. Susan Swimley said that the Board could become a non-profit and legally declared a 501(c)3. The auditors will continue to write up the City because they will not want to allow outsiders to have control of the check book and books. The City cannot just receive a financial report if the Board is a city department. There have been multiple failures of governmental entities across the nation and that has driven auditors to look at these quasi-departments more closely. Chuck said their next meeting will be in February. He will talk to the Board, and in the mean time asked the Council to think about what it wants for a lease (\$1/year, \$10,000/year - a lot of these decisions would change how the Board would operation as a business and may make their expenses go up, like insurance for example). Susan suggested that perhaps the auditors would accept responses along the lines of housekeeping type training (having the Board become familiar with City policies), changing the fiscal year to match the City's, and meeting together to ensure we do not miss these types of things in the future. George Chancellor said that to his knowledge [audit finding] has been going on for four years without any fixes. Everyone discussed if there was ever even a \$0 discrepancy; Chuck and Kelly have looked back to 2003 and have not found a time when both books matched. It may have never balanced - the Board will meet the 1st Monday of February at 7PM at IAC (123 Main Street, Suite 3, Three Forks). Dennis Nelson volunteered to be a liaison.

City Attorney Susan Swimley did not report on her items tonight since there were so many other reports.

Mayor Hamilton read Sgt. Peterson's report of the Gallatin County Sheriff's calls in 2016 and how those were answered or accounted for in the west-end of the Gallatin Valley (see packet for full report).

REPORT OF COUNCIL COMMITTEES

Budget Committee - Dennis Nelson said that they would like to set up a meeting on Tuesday, January 17th at 4PM.

UNFINISHED BUSINESS

Approval of Change Order #1 with IAC, Inc. in the Amount of \$2,193.75, to Supply and Install an Air Flow Switch in the Headworks Intake Duct

Mayor Hamilton read the details of the Change Order into the record. Dennis Nelson further explained that this was an item discussed at the beginning of the project, but opted not to include in the bid because of a couple of other city's comments who did not like them. Since then, it has been determined it would be helpful and a legitimate safety need in the Headworks building - the building has a heavy-duty fume which has an explosive tendency and believes it is a necessity. Kelly Smith added that she believed WRDA funding would cover this change.

Councilwoman Smith made a motion to approve Change Order #1 with IAC, Incorporated in the amount of \$2,193.75 to supply and install an air flow switch in the Headworks intake duct. Councilman Chancellor seconded the motion. There was no public comment or Council comments.

Motion Passed Unanimously.

Approval of SRF Draw #22 in the Amount of \$520.00 and WRDA Draw #5 in the Amount of \$105.50

Mayor Hamilton introduced the draws.

Councilman Nelson made a motion that we give the Mayor the approval to sign off on SRF #22 in the amount of \$520.00 and the WRDA Draw #5 in the amount of \$105.50. Councilman Tharp seconded the motion. There was no public comment or Council discussion.

Motion Passed Unanimously.

Dennis Nelson asked the Mayor if he could provide the Council and public a couple updates on the Wastewater Project. The Mayor allowed it. Dennis reported that Great West Engineering and City staff went out and performed a substantial completion walkthrough inspection last Friday. There are some outstanding punch list items to be completed before they can apply for their final payment, and any possible retainage payment.

Kelly reported that the amount that Smith could invoice as the final payment is \$94,580 - but we just got an invoice from Great West Engineering for unscheduled employment of the engineer in the amount of \$22,258, which comes off the amount due to Smith Construction. These

numbers do not include retainage. She reported that there is another \$237,785 withheld from the overall project cost (5% of the contract amount) which is called retainage and may be used towards any unfinished punch list items. The contractor has 30-days from the date substantial completion is given in writing to complete the punch list items. Smith Contracting indicated they will come back and complete all items on the punch list. If they do not complete these within 30 days, then the retainage money is used to hire a different contractor to complete those items. (Two times the amount to complete an unfinished item may be withheld in order to pay another contractor to complete that item.)

Dennis Nelson asked when mediation is scheduled. He believed it was January 19th. Susan Swimley replied that it has been moved from that date to sometime in March now.

Water Project

Approval of SRF Draw #11 in the Amount of \$114,473.00 and WRDA Draw #3 in the Amount of \$28,632.71

Mayor Hamilton introduced the draws.

Councilman Nelson made a motion to allow the Mayor the approval to sign off on the SRF Draw #11 in the amount of \$114,473 and WRDA Draw #3 in the amount of \$28,632.71. Councilwoman Smith seconded the motion. There was no public comment or Council discussion.

Motion Passed Unanimously.

Dennis Nelson reported that they met with Joel Pilcher before Christmas and asked him to provide the Water/Sewer Committee a breakdown on the remaining costs of engineering for this project. We know we will have some additional costs for engineering administration, going out to bid again for painting the steel tank. Joel has provided a list of the breakdown, and the Committee will review those at their meeting on Friday, January 13th, at 1PM.

NEW BUSINESS

Discussion and Decision on Fire Training Facility possibly in the Floodway

Kelly Smith explained on our property where the Fire Training Center is located, there is two higher ground spots which appear to be out of the floodway, but on a Google earth map it appears that the fire training facility is actually right between those and in the floodway. County Floodplain Administrator Sean O'Callaghan was in Three Forks reviewing other properties and noticed our fire training center, and that concrete

has recently been placed on the land. He sent the City a letter saying the County could not locate any permit the City ever applied for this structure. Kelly could not locate any record if the City had ever applied for one. The City has been placing old concrete from sidewalks which people are replacing throughout town (as the City's contribution to alleviate sidewalk replacement costs) on this ground too. Kelly added that the City has a few options: survey the land to know what is in, and what is out, of the floodway. Gaston Engineering has provided Kelly a quote to do this for \$560.00. Another option she and Dennis Nelson discussed today would be that if the training facility was mobile - licensed and registered - it would be compliant in the floodway (since this property is in the County who abides by different floodplain regulations than the City does) but she is unsure how much that would cost. Dennis asked what benefit the City would have in having a survey completed. Kelly said if the Council decides it wanted to continue placing old concrete from sidewalks there, or continue using the fire training center where it is currently located, then a survey would benefit us in knowing what locations were out of the floodway. If the fire training facility were to move to a different location outside this property, we would not benefit from having a survey completed. Dennis added that he did not think it would be financially feasible to place the training center on wheels or a trailer. Willow Creek Fire Department has roughly \$6,000 to spend on training needs so possibly they could help with the funding of a survey.

The Council agreed with proceeding to allow Gaston Engineering to perform an elevation survey this property.

Councilman Nelson moved that we have Kelly contact the engineering firm to proceed and go ahead and perform an elevation certificate on that and the old dump property. Councilwoman Whitesitt the motion. Ed Covey stated he believed that was a good idea, for multiple reasons down the road. There was no further discussion.

Motion Passed Unanimously.

Discussion and Decision to select an Auditing Firm based on RFP for Audit Services Published & Requested in August 2016

Kelly Smith explained that these two proposals look drastically different in the bottom dollar, but they are not quoted for the same hours spent in performing an audit. She explained that Amatics, who was our previous auditor (and most partners were with J.C.C.S. who was the City's auditor prior to Amatics), provided an incremental increasing annual cost which totals \$30,300.00. On paper, this audit is less expensive. However, the

RFP estimates 100 hours, and just during the onsite visit with spending 4 days onsite and 3-4 people already comes is 96 hours. We would anticipate their hours going over the estimate and then their quote switches over from the quoted price to an hourly rate. Rudd & Company's quote is all inclusive, with an estimated hours spent of around 200 however if they went over no hourly rates will apply. They increase their estimated hours a little for each subsequent year citing the upcoming GASB changes that they will be required to audit in our financials. Rudd & Company's quote also show incremental increases for three years, which totals \$52,000. Both companies have quoted the single-audit request: Amatics at \$2,500 plus \$1,500 per fund audited, and Rudd & Co. at \$1,500 for each fund audited.

The Mayor asked Crystal and Kelly for their recommendations. Kelly stated that she feels Rudd & Co. have done a good job, and they have become familiar with all of our projects. She added that she believed Amatics did a good job for the City when they were our auditors as well, but with the upcoming GASB changes she felt that they would quickly exceed 100 hours. Dennis Nelson asked if both firms were local. Kelly replied that both are from Bozeman. Teri Whitesitt said that going into a contract without an hourly rate for time in excess of the first 100 hours quoted is not a smart decision. Crystal reminded the Council that after the first year Rudd audited the City they asked for a significant change order because of the extra hours they spend with a new client. They had provided documentation of 457 hours spent in the first year before we even had a final audit. She felt that even though Rudd may have been a little over zealous in their first year asking for documentation prior to our AFR being completed, new auditors must take more time to familiarize themselves with your books. Both Kelly and Crystal recommended staying with Rudd & Company.

Dennis does not see any reason to change - Rudd & Co. have been doing a good job for us. If we go to a new company they are going to spend a lot of hours just getting up to speed in that first year, which will most likely increase their costs. Ed Tharp said that just based on not knowing Amatics' hourly rates he would recommend staying with the Rudd & Company.

Chuck Wambeke asked what the Rudd & Company overall quote was - Crystal reported it was \$52,000. There were no other comments.

Councilwoman Whitesitt moved that we stay with Rudd & Company and accept their quote. Councilwoman Smith seconded the motion. The Mayor stated

that you make the Budget Committee happy in knowing what to budget for and not having any surprises down the road. There were no other comments.

Motion Passed Unanimously.

Declaring April 28, 2017 as Arbor Day Proclamation

Mayor Hamilton explained if this grant is awarded it would be used to replace the two maple trees in Sacajawea Park which were removed this year due to their sickness. He read the proclamation into the record in its entirety.

Councilman Chancellor made a motion that we allow the Mayor to sign off on the Arbor Day program. Councilwoman Mickelberry seconded the motion. There was no public comment.

Motion Passed Unanimously.

PUBLIC COMMENTS/CONCERNS

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

MAYOR & COUNCIL ANNOUNCEMENTS

Councilman Nelson reminded the Council that there is a joint Rural Fire Board and Council meeting scheduled on January 18th, 2017, at 7PM at the City Fire Hall (13 E. Date Street). He asked Susan Swimley if she had any items that they should discuss. Susan suggested just review of the Interlocal Agreement items. Mayor Hamilton is scheduled to attend the DUI Task Force that night as well. He will leave a little early to attend the joint meeting, but he will probably be a little late.

Mayor announcements - Street Superintendent Wendell Ewan has provided him the chip seal project planned for this summer, including roads by the bank and Talc Road. This would be paid for by gas tax and street maintenance district funds.

Mayor Hamilton commented that the new City website is up and running and looks really nice. The staff can update it quickly and easily, including updates to the public on water issues that occurred last week were easily posted.

Mayor Hamilton asked the Council to be thinking if any of them wanted to change up the Council committees, please let him know.

AGENDA ITEMS FOR NEXT COUNCIL MEETING: 1/24/2017

- None scheduled at this time

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. (9:00 P.M.)

Steven B. Hamilton, Mayor

Crystal Turner, City Clerk

JANUARY 24th, 2017, The Three Forks City Council met in session in City Hall at 206 Main Street, and was presided over by Mayor Steven B. Hamilton. Mayor Hamilton called the meeting to order at 6:57 P.M. for the SECOND meeting of JANUARY 2017.

PRESENT: Council members George Chancellor, Deb Mickelberry, Teri Whitesitt, Sharon Smith, Ed Tharp, and Dennis Nelson (who arrived at 7:02). Also present was City Treasurer Kelly Smith, City Clerk Crystal Turner and City Engineer Brent Miller.

The record reflects that 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. Reminder to the public that the meeting was being recorded.

GUESTS: Samuel Turner, Matt Weaver, Jason Kovnesky, Kooper Kovnesky, Cayden Sharp, Connor Mayo, Nicolai Kovnesky, Gabriel Ross, Albert Mayo, Brock Meeks, Crystal Sharp, Alisa Meeks, Justin Stenger, Natalie Ross, James Ross, Matt Bugland, Craig Pozega, Gloria Howland, Kyle O'Rourke, Tate Johnson, Andy Johnson, (and Kelly Bugland at 8:15pm).

Mayor Hamilton asked if there were any **PUBLIC COMMENTS/CONCERNS** that were not on the agenda. Seeing none, he introduced the Consent Agenda.

CONSENT AGENDA

- d) Approval of Claims per List(s)
- e) Approval of Meeting Minutes from January 10, 2017
- f) Approval of Change Order #12 with Smith Contracting for additional piping (\$1091.98), install lateral pipe hangars (\$1194.85), delete grating anchor (-\$919.84), adding 1 additional contract day, and reimbursement of the Northwestern Energy bill (-\$5893.53), for a net change of -\$4,526.54
- g) Approval of the Pledged Securities Report through 12/31/2016

The Mayor asked if there were any items the Council or public wished to pull from the consent agenda. No one wished to pull any items.

Councilman Chancellor made a motion to approve the consent agenda.

Councilwoman Smith seconded the motion. There was neither public comment nor Council discussion.

Motion Passed Unanimously.

PUBLIC HEARINGS

There were no public hearings scheduled at this meeting.

REPORT OF OFFICERS

City Treasurer Kelly Smith reported that MMIA said we should have an estimated amount for our insurance by the end of March.

City Clerk Crystal Turner reported that she is waiting on some responses from the City Attorney to finish up the Gaston Engineering contract, a privacy policy for our website and some advice on recording the Interlocal Agreement with the Three Forks Rural Fire District.

REPORT OF COUNCIL COMMITTEES

Budget Committee - Dennis Nelson reported that they did not meet since they individually went through the first half of the fiscal year reports and all departments are looking good.

Streets & Alleys Committee - Sharon Smith met with Brent Miller and Ed Tharp today to go over some grant opportunities for sidewalk repair, also for Safe Routes to Schools. Sharon asked Brent Miller or Ed Tharp to provide the detail. Brent explained that he and the committee discussed current sidewalk inventory. He also walked the area around the school one day last week to observe walking patterns. They also discussed traffic calming where the trails meet the highway. Wendell Ewan performed inventory along Main Street last year, but Brent has observed spalling and tree roots pushing the sidewalks up all throughout town. He wanted to know if the City has a plan to address fixing those. He suggested that because the City's policy holds the landowner responsible for the replacement or repairs on sidewalks, the City could contribute by replacing the intersection ramps. Ed Tharp added that there are many sidewalks missing on residential lots throughout town that are along the path to school. If the City is interested in applying for some of these grants we need to get going on the grant application (Gaston Engineering would help us). Brent said that there is a match requirement of 15% for any grant award, and that this is administered by the Department of Transportation. 25% of TA Grant awardees are to cities with populations less than 5,000. Mayor Hamilton said he believed it would be invaluable to include the traffic calming [for the routes to the school and where the trail crosses to the airport] in the grant application. Gaston Engineering estimates \$2,000 for the grant administration process. The Council encouraged the Committee to move forward with a grant application.

The Mayor asked for the Council's permission to skip to New Business, Item a), noting that the Scouts have been very patient and probably learned more about sidewalks than they ever needed to know. The room laughed.

NEW BUSINESS

Recognizing Boy Scouts of America's 107th Anniversary, and Proclaiming February 5-11, 2017, as Scout Anniversary Week in Three Forks, Montana

Jason Kovnesky, Cub Master for the Cub Scout Pack 523, which is sponsored by the United Methodist Church of Three Forks. The Pack was not as active last year, with only about eight in their membership. The Pack has significantly grown this past year and has almost doubled in size in its membership. Pack 523 is only one of six in the State of Montana who also offer a Lions Cub group which serves a Kindergarten-age group. In March, Pack 523 Lion Cubs will be the first in the State of Montana and first in the Nation, to receive their Lion awards. We are here today to ask that the Council recognize the Boy Scouts of America's upcoming birthday.

The scouts introduced themselves: Kyle, Arrow of Light; Tate, Wolf; Kooper, Lion; Cayden, Lion; Connor, Wolf; Nicolai, Wolf; Samuel, Tiger; Gabe, Tiger; Brock, Lion.

Connor and Nicolai explained to the Council a little bit about what they do and why they enjoy Scouting. Connor explained that the Scouts sell popcorn as a fundraiser to have lots of activities, and when he was a Tiger he made a popcorn castle. Nicolai likes the adventures like the BB-gun shoot and ways to be helpful. Cub Master Jason also asked Samuel, who is new to the Pack this year, to explain what he likes about Scouting. Cub Master Jason added that Samuel was our top-seller of popcorn this year, so much so that he qualified for a scholarship program. Samuel said that he likes scouting because we do lots of cool field trips, you can get fun awards from selling popcorn, and you get to do fun stuff.

Jason continued that the Scouts will be holding a food drive at the Three Forks Market on February 4th. This is a community service activity called "Scouting for Food". The next day they will be joining other Scouts all over the world by wearing their uniforms to church, then wearing their uniforms to school one day that week, and the Scouts will decorate a window along Main Street to showcase their Pack # during Scout Week. We are fortunate that Three Forks is a big community supporter - many of you know Ray Lau, who was Jason's Cub Master when he was a Scout, and he will be joining us for our "Blue and Gold" celebration ceremony.

Mayor Hamilton read the proclamation into the record.

Councilman Nelson made a motion to allow the Mayor to sign and date the proclamation for the Boy Scouts of America. Councilwoman Whitesitt seconded the motion. There was no public comment. Councilman Nelson said that he got his start many years ago as a Scout as well, and wished the Scouts well.

Motion Passed Unanimously.

Discussion and Approval of Grant Application by Five Rivers, Inc. for Improvements on Fish, Wildlife & Parks' Property which is Leased by the City (ponds)

Matt Weaver is a private consultant for fisheries and wetlands who promotes children fishing projects. He has a client who is private and humble, and asked him to start a conversation with the City to see if there was any interest in improving the ponds. There are Fish, Wildlife and Parks' (FWP) grants for this and whatever match may be required, Matt Weaver's client will cover. Mr. Weaver thanked the Council for its support of the Scouting Program. He was a Scout as well, and he even was

a Cub Master for twenty years. He appreciated the Scout presentation tonight.

Dennis Nelson asked Mr. Weaver if he has spoken with FWP. Mr. Weaver said he has spoken with Dave Moser who is in favor of any project we may come up with. Ed Tharp asked if they were thinking of the first, second or third pond. Mr. Weaver said they would probably focus on the second pond. He noted the first pond (the most west pond) has some algae problems, and the third pond is in the county limits and would require a county-supported grant. Dennis Nelson said that years ago there was a proposal for a diving dock but the city liability was too much. Crystal Turner said that she has chaperoned a number of Summer Recreation fishing trips where most of your time is spent helping the kids get un-hooked from the cattails and snake grass. Mr. Weaver said that an aquatic weed mitigation plan would definitely be included with any project. There was discussion that perhaps instead of a diving dock there could be a fishing dock which would help the kids cast out over the cattails and get into deeper water. Whoever regulates the ponds could enforce a kid-only fishing area (a small portion of the overall pond) where underwater structures could be incorporated to allow fish to hideout under there, which may help catching a trophy larger than a small bluegill. He also discussed a 5:1 slope, which promotes safety when kids are fishing. Kelly Smith asked when the grant was due. Mr. Weaver replied that it would be due by February 1st. Mayor Hamilton asked if, pending all edits in the application, the Council was comfortable with him signing off on a grant application with Five Rivers, Inc. The Council all agreed.

Councilman Chancellor moved to approve the grant application by Five Rivers, Inc. for Fish, Wildlife and Parks property, which is leased by the City of Three Forks. Councilman Tharp seconded the motion. Matt Bugland asked if there are any opportunities to have some junior or high school classes study the water quality. Mr. Weaver said this is a great opportunity, and one person on the team he will be working with is a biologist who works well with kids and they treat him like "Bill Nye the Science Guy". They will probably do fishery sampling studies and vegetation habitat. Steven Hamilton said he could probably find a science teacher willing to work them as well.

Motion Passed Unanimously.

Moving back to unfinished business.

UNFINISHED BUSINESS

Wastewater Project

Craig Pozega, Great West Engineering (also stated he was a Scout, from Pack #10 in Dillon). Craig explained to the Council that there are a number of outstanding items which were toured together with the contractor, and need to be completed within the next thirty days. The project was officially turned over to the City as of January 13, 2017. As of today, the contractor has agreed to do all the items on the punch list except for seeding and topsoil work. There are options which include them coming back in the spring to do these items, or giving the City a credit for that work not being complete. Per the contract, Smith Contracting needs to have all items on the punch list completed by February 13, 2017. Ed Tharp asked about the cover replacement. Craig replied that it is in progress.

Now that the project is in the operation of the City, the discharge permit needs to be revised and submitted to DEQ. The old discharge sites no longer exist, so we are in process of a major modification of the permit to address the new discharge locations. The City wrote a letter to DEQ reminding them of the mixing zone study which we plan to complete in the spring, and revise the discharge locations (or compliance points). Craig met with DEQ today and there seems to be some mail crossing paths - he has a copy if the City did not receive our letter from DEQ today - which states it will cost \$4,800 to reopen our permit.

Dennis Nelson asked if we could put that cost back on the contractor since it was not completed in time. Craig did not believe so as the permit would need to be changed whether it was performed on time or not because it is to revise the compliance points. Dennis asked if Great West had a dollar amount on the outstanding punch list items yet. Craig explained Smith Contracting is working on the outstanding items, and we can revise any remaining value for the items not completed. Dennis asked when Craig believed that Great West would provide as-built [drawings] to the City. Craig said he has held on to them for the time being because he wanted to make sure the project was fully complete, and all outstanding items are complete before he signs and stamps them as complete. Once he does sign and stamp them he needs to send them to DEQ as well, so that is why he has waited. He anticipates as-builts being finalized in a couple of weeks.

Water Project

Dennis Nelson explained that we held a pre-bid meeting last week with three contractors who were interested in bidding the steel tank painting project. They had lots of questions and toured the site. One question the contractors had regarding if the tanks has lead paint or not, has

caused us to take a sample and send it away for testing. We have moved the bid opening date to February 9th, 2017, pending the paint test results. It is estimated that we will be over our budget on this portion of the project. Ed Tharp added that he felt the contractors had great questions and good input, especially on ideas of how to save the City money if lead is evident.

Fire Training Center/Old Dump Property Floodplain Update

Kelly Smith reported that we will need to move the training center - it is in the floodway. Dennis Nelson drew an X on the draft map of the elevations of this property, and passed it down to the Council members to see where he proposed it could be moved. The Fire Department is going to want to keep the training center, but there is another offer from Willow Creek Fire Department who has 1.5 acres in Milligan Canyon where their training facility exists. It could be moved out there if we need to. Charles Eastty and John (David) Whitesitt reminded Dennis tonight that having our own training center gives the City credit on our ISO reports. Dennis will get Dave Hargrove involved in this discussion and get it on the Rural Board's next business meeting agenda.

PUBLIC COMMENTS/CONCERNS

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

MAYOR & COUNCIL ANNOUNCEMENTS

Teri Whitesitt thanked the Council again for approving her son, Collin's, Eagle Scout project. He went before the Boy Scout Board on January 12th, 2017, and he was approved and received his Eagle.

The Mayor congratulated Collin Whitesitt on receiving his Eagle Scout. He was happy to have the Scouts here tonight and have them witness a Council who cooperates and communicates effectively.

AGENDA ITEMS FOR NEXT COUNCIL MEETING: 2/14/2017

- Public Hearing and Decision on a Resolution Adopting the City of Three Forks Subdivision Regulations
- Public Hearing and Decision on a Conditional Use Permit for Folkvord Investments, LLC, for a CUP for approval to construct a multi-unit hotel

ADJOURNMENT

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

Motion Passed Unanimously. (8:19 P.M.)

Steven B. Hamilton, Mayor

Crystal Turner, City Clerk

FEBRUARY 14th, 2017, The Three Forks City Council met in session in 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 FEBRUARY 2017.

PRESENT: Council members George Chancellor, Deb Mickelberry, Teri Whitesitt, Sharon Smith, Ed Tharp, and Dennis Nelson. Also present was City Treasurer Kelly Smith, City Clerk Crystal Turner and City Attorney Susan Swimley.

The record reflects that 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. Reminder to the public that the meeting was being recorded.

GUESTS: Olivia Whitesitt, Craig Pozega, Gloria Howland, Matt Bugland and Jared Brown, and Mike Hedegaard (who arrived at 7:43PM).

Mayor Hamilton asked if there were any **PUBLIC COMMENTS/CONCERNS** that were not on the agenda. Seeing none, he introduced the Consent Agenda.

CONSENT AGENDA

- h) Approval of Claims already paid due to mail Utility Bills in the amount of \$158.93
- i) Approval of Claims paid due to timeliness in the amount of \$636.00
- j) Approval of Claims per List(s)

- k) Approval of Meeting Minutes from January 24, 2017
- l) Approval to Allow the Mayor to Sign the ACH Agreement with Manhattan State Bank
- m) Approval of Privacy Policy for the City of Three Forks' Website
- n) Approval of Service Agreements with TWEnterprises for Generator Servicing at both Lift Stations
- o) Approval of a 2-year Professional Services Contract with Gaston Engineering, Effective 2/14/17 - 2/14/19

The Mayor asked if there were any items the Council or public wished to pull from the consent agenda. No one requested to pull any items.

Councilman Chancellor made a motion that we approve the consent agenda. Councilwoman Smith seconded the motion. There was neither public comment nor Council discussion.

Motion Passed Unanimously.

PUBLIC HEARINGS

Public Hearing and Decision on a Resolution Adopting the City of Three Forks Subdivision Regulations

Mayor Hamilton read the resolution into the record.

Dennis Nelson asked about the final paragraph in this resolution regarding updating to the 2016 model regulation, asking, "Where does the draft come from?" Crystal Turner replied that the State [of Montana] provides the model regulation. Susan Swimley added that they specifically come from the State's Department of Commerce. Dennis continued by asking if Ralph Johnson would lead that update. Crystal replied she did not know.

Councilwoman Whitesitt moved that we approve Resolution #265-2017, a resolution of the Three Forks City Council adopting the City of Three Forks Subdivision Regulations. Councilwoman Smith seconded the motion. There was neither public comment nor Council discussion.

Motion Passed Unanimously.

Public Hearing and Decision on a Conditional Use Permit for Folkvord Investments, LLC, to construct a multi-unit hotel consisting of seven (7) Hotel Cottage Units in Central Business District

George Chancellor, Chairman of the Zoning & Planning Board, read the staff report in detail to the Council.

Applicant Testimony - Jared Brown stated he has spoken with the neighbor, Gene Holland, and a fence is now part of the complete plan as she has requested a privacy screen from the commercial use to her residentially-used lot.

Ed Tharp asked about angle parking which was stated in the staff report - he said that there is not enough room for both sides of the street to allow traffic to pass through and have angle parking on both sides. Jared Brown and Kelly Smith reported that the angle parking will be moved onto this property and where the existing sidewalk is now. Then the sidewalk will jog onto this property. Teri Whitesitt asked how far the angled parking will stick out into Ash Street. Kelly Smith responded that the proposed parking will be less intrusive than the existing parallel parking currently on this side of Ash Street.

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

Councilman Chancellor moved to approve the conditional use permit to construct seven hotel cottage unit in the central business district zoning, at 19 E. Ash. Councilwoman Whitesitt seconded the motion. with Susan Swimley asked if the motion is to include the condition that a fence is installed for the neighbors. Mr. Chancellor said, "Indeed." Councilwoman Whitesitt again seconded. There was no further discussion.
Motion Passed Unanimously.

REPORT OF OFFICERS

City Treasurer Kelly Smith reported that the City has a TracPhone now for the Public Works' after hours and on-call for the weekends - she encouraged the public to please call (406) 539-6905 for after hours/emergency calls.

Kelly also reported she has received two letters from the public that she will give to the Ordinance Committee and Susan. The letters are in regards to things the public would like the Council not to change regarding the parking ordinance the Committee has been discussing omitting/revising.

City Clerk Crystal Turner reported that architect Brendan Byers has been working with Marcia Anderson regarding a sign which they would like to be posted on the tennis court's chain-link fence stating "Anderson Courts". Mr. Byers had hoped the City would pay for the material, engraving and equipment needed to attach the sign to the fence. He estimated it would

cost around \$100. The Council agreed the Parks' budget could afford this, especially with Ms. Anderson's large donation of the new courts which cost around \$120,000.

Crystal also reported that MMIA had been in contact with all covered City's regarding the Employment Practices Policy needing a copy of various Human Resource type documents (personnel policy, job descriptions, training matrices, etc.). Crystal has sent the majority of these documents to MMIA for their review. They will let us know if anything needs to be added to these documents to support coverage of their policy. Job descriptions were revised almost two years ago when the Clerk/Treasurer position was split into two positions. These have not been approved yet, so we will review those again, as well as the rest of the job descriptions, and revise as needed before MMIA's April 10th due date.

Lastly, Crystal reported that the Fire Department has been working with a retired Canadian Fire Chief Trudy Smith, on a recruitment/advertisement brochure. The brochures are printed in sets of 5,000. These would be used at any events the Fire Department attends, or mailers in every post office box, or however they choose to distribute them. They are free to the Department because the back side is full of sponsors' advertisements. The ads cost \$175. Ms. Smith has asked if the City would like to sponsor an advertisement. Dennis Nelson asked if this would be considered a "recruitment/retention" item and if so the Budget Committee had approved \$1,000 towards that specific item in the Fire Department's budget. The Council agreed to pay \$175 for advertising in this brochure. Crystal will ask Ms. Smith to send the City an invoice.

City Attorney Susan Swimley reported that she fails to remember what she had worked on in the last month to report to the Council. However, she had worked on several of the items on the Consent Agenda tonight. She failed to finalize an ordinance the Committee had requested regarding parking, but that will move to the top of her list and she will get it to Teri Whitesitt soon. She stated that the Council should congratulate Kelly Smith as she has been filling in on Ralph Johnson's duties. Susan has an update on the Fire Training Center to provide to Kelly, but she will wait to discuss it until later in the agenda. Susan is unaware of the Council's decision regarding the audit findings and the Fair Board. The Mayor stated that item is also on the agenda later tonight.

REPORT OF COUNCIL COMMITTEES

Water & Sewer Committee - Craig Pozega was present to discuss both Water and Wastewater Project updates, which we will hear later in the agenda.

UNFINISHED BUSINESS

Wastewater Project

SRF #23 in the Amount of \$8,893.00, TSEP #15 in the Amount of \$1,862.50, and WRDA #6 in the Amount of \$3,456.75, Totaling \$14,212.75

Mayor Hamilton introduced the draws.

Councilwoman Smith motioned to approve the mayor to sign. Councilman Chancellor seconded the motion. There were no public or Council comments.
Motion Passed Unanimously.

Approval of Change Order #2 with IAC, Inc. in the Amount of \$5,347.89, for an Upgraded Temperature Transmitter Specific for Hazardous Areas, Installation and Wiring of, and Reprogramming the PLC to Incorporate the new Thermostat at its new Location

Mayor Hamilton informed the Council that Chuck Wambeke of IAC has responded to the City's questions on Change Orders #2 and #3. Those are available in the Council's packets. Dennis Nelson would like to table this item, and Change Order #3, pending a response from Great West Engineering if these change orders would be covered by WRDA funds.

Councilman Nelson moved to table the approval of Change Order #2 and Change Order #3 as we wait for further information. Councilwoman Smith seconded the motion. The Mayor stated the title of Change Order #3 into the record: **Approval of Change Order #3 with IAC, Inc. in the Amount of \$14,405.89, to Install a RKI Gas Monitor to Detect Explosive Methane Gas Levels and Toxic Hydrogen Sulfide Conditions, Installation and Wiring of, and Reprogramming the PLC to Detect and Send Alarms.** Those are the two items that we would be tabling. Dennis Nelson further explained that in the preliminary discussions of the project this was not a requirement, but is now required for newly designed facilities. He would like to discuss this further with Steve Johnston and Wendell Ewan. Crystal Turner added that Wendell had mentioned their portable monitors are good for when they are in the building, but perhaps a less expensive alarm system (like a flashing light outside the building) could still alert you of danger and warning you not to enter the building when flashing.

There were no public comments.

Motion Passed Unanimously.

Approval of Change Order #4 with IAC, Inc. the Amount of \$1,000 to Supply an additional Tablet Computer for the use with the Water/Wastewater SCADA System

Councilman Nelson moved to approve Change Order #4 with IAC. Councilwoman Smith seconded the motion. Matt Bugland warned of proprietary software license requirements and if the City would end up paying more for the additional license/access via the tablet.

Motion Passed Unanimously.

Craig Pozega added that at his last visit we had attained substantial completion and a punch list of items with a 30-day timeline to complete those items. The 30 days were up on Monday, February 13th, and Smith Contracting has not completed all of the punch list items. Some items they have agreed to return in the spring to complete, but things like the air circulation in the Headworks building and the backup generator issues are still unresolved. These two issues may be linked - things are still operating but almost daily there are failure alarms. Great West has been working with the contractor almost daily to correct these. Great West has also asked for a third party recommendation to correct these issues. Sadly though, Smith Contracting is still over contract time and as such is responsible for all Great West Engineering's time and invoice. Smith Contracting has not submitted any pay applications. The City is still holding on to retainage on the overall contract. Great West is still working on the Administrative Order of Consent (AOC) with the Department of Environmental Quality (DEQ), and reminded Smith Contracting of this again today. Dennis Nelson asked what would happen if the City does not meet its March 15, 2017, deadline on the AOC. Craig Pozega said he would like to contact DEQ on the City's behalf and request another extension, and he does not foresee a reason they would not grant it. Dennis asked what the worst case scenario would be if DEQ does not grant the extension. Craig responded daily fines would be due as the worst case. Dennis asked if those could then be applied to the Contractor for not completing the project in time. Craig left that up to the City Attorney. Kelly Smith stated that without retainage there is about \$93,000 left on the Smith's contract, and taking the unscheduled employment of the engineer (UEE) and the last change order off the top of that amount, would leave roughly \$42,000 in the contract. Craig would like to call DEQ to give them a heads up, adding that he really believes we will need an extension.

Water Project

Craig Pozega stated the City opened bids last week, low bidder was Maguire Iron. We received some variation on high and low bids, so GWE has been

doing due diligence to ensure everyone knows all the aspects of the bids and bid accordingly. Contractors have acknowledged the water tank lead content of 12 parts per million (ppm) and have bid based on those results. High risk lead exposure is at 5,000 ppm. Maguire Iron has been in business for 100 years and has worked in 33 states. Great West has contacted all bidders and is currently in the process of performing reference checks. Teri Whitesitt asked what Maguire's bid amount was. Dennis Nelson reported on all bid amounts: Maguire Iron was \$141,240; Carr Coatings was \$162,050; Coblaco Services was \$258,000; Coatings Unlimited was \$268,750; TMI Coatings was \$279,200; and HL Construction was \$451,802.80. Craig believes they will have a bid recommendation to the City later this week.

Dennis added that the concrete tank phase of the water project will need to be complete prior to the painting the steel tank phase. Coordination between the concrete tank workers the tank painters needs to occur right after each other. We do not want to get into irrigation season because the concrete tank only holds about 250,000 gallons. The Mayor said he would be in touch with Craig Pozega later this week, or early next week, to clarify a couple questions he has.

Discussion Regarding Fire Training Center

Dennis Nelson spoke with Keith Aune at last week's Fire Department meeting, and he spoke with Wendell Ewan last week. He recommends that we move the Fire Training Center to the high point on the property, as surveyed by Gaston Engineering. Wendell Ewan has voiced concern about disturbing this area at all, and he would like to use excess gravel fill from the water line extension project later this summer. Wendell believes we could handle moving the gravel with City staff. Dennis added there will need to be a couple of concrete slabs poured to place the fire training containers on, and a crane may be required to move the training container. Dennis felt that with the City's contribution of paying for the survey, that the Fire Training Center (funds shared with Willow Creek) account could pay for moving the center out of the floodway. He added that the firefighters may need to perform a control burn to reduce all the weeds on this property. Kelly Smith asked if the Council wanted her to check with the County Weed District regarding spraying for after a controlled burn is performed. Dennis agreed that would be a good idea.

Susan Swimley said that she spoke with County Floodplain Administrator Sean O'Callaghan and he was concerned about the dumping and moving of concrete out there. She was unsure of the Council's decision during her conversation, but relayed to Sean that the Council was aware of the issue.

Kelly Smith explained she had been in contact with Sean and intends to respond to his initial letter, with the City's plans for the property, but had not completed it yet. Wendell told Kelly that some of the concrete has been there for more than 10 years. He is concerned about removing it since it was placed there to cover whatever old dump materials are buried, and had been working their way back up to the surface. Susan said the City will be receiving a violation letter from the County just to document that we are in violation. We can then respond with our plan to correct the violation, and enter into an agreement with the County.

Discussion and Decision on Audit Response Options to the Findings Regarding the Headwaters Fairgrounds Fund

Kelly Smith reported that she and Crystal Turner attended the Fair Board meeting last Monday night to be on hand for any questions the board members may have about the audit, and our financial processes. At a minimum, Chuck Wambeke informed the Board that they will be changing their fiscal year from January-December to July-June. Kelly and Crystal informed them their money would remain in their account; it would not be merged with other City funds. After Kelly and Crystal left the meeting the Board voted 7:0 to allow the City to take over all financials.

We will work on inputting their chart of accounts and setting up line items in Black Mountain. Kelly, Crystal, Chuck and Christina will also work with each other along the way to learn the other's processes and try to have a seamless transition. Kelly explained to the Council that Crystal had edited the responses to the audit findings based on the Board's changes, which were provided in the Council's packet. Kelly also reminded the Council that the City will have the Fair Board audit findings in the upcoming fiscal year audit report. By fiscal year 2018 these will no longer be findings. After rodeo this year, Crystal will setup a time to meet with the Board and provide training on our Purchasing Policy, Service Agreement and other City policies. Dennis Nelson asked what the overall impact will be on the budget printouts, "Will this affect line items?" Kelly and Crystal replied in unison that the Fairgrounds account will now have line items (currently we just show a lump sum amount in the account and no detail on specific line items).

Councilman Chancellor made the motion to approve the audit finding responses, and to provide appropriate training. Councilwoman Mickelberry seconded the motion. There was no public comment.

Motion Passed Unanimously.

Transportation Alternative Grant Update

Brent Miller visited the City office today and asked Crystal Turner and Kelly Smith to report on the grant updates. He toured the City with Janet Black with the Montana Department of Transportation (MDT), Bozeman office. Proof of a discussion with MDT is required as part of the grant application. Kelly asked the Mayor to provide something from his conversations with the Butte MDT office for the grant application. Kelly added that Brent informed her that his estimates are high and overestimated for concrete because he took into consideration replacement of the triangle in between two ADA ramps (where typically a tree or other landscaping exists). Kelly explained the trail component of the grant application, which would be an extension from where the trail comes from Droulliard Fishing Access starting at Jefferson Street, to Montana Street, behind the Depot, and cross somewhere where the coffee hut is, to the existing right-of-way to connect the trail right outside the school property. If anyone is willing to write letters of support please let us know, as we do have a template letter. Matt Bugland commented that there is no enforcement on the speeding that occurs on Jefferson Street, so he hoped that having a trail off the street would place pedestrians in a safer location. George Chancellor stated that no one stops at the stop signs around Peterson Park either, and that also does not seem to be enforced either. Matt said he would love to have a stop sign on Jefferson Street to slow traffic down.

NEW BUSINESS

Discussion and Decision Regarding Funding a Portion of the Annual Northern Rocky Mountain Economic Development District (NRMEDD) Membership Fee, up to \$1,000

Mike Hedegaard, Program Director of NRMEDD, introduced himself to the Council. He said that three years ago the City was a member of NRMEDD. NRMEDD had one full-time employee originally. The Gallatin Valley has grown significantly, and now has three full-time employees. He noted that Three Forks was the only [incorporated] community in Gallatin and Park Counties which is not a member.

NRMEDD met with some community members last week to discuss the importance of membership. There were several businesses represented at that meeting who felt it would be beneficial for Three Forks. The annual dues are currently \$2,000 per year. First Community Bank has offered to fund \$1,000, and another community member has offered to fund \$250. Each community is represented by a board member, so if Three Forks does choose to join it would have a seat at the Board. Membership would begin immediately, but dues would not due until July. Board meetings occur four

times a year, and Three Forks would also receive a monthly newsletter from us, as well as representation to begin growth conversations with various entities.

Mayor Hamilton said that both Kelly Smith and Crystal Turner attended the meeting last week and he asked them to share their opinion of joining. Crystal reported she felt that the economic studies the NRMEDD could provide the City of Three Forks with would be greatly beneficial. If we need to update our Growth Policy, or Impact Fee Study, we are not experts in these departments and at times the City has just guessed at what growth will be. NRMEDD has the capability to help each community with economic growth studies. For instance, they have begun conversations with large server warehouse-type businesses in California, and are working with the Montana Legislature to amend laws which currently prohibit such large companies from coming here. A business this size may increase the local economy by using local businesses, families moving into Three Forks, increase tax revenues, etc. Our staff does not have the expertise to have these conversations or write the growth reports. If our current contracted experts were to provide such studies we would pay hourly rates. This expertise would be provided via the NRMEDD membership.

Crystal and Kelly also cited that no other communities that are NRMEDD members deal with the Floodplain like we do, so they worried that NRMEDD may not fully understand how Three Forks' growth is hindered.

Dennis Nelson asked what the Chamber comments were. Crystal replied that Brooke Leugers, President of the Three Forks Chamber, said that are discussing changing membership dues in the next year. Brooke stated she thought membership was more a Chamber issue, and suggested that perhaps \$5 of a Chamber membership go towards the NRMEDD membership fee. The Chamber held a meeting last night but the City has not heard if a decision was made on a dollar amount to contribute. Kelly added that Steve Hamilton (Hamilton CPAs) said the town was missing a newspaper - he felt that was a main factor missing in Three Forks right now.

Mike Hedegaard added they have already begun the discussion with the Madisonian to see if they would have interest in branching out to Three Forks. NRMEDD would love to continue that conversation with Three Forks and the Madisonian to bring a newspaper back to the town. Mike said that NRMEDD also provides businesses with business mentoring, assessments, and non-profit economic impact reports. Mayor Hamilton said his opinion has not changed since Three Forks was initially a member - if we help part of our town we help everyone in our town, whether that is providing more

services or expanding what we are able to do as a community. He agreed that the City does not have the knowledge to accurately update growth plans. Dennis Nelson echoed floodplain issues that Kelly Smith stated other communities do not deal with, take significant staff time and expert help would be utilized. Deb Mickelberry attended the meeting last week as well and they handed out a Board of Directors list. She said the City of Three Forks is the only city not represented. She felt that a member on that Board could learn a lot and bring a lot of education back to Three Forks.

Councilman Nelson made a motion that the City of Three Forks make a commitment to join the Economic Development Council again, [clarification with Mike Hedegaard] with an understanding that the City will work with First Community Bank, the private donation, and possibly finding out what a Chamber commitment would be, and picking up the balance sometime in July and setting that in the next year's budget. Councilwoman Smith seconded the motion. Gloria Howland said in the past, Council members voiced that this was really more of a Chamber of Commerce issue. She believes the City should try to get the Chamber to match whatever the City pays. Gloria continued that this time the City sounds like it could utilize more of NRMEDD's services, where in the past it seemed NRMEDD was more of a business movement. Kelly Bugland questioned that because of the proposed school expansion, would this benefit them as well? Everyone agreed the School could also ask the NRMEDD to help them in their studies. Discussion regarding a board member to accurately reflect all of Three Forks with those who are financially contributing to the membership dues.

Motion Passed Unanimously.

Mike Hedegaard said the next Board meeting is March 9th. He will send the Mayor the information, and the next meeting would be in June.

PUBLIC COMMENTS/CONCERNS

Jared Brown questioned regarding the Wastewater Project, regarding the change for the alternative heating system for the Headworks building and how Great West Engineering is getting a price from the contractor - does he mean Smith? Why would you hire a contractor who cannot get their stuff done as it is? Kelly and Denny replied they will be looking at other contractors' quotes, but Craig Pozega did report that in a way that would make you believe they were hiring Smith Contracting for that additional task.

Matt Bugland said that Americanism 2017 will be at the Methodist Church Annex, at 7PM on February 21, 2017. He invited anyone who would like to attend.

MAYOR & COUNCIL ANNOUNCEMENTS

Teri Whitesitt stated that she knows a lot of those present here have supported Collin Whitesitt in his Eagle Scout project. She invited the Council and City Staff to his Eagle Ceremony, along with his best friend since 1st, Zack Story, grade who received his Eagle as well, on March 20th, 2017, at 7PM at the Methodist Church Annex.

The Mayor reported he is currently working to find judges for the Science Fair tomorrow - if anyone is interested let him know. The Academic Team is doing fantastic and led the majority of the debate, but did lose on the last question. He also reported that he received a very nice thank you card from Marcia Anderson for the clock the City sent her in gratitude of her donation to the tennis courts.

AGENDA ITEMS FOR NEXT COUNCIL MEETING: 2/28/2017

- FY15/16 Audit Report by Rudd & Co.
- Change Order #2 and #3 with IAC

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. (8:49 P.M.)

Steven B. Hamilton, Mayor

Crystal Turner, City Clerk

FEBRUARY 28th, 2017, The Three Forks City Council met in session in City Hall at 206 Main Street, and was presided over by Mayor Steven B. Hamilton. Mayor Hamilton called the meeting to order at 6:58 P.M. for the SECOND meeting of FEBRUARY 2017.

PRESENT: Council members George Chancellor, Deb Mickelberry, Sharon Smith, Ed Tharp, and Dennis Nelson. City Treasurer Kelly Smith was also present. City Clerk Crystal Turner was absent due to illness. Teri Whitesitt arrived late (7:40) as she was attending the Speech & Debate Awards Ceremony.

The record reflects that 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. Reminder to the public that the meeting was being recorded.

GUESTS: Dane Hancock, Julie Kostelecky, Gloria Howland, Matt Bugland, and Kelly Bugland (at 7:22).

Mayor Hamilton asked if there were any **PUBLIC COMMENTS/CONCERNS** that were not on the agenda. Seeing none, he introduced the Consent Agenda.

CONSENT AGENDA

- p) Approval of Claims paid due to timeliness to reimburse the Three Forks Youth Recreational Task Force in the amount of \$750.00
- q) Approval of Claims per List(s)
- r) Approval of Meeting Minutes from February 14, 2017

The Mayor asked if there were any items the Council or public wished to pull from the consent agenda. No one requested to pull any items.

Councilwoman Smith moved to approve the consent agenda. Councilman Tharp seconded the motion. There was neither public comment nor Council discussion.

Motion Passed Unanimously 5:0.

PUBLIC HEARINGS

There were no public hearings tonight.

REPORT OF OFFICERS

City Treasurer Kelly Smith reported that MMIA had provided the City with an early estimate of 6-9% increase in health insurance costs.

REPORT OF COUNCIL COMMITTEES

There were no committee reports.

UNFINISHED BUSINESS

Wastewater Project

Approval of Change Order #2 with IAC, Inc. in the Amount of \$5,347.89, for an Upgraded Temperature Transmitter Specific for Hazardous Areas, Installation and Wiring of, and Reprogramming the PLC to Incorporate the new Thermostat at its new Location

Mayor Hamilton introduced the change order. He visited with Kelly Smith earlier tonight to ensure these change orders would be covered by WRDA funding. Dennis Nelson said that is why the Council tabled these change orders at the last meeting, to try and determine if WRDA would pay for them.

Councilman Nelson made a motion that we approve the Change Order #2 with IAC in the amount of \$5,347.89 and go ahead with the installation of that. Councilman Tharp seconded the motion. There were no public or Council comments.

Motion Passed Unanimously 5:0.

Approval of Change Order #3 with IAC, Inc. in the Amount of \$14,405.89, to Install a RKI Gas Monitor to Detect Explosive Methane Gas Levels and Toxic Hydrogen Sulfide Conditions, Installation and Wiring of, and Reprogramming the PLC to Detect and Send Alarms

Mayor Hamilton introduced the change order. He echoed that this change order would also be covered by the WRDA grant. This was not a requirement during the City's initial design of the wastewater project, but is a requirement for newly designed wastewater systems.

Councilman Nelson made a motion that we approve Change Order #3 in the amount of \$14,405.89 for the RKI gas monitor and install. Councilwoman Smith seconded the motion. There were no public or Council comments.

Motion Passed Unanimously 5:0.

Dennis Nelson reported to the Council and public that the Water & Sewer Committee met with Great West about two weeks ago, to review the punch

list of items not completed to date. The consensus of those present agreed that they did not believe Smith Contracting would return to complete those items. Dennis spoke with Craig Pozega on the phone today, who informed him that Ryan Pearson and Carrie Gardner would be onsite tomorrow, with our operators, to review items that need adjusted. They will manually turn equipment off and try to get it to alarm and duplicate the issues we seem to come across almost daily, and then reprogram/adjust those by troubleshooting and resetting the system. Great West has not provided Smith with the "7 days notice to complete all punch list items" letter. After tomorrow's test Great West will verify that they have all items accurately documented on the punch list and then send that 7 day notice letter to Smith Contracting.

Dennis reminded the Council that it has scheduled mediation the end of March with Smith Contracting. He, Steve Johnston and Susan Swimley will all go to the mediation meeting(s). Dennis does not want to see the City to have voided warranties of this new equipment when it takes over complete ownership of the system, because it was incorrectly installed. As far as he is concerned, Smith Contracting can move on down the road and the City will not own any faulty equipment. George Chancellor asked if the 5% retainage is enough to cover all the outstanding issues. Dennis believed it would be enough to cover completion of the outstanding items.

Kelly Smith reported that on a positive note, the sampler has been setup and is working well. Randy Johnston told her there were hourly samples taken and ready for him to test.

Water Project

Dennis Nelson reported that he spoke with Joel Pilcher and has also spoken with Steve Johnston. They are prepared to recommend the bid award to Maguire Iron. Steve Johnston and Dennis have a little concern regarding the line item to repair the bottom of the tank. We do not know the condition of the bottom of the tank and Dennis worries that if it is in very poor condition the contractor may need more epoxy than they have budgeted for to repair it. However, Joel Pilcher feels there is adequate room in the budget to allow more repair if needed. Maguire Iron was the lowest bidder at \$141,240.

The Mayor thanked Dennis for his detailed report.

NEW BUSINESS

FY15/16 Audit Report by Rudd & Co.

Julie Kostelecky introduced herself as partner with Rudd & Company, then introduced Dane Hancock who is manager of the City's audit. She thanked the Council for awarding Rudd & Company with another 3-year contract for the next audit year. She reported that the audit is pretty boring this year, which is a good thing. She noted they did not have the full 100+ page audit report before them today since it is still in draft form, but the Council and public do have copies of all the pages Julie plans to highlight tonight. She brought the Council's attention to the Auditor's independent audit report letter. Julie further explained that there are more GASB rules this year: #72, #76 and #82 that the City is required to adhere to this year. In the end the numbers on the audit do not change, but a few additional footnotes are required in the report noting the auditors have reviewed these requirements. Kelly Smith has asked Susan Swimley some advice, per Julie's questions regarding the Fire Relief Association. Pending those responses, or answers received elsewhere, the audit is complete and will be printed for the City.

Julie brought the Council and public's attention to the Management Discussion and Analysis, on pages 5-9. The cost of all governmental activities for fiscal year 2016 went down about \$1,900. The amount taxpayers financed went down about \$30,000 than the previous year, so that is a good thing. The City's overall net position increased about \$130,000. Julie said, "If the City were to shut down and sell all the assets from regular activities (not water and sewer stuff) the City would have about \$2,000,000 to return to the taxpayers. Not that anyone is shutting down anything!" Regarding the water and sewer projects the cost was down about \$124,000, and the net position went up by about \$700,000 because you are spending an awful lot of money on the projects. "You guys are doing very well as a City, you are fiscally responsible," Julie said.

Next, Julie highlighted the Internal Control over Financial Reporting. Basically these are the items that Kelly and Crystal reported they do on a daily basis, and we did not find any problems with the processes. We do have a couple of findings though, which are the same as in previous years. Julie said that she understands the findings regarding the Headwaters Community Fairgrounds will be taken care of starting in fiscal year 2017/2018. She continued, "But we will see these findings on the next audit report Rudd & Company completes for the City - so just one more year. Likewise, for the finding of the Fire Relief Association this one should be fully funded by 2018 and also be removed from our report so the City is about to become very boring when it comes to findings," Julie joked. She closed her presentation by saying that the audit went very well and that Kelly and Crystal provided them with whatever they need very

quickly. All and all things are going quite well for the City of Three Forks. She said that unless the Council has any questions, she requested an approval from the Council with the caveat of the Fire Relief Association GASB reporting.

Councilman Nelson made a motion that we approve the audit draft for Rudd & Company so that they can continue to post their audit figures and with the understanding that there may be one or two lines added to one of the areas within the audit. Councilwoman Smith seconded the motion. There were no public nor Council comments.

Motion Passed Unanimously 5:0.

Julie Kostelecky and Dane Hancock left the meeting.

Discussion and Decision on Precision Concrete Proposal Fix Trip Hazard on Main and 1st Avenue East

Mayor Hamilton explained that Precision Concrete came to Three Forks last summer to do a demonstration on sidewalk lip sawing removal. Kelly Smith added that the demo site was outside of IAC at 123 Main Street and has held up very well. The only issue is that Precision Concrete will not individually bill each homeowner who wants to use their services. If the Council wishes to offer this service to the public, Kelly needs the Council to provide direction to draft a letter saying this is available to the public at a cost of \$42.00 per inch-foot. Precision performed an inventory of Main and 1st Avenue East last year. Staff could send a letter to those inventoried with the cost and directions to pay the City and we will schedule Precision to come out and fix all those who opt in. Precision Concrete would be happy to come back and inventory the rest of the City. Dennis Nelson asked if the inventory was only both sides of Main Street and then one side of 1st Avenue East - were the interior roads from Main Street to 1st Avenue East, like Neal, Ash, Birch, etc.? Kelly Smith was unsure but will check with Precision Concrete. Deb Mickelberry asked if this inventory was only for trip hazards. Kelly replied yes. Deb continued that she noticed First Security Bank's address on the inventory sheet so she walked all around it to find a raised lip trip hazard but could not locate anything other than driving damage into the drive through. Kelly said she would ask for Deb.

Mayor Hamilton said this is substantially less expensive than replacing a whole sidewalk, although there are some noted on the inventory as needing replacement. He asked Sharon Smith, chair of the Streets & Alleys Committee, if this is the direction the Committee wished to continue. Sharon Smith agreed. Mayor Hamilton said that the City will send letters

then to offer this to those with trip hazards. The letter will say they will need to pay the City. The City will schedule Precision Concrete to come and complete the work and the City will pay Precision Concrete.

Kelly Bugland asked for a total for 24 S. Main Street. The total to remove the trip hazards is \$280.00, and Kelly Bugland said you cannot even rent a jackhammer for that cheap to start removal work.

(Teri Whitesitt arrived at 7:40pm.)

Dennis Nelson said once the City sends the letters out we will know if there will be a 25% or 75% participation rate. Kelly Smith said she verified with Precision if they had a minimum participation rate, and they responded no since they are scheduled to work for the City of Bozeman they will just schedule us during that visit. Ed Tharp asked if there was a plan for those that do not participate. Kelly Smith said that was a decision for the Council to make, and asked if they had a plan. Sharon Smith said no, they did not have a plan. Matt Bugland said that the public assumption will be that if they do not participate now, and the ordinance gets updated and finalized, those who did not engage earlier still get the same \$42.00 per inch-foot price. George Chancellor said that if you do not participate now you will not be guaranteed a price. Matt Bugland suggested including the alert in the letter that the ordinance changes are coming. Sharon Smith added that the letter could say, "The Council strongly recommends this is a way to be compliant." Kelly Bugland asked if all others, not just those on Main Street and 1st Avenue East, could be notified and included when Precision Concrete comes. Kelly Smith added that the news could be shared on our website and on our utility bills next month. Mayor Hamilton added this news could be included in the next Lewis & Clark Journal. Teri Whitesitt said that the Belgrade News had a Three Forks section asking for news and information to be included. Kelly Bugland added that the Madisonian newspaper was having a meeting tomorrow to discuss news in Three Forks. Kelly Smith added that Rob Gilmore of the Northern Rocky Mountain Economic Development District had setup the discussion between Three Forks and the owners of the Madisonian to see if it is viable to include Three Forks as its own paper or separate section of the Madisonian.

Councilman Nelson made a motion that we send a letter out to all the property owners on Main Street, and 1st Avenue, both sides of both streets, giving them a breakdown on what their costs are going to be for their property and they can contact the City Office, or whatever wording is, and sending that letter out to the indicated people on this list and go to

work on that. Councilwoman Smith seconded the motion. Mayor Hamilton added that we are doing this via Streets & Alleys Committee, so once the letter is drafted, he and the Streets & Alleys Committee will review it and then it will be sent out. This is a good deal and a good opportunity.
Motion Passed Unanimously 6:0.

PUBLIC COMMENTS/CONCERNS

There were no public comments.

MAYOR & COUNCIL ANNOUNCEMENTS

Dennis Nelson hauled the containment canister to Circle S Seeds and will work on it there tomorrow night to get that installed.

Mayor Hamilton reported the Regional Science Fair was last night in Butte, and the kids did a great job. It is fun for 7th graders to come home with awards. He also said he did have a letter received today, which was unsigned and did not have a return address. Kelly Smith said that the anonymous letter included the cut-out from the Belgrade News that Teri Whitesitt mentioned earlier - asking for information about Three Forks' happenings. Kelly added that the Belgrade News receives the packet the same as the Council prior to each Council meeting. It includes the minutes of the last meeting, and the agenda for the upcoming meeting along with all the applicable documentation. Crystal Turner has sent Michael Tucker specific information on topics aside from those emailed in the packet. Teri added that perhaps the public needs to send Michael Tucker a letter asking for the minutes to be published or updates from him what happens at City Council meetings. Dennis Nelson rebutted that perhaps the public needs to attend a Council meeting and learn what is happening themselves. Mayor Hamilton said that in his opinion the freedom of speech comes with the responsibility to sign your work.

AGENDA ITEMS FOR NEXT COUNCIL MEETING: 3/14/2017

- Award of Steel Tank bid portion of Water Project

ADJOURNMENT

Mayor Hamilton asked for a motion to adjourn. Councilman Nelson "so moved." The rest of the Council seconded the motion in unison. There was no public comment.

Motion Passed Unanimously. (8:10 P.M.)

Matt Bugland thanked the Council for their hard work, as he understands it is a thankless job.

Steven B. Hamilton, Mayor

Crystal Turner, City Clerk

MARCH 14th, 2017, The Three Forks City Council met in session in 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 MARCH 2017.

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

The record reflects that 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. Reminder to the public that the meeting was being recorded.

GUESTS: Gloria Howland, Asst. Fire Chief John (Dave) Whitesitt

Mayor Hamilton asked if there were any **PUBLIC COMMENTS/CONCERNS** that were not on the agenda. Seeing none, he read an email from Stan Kauffman regarding a 20-year anniversary of Ed Bellach who lost his life trying to save Jim Schweitering who had fallen through thin ice in one of the Three Forks ponds. Mr. Kauffman has requested that our flags be at half staff during this week, which the flags cannot accommodate on our City Hall

building. He will speak with Mr. Kauffman and try to figure out some way to honor Mr. Bellach.

CONSENT AGENDA

- s) Approval of Claims paid due to timeliness to mail Utility Bills in the Amount of \$175.21
- t) Approval of Claims per List(s)
- u) Approval of Meeting Minutes from February 27, 2017

The Mayor asked if there were any items the Council or public wished to pull from the consent agenda. No one requested to pull any items.

Councilman Chancellor moved to approve the consent agenda. Councilman Tharp seconded the motion. There was neither public comment nor Council discussion.

Motion Passed Unanimously.

PUBLIC HEARINGS

There were no public hearings tonight.

REPORT OF OFFICERS

City Treasurer Kelly Smith reported there is a new GASB standard, GASB 73, which requires an actuarial study to be performed every two years for the Fire Relief Association, since it is not setup as a trust. This means Three Forks will need to complete another actuarial study, to be calculated as of June 30, 2017.

Kelly also reported that there is HB473 which is an \$0.08 gas tax which, if passed, would increase Three Forks' gas tax revenue by roughly \$65,000. Dennis Nelson asked if the bill required any "ear marks" for that money to be used on specifically. Kelly replied that she did not know anything other than gas tax money has to be used for street improvement and maintenance.

City Clerk Crystal Turner thanked the Council and Mayor for excusing her from the last meeting. She also reported that she has been working with Susan Swimley on MMIA policy and statutory requirement updates to our job descriptions, employment application, volunteer fire fighter application, personnel policy changes regarding carrying a weapon in a public place, our drug/alcohol testing policy, FMLA, etc. The personnel policy changes

will be before the Council on April 11, 2017 for input and decision to agree to MMIA's recommendations or not.

City Attorney Susan Swimley added to the MMIA document updates discussion, noting changes to the FMLA and weapons in the workplace parts of the Personnel Policy would be policy decisions at the Council level. Susan disagrees with MMIA's finding that the City cannot allow any weapons, concealed or not, in a government building. She is working with Angela Simonson at MMIA to review the attorney opinions and state statutes they are relying on for both the weapons and FMLA requirements.

Susan has also been working with the Sheriff Department to prepare for chicken violations and dog-at-large violations.

REPORT OF COUNCIL COMMITTEES

Budget Committee - Dennis Nelson reported they will meet with Sheriff Gootkin regarding law enforcement discussion this Thursday at 4PM.

Returning back to **REPORT OF OFFICERS** to hear Asst. Fire Chief Whitesitt's quarterly report. Mr. Whitesitt said because of training held in December he changed the report last time so the Council could hear mid-month call numbers, and has since returned to the old way of reporting. So reports will continue to be one month behind so that they are complete monthly reports. A recap of December's calls: 5 motor vehicle accidents, 3 structure fires (2 out of district in Manhattan), 1 explosion, 1 electrical wire down, and 1 person falling call. December calls totaled 22 hours and 45 minutes of volunteer man hours. January had 1 alarm at the school which turned out, fortunately, to be a false alarm. There were also 4 motor vehicle accidents, 1 structure fire which turned out to be a false alarm, and 1 outside fire which was people burning Christmas trees, and 2 calls for gas leaks. January calls totaled 18 man hours. February had the following calls: 4 motor vehicle accidents, 1 breathing problem, 1 vehicle fire, 1 service call to help someone install a smoke alarm, and 1 electrical hazard. February calls totaled 18 hours and 15 minutes. March will be reported at the next quarterly report so that we have all March calls.

Mr. Whitesitt also reported that tonight the Department also has training. Two are new recruits, one of which has not been approved yet by the Council.

Mayor Hamilton shared that he received a letter from ISO that with the Fire Department's help and Public Works staff, we have received an updated rating. The lower the number the better, so effective June 1st Three Forks will go from a #6 to a #5. Mayor Hamilton thanked the Fire Department for their efforts in that ISO audit.

Dennis Nelson added to the ISO discussion that he has not reviewed the report in full detail yet, but upon discussion with Kelly Smith they are aware that there are some opportunities the City could incorporate which would help the City reduce the overall rating even further. He will talk to Chief Aune about those ideas.

The agenda was revised to hear **NEW BUSINESS** while Asst. Fire Chief Whitesitt was present at the meeting.

Decision to Appoint Lucas Ralston to the position of Probationary Firefighter, pending successful completion of the background investigation.

Mayor Hamilton reported on the letter from Chief Aune which recommends Lucas Ralston to be appointed as a probationary fire fighter.

Councilman Nelson made a motion to approve the hiring of Lucas Ralston as a probationary fire fighter until he completes his training. Councilwoman Whitesitt seconded the motion (along with others simultaneously). There were no public or Council comments.

Motion Passed Unanimously.

UNFINISHED BUSINESS

Wastewater Project

TSEP Draw #14 (is actually Draw #16 but was sent to the Clerks by Great West Engineering incorrectly as #14) **in the amount of \$2,692.50, SRF Draw #24 in the amount of \$9,461.00, and WRDA Draw #7 in the amount of \$20,586.03 for a grand total of \$32,739.53**

Mayor Hamilton introduced the draw.

Councilwoman Whitesitt moved to allow the Mayor to sign off of the TSEP draw #14 in the amount of \$2,692.50, SRF Draw #24 in the amount of \$9,461.00, and WRDA Draw #7 in the amount of \$20,586.03 for a grand total of \$32,739.53. Councilman Tharp seconded the motion. There were no public or Council comments.

Motion Passed Unanimously.

Water Project

Award of Steel Tank bid

Mayor Hamilton read the Great West recommendation of awarding the bid to Maguire Iron, Inc. in the amount of \$141,240.00. Kelly Smith added that on the clerks email ListServe, one clerk inquired last week about tank diving and cleaning companies. The Town of Judith Gap and the Town of Moore both use Maguire Iron for their water tower maintenance and gave high recommendations to them for pricing and quality of work. Sharon Smith thanked Kelly for that report. Dennis Nelson added that the Water & Sewer Committee and Steve Johnston had some reservations previously about a couple line items, but after speaking with Joel Pilcher and Craig Pozega his and Steve Johnston's reservations have been relieved.

Councilman Nelson made a motion that we award the bid for \$141,240 to redo the steel tank to Maguire Iron. Councilwoman Smith seconded the motion. There were no public or Council comments.

Motion Passed Unanimously.

Crystal Turner remembered one item she had forgotten to report during her Officer Report: Ann Cole provided an update on her attendance at the Northern Rocky Mountain Economic Development District (NRMEDD) meeting, which was held last week. Ann highlighted in an email discussion on the data center which NRMEDD is trying to have come to this part of the County. There is a new offshoot called the Friends of Gallatin & Park Counties that will raise funds as a nonprofit to fund the recruitment efforts of the NRMEDD. Last, NRMEDD is working with Madison County to strengthen the presence of the Chamber in that area, by putting together after hours get-togethers, help with a grant for their website, funding their visitor center, and a study for affordable housing.

Mayor Hamilton asked about the meeting with the Madisonian, and if that was in conjunction with NRMEDD. Crystal said yes, Kelly had reported on the update of that meeting at the 2/28/17 meeting. Kelly added that other news is that Chris Gray has offered to come to Three Forks to offer legal services to the general public as part of the NRMEDD outreach.

PUBLIC COMMENTS/CONCERNS

There were no public comments.

MAYOR & COUNCIL ANNOUNCEMENTS

Dennis Nelson asked if the City would experience any costs for the special election of Rep. Zinke's seat. Kelly and Crystal both stated no since the election would be held at the County level.

Mayor Hamilton repeated his earlier reports on the ISO rating and the email from Mr. Kauffman. He also reported that the Three Forks' middle school Academic Olympics teams competed in Bozeman today. Out of 51 teams, two Three Forks teams ended up competing against each other even, and finished with 7th, 8th and 9th places overall.

Mayor Hamilton will be at State Science Fair on March 28, 2017, and should be back in time for the meeting but asked Ed Tharp (as Council Chairman) to be ready to chair the meeting in the event he cannot attend.

AGENDA ITEMS FOR NEXT COUNCIL MEETING: 3/28/2017

- Public Hearing and Decision on the Approval of the Preliminary Planned Unit Development (PUD) Application by Folkvord Investments, LLC to create Folkvord Subdivision (129 E. Front Street)
- Public Hearing and Decision on the Approval of an Application by BBG Contractors to Change Zoning Designation at 27 Railway Street, from General Industrial (GI) Transitional to Central Business District (CBD)

Kelly Smith said that the Council can pick up the application binder submittal for the PUD after Thursday the 16th's Zoning & Planning meeting. This is a large application and a lot of reading for each Council member so she wanted to be able to provide it to them early so they had more time to review it.

Susan Swimley asked if the City would add to the March 28th agenda "Decision on Settlement of Mediation with Smith Contracting". It may not be agreed upon after the mediation meeting on March 27th, but it would be nice to be able to offer it in the event things do get settled at the meeting on the 27th and have it approved/signed by the Council the next day.

ADJOURNMENT

Mayor Hamilton asked for a motion to adjourn. Councilman Chancellor "so moved." Councilwoman Mickelberry seconded the motion in unison. There was no public comment.

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

Steven B. Hamilton, Mayor

Crystal Turner, City Clerk

MARCH 28th, 2017, The Three Forks City Council met in session in 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 MARCH 2017.

PRESENT: Council members George Chancellor, Deb Mickelberry, Teri Whitesitt, Sharon Smith, Ed Tharp, and Dennis Nelson. City Treasurer Kelly Smith and City Clerk Crystal Turner were also present.

The record reflects that 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. Reminder to the public that the meeting was being recorded. The Mayor reminded the public of the "Policy and Conduct at Public Meetings," highlighted on the back of every agenda.

GUESTS: Jared Brown, Gloria Howland, and Matt Bugland.

Mayor Hamilton asked if there were any **PUBLIC COMMENTS/CONCERNS** that were not on the agenda. Seeing none, he introduced the Consent Agenda.

CONSENT AGENDA

- v) Approval of Claims per List(s)
- w) Approval of Meeting Minutes from March 14, 2017
- x) Approval of Zoning & Planning Minutes from January 19, 2017

- y) Approval of Maintenance Agreement for one year with Copier Doctors for the Canon Image Runner in City Hall for \$506.00

The Mayor asked if there were any items the Council or public wished to pull from the consent agenda. Teri Whitesitt noted she saw the City exceeded the number of copies in last year's copier service agreement, and questioned the amount per copy. Dennis Nelson replied that the additional copies are about 1.5 cents each. Crystal Turner added that the next step increase would exceed the overage paid, so it seemed the better option to remain at the lower copy amount and just pay any overage since we would not exceed 10,000 copies in a year.

Councilwoman Smith moved to approve the consent agenda. Councilwoman Whitesitt seconded the motion. There was neither public comment nor Council discussion.

Motion Passed Unanimously.

PUBLIC HEARINGS

There were no public hearings.

REPORT OF OFFICERS

City Treasurer Kelly Smith reported the City received MMIA's board preliminary decision of 3.9% increase on health insurance premiums; there will be no dental and vision increases.

Kelly also reported that three years ago issued the City issued its first chicken permit. Today we have a total of fourteen permits of the fifteen allowed. Teri Whitesitt asked how many are currently in compliance. Kelly replied that all are currently in compliance. George Chancellor asked what kind of complaints the City has received. Kelly said that there has been a total of four tickets - two were dismissed, and one who paid a fine for having chickens without a permit and one paid a fine for exceeding the number of allowed chickens.

City Clerk Crystal Turner reported for Sharon South, member of the public, who complained that requiring dogs to be licensed was unfair, and that cats should also be required. She continued that cats defecate in yards and gardens and no one ever comes to clean up your yard from that, yet a dog owner can be ticketed for leaving feces. Ms. South said that cats carry rabies too and attack other animals, so should also require licensing.

Crystal also reported that the Elected Officials training held in Billings annually, has opened registration and an agenda is available if any Council members are interested.

Also, Gaston Engineering sent Crystal the draft TA Grant Application last Thursday. She reviewed and made comments last Friday. Gaston made the changes and submitted the application today. MDT has already accepted the application and asked that if the State's budget could not cover the State match for the "on-system" (in the State's right-of-way) traffic calming light portion of the application, would the City match that instead? The match would be \$10,672. There was much discussion regarding if this match would be in FY2016/2017 or FY2017/2018. Kelly Smith informed the Council that the work would not begin until FY2017/2018 if granted. It was agreed upon by all Council members to cover this match from the Street Capital Improvement Funds. Crystal also reported that the City is in receipt of Gaston Engineering's first invoice for preparing the TA Grant (work performed through 3/5/2017), in the amount of \$650. Wendell Ewan suggested paying it partially out of SIDs and partially out of Trails. The Council agreed to this suggestion.

Lastly, Crystal reported on website analytics: the new website has an average of 38 hits per day, with most people viewing more than one page (average of 65 page views/day). As expected, the majority of those "hits" are on the "Home" page, but "Attractions & Things To Do," "Forms," "Zoning," and the "Mayor & City Council" pages see the most traffic. Of all our site visits, 67% are from a desktop and 33% are from mobile devices. Kelly added that she felt the website has been a good investment.

Kelly Smith added that Spring Cleanup has been scheduled for May 6th, 2017. Crystal has updated the City website, and both she and Crystal shared the website news via their personal Facebook accounts.

REPORT OF COUNCIL COMMITTEES

There were no Council Committees to report.

UNFINISHED BUSINESS

Wastewater Project

a) Possible settlement agreement with Smith Contracting

Councilman Nelson reported that there was no agreement reached yet and mediation will continue. He complimented the mediator Tracy Axelberg and felt he handled everything very well. Mr. Nelson added that Mr. Axelberg hoped for an offer from Smith Contracting later this week. Mr. Nelson reported that many items on the punch list were completed today as well.

Water Project

Dennis Nelson reported that DN Tanks mobilized yesterday, and started preparing to seal the concrete tank. It will take about a month to seal and allow it to cure. Then the concrete tank can be filled and the City can switch over to draw water from that tank instead of the steel tank. After that Maguire Iron will come in, probably early June, to start work on the steel tank.

NEW BUSINESS

Public Hearing and Decision on the Approval of the Preliminary Planned Unit Development (PUD) Application by Folkvord Investments, LLC to create Folkvord Subdivision. This is located at Block 3, Lot 2, Headwaters Addition (129 E. Front) and would allow 10 lots and townhomes

Mayor Hamilton introduced the item and reminded all present we will follow the hearing protocol of: Staff Report, Applicant Presentation, Public Comment, Rebuttal, and Board Discussion/Decision.

Councilman Chancellor, chairman of the Zoning & Planning board, reviewed the Staff Report and highlighted the conclusion on page 6 of the staff report including the eight conditions. Mr. Chancellor also read supplemental information, dated March 28, 2017, of seven items to be addressed prior to final plat submittal:

1. Section 3 of Preliminary Plat Application: We will need an updated Title report as the one we have is over 90 days old (dated 5/11/16).
2. Section 4: Letter from Gallatin County Weed Department, John Ansley "To obtain final plat, the landowner must provide proof that the Weed Plan was implemented. If noxious weed control has not occurred, Final Plat will be delayed or denied"
3. On the "Final Plat", and other plan drawings, and Section 7: it states in the Legend "Public Street and Utility Easement" as all the roadways in this subdivision, and "public roads" in the application. This roadway is not "Public" owned, it is on private property. It will not be maintained by the City, but by the HOA.
4. Section 14, Article 8, Section 8, on page 8: "Decks, Patios, and Sheds. No decks, patios, sheds or similar construction shall be allowed in the front or side yard. Decks, patio, sheds, and similar

construction may be allowed in the rear yard with prior written approval of Board, and subject to Section 1 and 6 of this Article."

The Rear Yard is only 10 feet, and the City setbacks are 10 feet, therefore it needs to be clear to purchasers that they will not have an area to build any structures on these lots. Only type of outside improvements would be concrete slab or pavers for a patio.

5. Proof of all State and Federal Permits were received.
6. All roadways need to be signed as One Way.
7. Upon or prior to final plat approval, must have DEQ approval or prove it is not needed.

Mr. Chancellor also noted he flagged a few items in his copy of the application. He felt that vehicles in the shared parking stalls should have a time limit; the notice of all HOA meetings should include an agenda; and he would like to see two signatures required for all checks written by the HOA.

Jared Brown, on behalf of Folkvord Investments, LLC, replied that all the points Mr. Chancellor mentioned have been accepted by the applicant except for the suggestion of two signatures needed on checks. The applicant has greatly reduced the one-party signature allowance from a \$3,000 limit to \$250.

Dennis Nelson stated that he had a few of those same items flagged in his binder after reviewing the application.

Jared Brown questioned the item on the supplemental page: Article VIII, Section 8 regarding decks, patios or sheds - what defines a patio? George Chancellor believed a patio could be installed, the Zoning & Planning Board meant structures mostly are not allowed in the 10-foot setback. It is not defined in the covenants. Does "patio" need defined and agreed upon by the Council now so that when it gets changed in the covenants it still is properly addressed and not majorly different at Final Plat application. Concrete sidewalks would be allowed, and quite possibly required if a resident was in a wheelchair. The word "patio" will be removed from this section. Structures are not allowed because the buildings are already at the maximum of the setback allowance. The Council and Mr. Brown agreed to strike the word "patio" from the covenants.

Next, Mr. Brown questioned fences - would they be allowed? The Council agreed fences are allowed.

Dennis Nelson asked about the one-way street and if it would have signage stating it was one-way. Mr. Brown said yes, the sign will say "Do not Enter - one way".

Councilman Chancellor made a motion to approve the preliminary plat application and supplemental information. Councilwoman Smith seconded the motion. Dennis Nelson asked that Mr. Chancellor address the specific number of conditions and supplemental information in his motion. Councilman Chancellor said, "As well as the additional conditions from the conclusion of the zoning meeting's notes that includes eight items, and the items from the supplemental information." Mayor Hamilton asked if Councilwoman Smith agreed to those changes. Councilwoman Smith agreed to include this amendment in her second of the motion. There was no public comment.

Motion Passed 5:0, Deb Mickelberry abstained due to an interest in the application.

Public Hearing and Decision on the Approval of an Application by BBG Contractors to change zoning designation at Block 3, Lot 3C, Headwaters Addition (28 Railway) from General Industrial Transitional Zoning District to Central Business District

Mayor Hamilton introduced the item and reminded all present we will follow the protocol of: Staff Report, Applicant Presentation, Public Comment, Rebuttal, and Board Discussion/Decision.

Councilman Chancellor, chairman of the Zoning & Planning board, reviewed the Staff Report and highlighted the conclusion.

Jared Brown, applicant, did not have a presentation.

There was no public comment.

Councilman Nelson moved that we approve the request to amend the zoning of the Block 3, Lot 3C from General Industrial Transitional to CBD as specified in the zoning and planning report. Councilman Chancellor seconded the motion. There were no public nor Council comments.

Motion Passed Unanimously.

PUBLIC COMMENTS/CONCERNS

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

MAYOR & COUNCIL ANNOUNCEMENTS

Budget Committee - Dennis Nelson said they will setup a meeting after the 1st of April to review the past nine months. He also requested that all departments submit preliminary budgets no later than the first of June. Mayor Hamilton asked Kelly Smith to inform the department head's of the Budget Committee's request.

Mayor Hamilton reported they were at State Science Fair yesterday and today. 1st and 3rd places out of the entire state were taken by Three Forks' students. Also present at the State Science Fair were the Montana Space Grant Consortium and three students were selected as grand scholars and get to compete further.

Mayor Hamilton will be out of town April 5th.

AGENDA ITEMS FOR NEXT COUNCIL MEETING: 4/11/2017

- Personnel Policy Changes
- Board Appointment to the Board of Adjustment

ADJOURNMENT

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

Motion Passed Unanimously. (7:55 P.M.)

Steven B. Hamilton, Mayor

Crystal Turner, City Clerk

APRIL 11th, 2017, The Three Forks City Council met in session in City Hall at 206 Main Street, and was presided over by Mayor Steven B. Hamilton. Mayor Hamilton called the meeting to order at 7:01 P.M. for the FIRST meeting of APRIL 2017.

PRESENT: Council members George Chancellor, Deb Mickelberry, Teri Whitesitt, Sharon Smith, Ed Tharp, and Dennis Nelson. City Treasurer Kelly Smith and City Clerk Crystal Turner were also present.

The record reflects that 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. Reminder to the public that the meeting was being recorded.

GUESTS: Gloria Howland

Mayor Hamilton asked if there were any **PUBLIC COMMENTS/CONCERNS** that were not on the agenda. Seeing none, he introduced the Consent Agenda.

CONSENT AGENDA

- z) Approval of Claim paid due to timeliness to mail Utility Bills in the Amount of \$159.17
- aa) Approval of Claims per List(s)
- bb) Approval of Meeting Minutes from March 28, 2017
- cc) Approval of the Retention Agreement for the Actuarial Study for the Fire Relief Pension Fund in the Amount up to \$2,000
- dd) Approval of Pledged Securities Report through 3/31/2017

Councilwoman Whitesitt moved that we approve the consent agenda.

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

Motion Passed Unanimously.

PUBLIC HEARINGS

There were no scheduled public hearings.

REPORT OF OFFICERS

City Treasurer Kelly Smith reported that the Montana League of Cities and Towns has a vacancy on its board. All Council members are eligible if anyone wished to apply for this board vacancy.

City Clerk Crystal Turner reported that the City sent letters to all those property owners inventories on Main Street and 1st Avenue East for trip

hazards. Precision Concrete had performed the inventory and we drafted a letter informing each owner that if they wish to participate to let the City know by April 21, 2017. The letter included the cost and the inventory specifications for each trip hazard.

REPORT OF COUNCIL COMMITTEES

Ordinance Committee - Teri Whitesitt spoke with Susan Swimley who assured her she would resurrect the "Parking/living in campers" ordinance.

Budget Committee - Dennis Nelson reported he looked over the preliminary numbers through Quarter 3 and is very pleased (albeit we have not paid the Quarter 3 payment to the Sheriff yet, but it is always \$75,000). Dennis thanked all the departments for keeping within budget.

UNFINISHED BUSINESS

Wastewater Project

a) SRF Draw #25 in the Amount of \$84,970, TSEP Draw #17 in the Amount of \$566.10, and WRDA Draw #8 in the Amount of \$41.50

Mayor Hamilton introduced the draws.

Councilwoman Smith moved to approve your signature on all those documents. Councilwoman Mickelberry seconded the motion. There was no public comment. Kelly Smith explained that roughly \$80,000 has been charged as Unscheduled Employment of the Engineer (UEE) which will be withheld from Smith Contracting's final payment. She added that overall UEE has totaled \$150,000. Dennis Nelson added that the City met at the Wastewater site last week and the Makeup Air Unit (MAU) is still not working. The guys will be working with the manufacturer but they have no idea when it will be repaired and fully functional.

Motion Passed Unanimously.

Water Project

There were no items for decision on the Water Project. Dennis Nelson explained that there was miscommunication today for a water project meeting with Joel Pilcher, so the meeting has been rescheduled for tomorrow, April 12th, at 3PM. He also reported regarding DN Tank's work to date, the floor will require sandblasting but the sealant on the walls has tested well and will not require sandblasting. McGuire Iron is ready to start, once we finalize the contracts at tomorrow's meeting with Joel Pilcher. They cannot start until the cure is complete on the sealant inside the tank.

NEW BUSINESS

Discussion and Decision on the Personnel Policy Updates per MMIA's Recommendations and State Requirements

Crystal Turner detailed all the changes to the Personnel Policy based on MMIA's review (see packet for full explanation). There are several already accepted without consent by the Council as they were politically correct and legally referred to statements to the general employment application and the volunteer fire fighters application. Those are:

- Changed application from:
 - "Are you a US Citizen?" to "Are you legally authorized to work in the US?"
 - "Have you been charged with a crime?" to "Have you been convicted of a crime? If yes, please explain (and a disclaimer that all convictions will not necessarily bar an application from employment)."
 - Removed High School dates - this reveals age.
 - Removed Military Service section - Military status is a protected class.
 - Added an Employment Preference Questionnaire to the application for those who have protected class/status.
- Changed Volunteer Firefighter application from, "Are you a US Citizen" to "Are you legally authorized to work in the US?"
- Removed sexual harassment questions from the Volunteer Firefighter Interview Question sheet.
- All job descriptions were updated and now also include Physical Requirements.

In the Personnel Policy, Crystal also explained that the following edits have been accepted in the draft before the Council tonight as they are minor:

- Changed Discipline section from "...suspended pending investigation..." to "...placed on Administrative Leave (with or without pay)..."
- Changed Personnel Files section from "...will be obtained from the employee..." as most items in an employee file are not submitted by the employee him/herself but by a class/school certification, supervisors, etc...
- Added the bold/italicized portion of this sentence to the Resignation/Termination section, "...15 calendar days or next payday. ***Outstanding items will be deducted.***"

- Edited the accrual days of the Annual Leave section to align with MCA.
- Edited the Sick Leave section from, "...shall furnish a diagnosis of sickness..." to, "...may be asked to furnish a medical certification."
- Updated the Military Leave section to match MCA language.
- Added that a new section which will require all current employees (including elected officials), and all new employees will be required to be given Harassment Prevention training. We will implement a program and start training soon.
- Edited throughout the document where it only said "days" these were changed to "calendar days."

The items that have not been accepted prior to the Council's review are policy decisions regarding Alcohol Free Workplace, Weapons and Firearms, and FMLA (please refer to Susan Swimley's memo to the Council). Regarding FMLA as a government employer the City is required to offer FMLA leave. However, you must have 50 or more employees in order for employees to be eligible. We can leave the language as is and the Susan can draft an exemption letter to be hung on the employee information bulletin board stating that the City employees do not qualify. Or Susan has also offered alternate language if the Council would like to implement a Three Forks Medical Leave Benefit. The Council took a moment to read the memo from Susan Swimley.

Kelly and Crystal explained to the Council that it would be difficult to leave even one full-time position open if an employee took long-term leave. All staff are very specialized: the Public Works employees are specially trained, the Librarian is certified, the Treasurer is highly trained, the Clerk is proficient in governmental policies. It would be difficult to work with one less employee in any of these departments for any period of time and so temporary employees would have to be hired. Specifically in the Public Works department this may be extremely difficult to find a water operator certified by the State of Montana for a temporary job. A medical leave policy does not require the same position be available, but it does promise a position when the employee returns to work. Without a large pool of positions available to begin with, it would be hard to promise a position to the employee upon returning to work. Kelly and Crystal recommended the Council just omit a medical leave policy, citing that financially the City would have difficulties paying a temporary employee and paying sick/vacation leave, and other financial burdens.

Mayor Hamilton told the Council that he respected Crystal and Kelly's opinions because they are also employees who may benefit from such a policy and here they are recommending to the Council that financially it would be too much of a burden for the City.

Next Crystal explained that MMIA has informed the City that allowing weapons, even permitted one, in the workplace is illegal. Susan Swimley disagreed and has spoke with the Human Resource Specialist and the CEO of MMIA to argue that the City buildings are not federal buildings so federal law does not apply. She also argued to MMIA that the City ordinances do not forbid weapons from City buildings. Mrs. Swimley came to understand that MMIA's concern is more from an insurance standpoint and that if an administration position which is not normally required to carry a weapon, but when/if that employee feels the need to draw a weapon what type of training has that employee had to be the safest? It comes down to a liability. The Council discussed that they will accept the recommendation of MMIA to remove the language regarding allowing employees to carry weapons.

Last, Crystal spoke on the Alcohol- and Drug-free workplace. There are many other cities/towns how test for pre-employment, random, post-accident and suspicious behavior. Crystal has been communicating with the Town of Manhattan, as their City Attorney is well respected by our City Attorney. Manhattan's attorney drafted a detailed policy which includes all aspects of alcohol/drug testing. Crystal also reported that she believed Manhattan's policy includes specifics for each job description - although upon reading through emails during the Council's discussions she corrected that the City of Billings is the policy she read that breaks alcohol/drug testing down to job description.

Teri Whitesitt said that she was concerned about removing this section of the policy. Knowing how easily one can be affected by drugs and the liability it may entail for the City to help an employee, she was not in favor of removing this section. Mayor Hamilton asked Crystal to find out how much Manhattan budgets annually for its testing.

Councilman Chancellor made a motion to delete the weapons and firearms section from the Three Forks Personnel Policy manual, and delete the Three Forks Medical Leave policy [FMLA], and we may accept all the changes in the hiring policy with the exception of the drug and alcohol-free workplace, and all changes to the applications and other documents.

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

Motion Passed Unanimously.

Discussion Regarding Opening Negotiations for Law Enforcement Contract with Gallatin County

Mayor Hamilton stated that prior to moving forward with this discussion, the Council would first need to decide if it wishes to continue having Gallatin County provide law enforcement.

Councilman Chancellor made a motion to continue dealing with the Gallatin County Sheriff Office for Three Forks law enforcement. Councilman Nelson seconded it. Crystal Turner questioned a motion since this is not an agenda item for decision. Mayor Hamilton said that he does not believe it needs to be a motion but that if the Council did not wish to continue, this would be a moot point to continue the next discussion. The Council agreed it wished to continue with the Gallatin County Sheriff. George Chancellor removed his motion and Dennis Nelson removed his second.

Dennis said that he, Ed Tharp, George Chancellor, Kelly Smith, Crystal Turner, Steven Hamilton, Sheriff Brian Gootkin and County Finance Director Ed Blackman met mid-March to review the Sheriff's budget and their proposal to possibly open up the contract. Sheriff Gootkin seemed open to a 5-year contract. He indicated that renegotiating next year would take a less hit financially if started now. Dennis is not so sure about that. We started originally at \$300,000 because that is what they said it would cost. If you review the past couple years', the budget did not exceed \$300,000 year. Dennis wants input from all Council members, asked them to review the handout from the County with their proposed next fiscal year budget. He encouraged all Council members to ask Kelly and Crystal any questions they may have. Steven Hamilton believed there is some play in the County's presented numbers. The County originally tossed out they would cover 10% of the increase. The Mayor asked what prompted the 10% and Dennis replied Ed Blackman reported it was just an arbitrary number. (Get Kelly's percentages). Dennis would like to have another budget committee meeting about this - any comments please leave them with Crystal or Kelly.

PUBLIC COMMENTS/CONCERNS

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

MAYOR & COUNCIL ANNOUNCEMENTS

There were no Council announcements.

Mayor Hamilton wished everyone a Happy Easter. He also spoke with Jamie Kirby, at DNRC's Urban Forestry Program, who informed him that the City's application to be a Tree City USA was granted! They plan to do a public award, possibly on Arbor Day. He plans to replace the two trees that were cut down in Sacajawea Park.

AGENDA ITEMS FOR NEXT COUNCIL MEETING: 4/25/2017

- Board Appointment to the Board of Adjustments
- Chip Seal Award
- Decision to open GCSO Law Enforcement Negotiations
- Drug/Alcohol-Free Workplace decision

Deb Mickelberry will not be able to attend the next Council meeting.

ADJOURNMENT

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

Motion Passed Unanimously. (8:20 P.M.)

Steven B. Hamilton, Mayor

Crystal Turner, City Clerk

APRIL 25th, 2017, The Three Forks City Council met in session in 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 2017.

PRESENT: Council members George Chancellor, Teri Whitesitt, Sharon Smith, Ed Tharp, and Dennis Nelson. Deb Mickelberry was excused. City Treasurer Kelly Smith and City Clerk Crystal Turner were also present.

The record reflects that 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. Reminder to the public that the meeting was being recorded. The Mayor also asked the public present to remind themselves of the meeting policies, which are available on the back of the agenda.

GUESTS: Matt and Kelly Bugland, and Daryl Sather.

Mayor Hamilton asked if there were any **PUBLIC COMMENTS/CONCERNS** that were not on the agenda.

Kelly Cooper Bugland thanked the city for removing her sidewalks today, and they will be replacing them next week.

CONSENT AGENDA

- ee) Approval of Claim paid due to timeliness to mail Utility Bills in the Amount of \$117.00
- ff) Approval of Claims per List(s)
- gg) Approval of Meeting Minutes from April 11, 2017
- hh) Approval of a 5-year Payment Agreement for Impact Fees between Ed Nave, Headwaters Area Food Bank and the City of three Forks

Councilwoman Smith motioned to approve the consent agenda. Councilwoman Whitesitt seconded the motion. There was no public comment.

Motion Passed Unanimously.

PUBLIC HEARINGS

There were no scheduled public hearings.

REPORT OF OFFICERS

City Treasurer Kelly Smith reported that there are fifteen chicken permits issued. There are two on a waiting list, and we have had several inquiries for more permits. She reported this to the Council in the event they wished to consider increasing the total number of permits.

Kelly also said that there is a meeting scheduled with the Ordinance Committee, in which Ralph Johnson had relayed to Kelly to ask the Council to review "man camp" style trailers and address them in zoning. She explained that there were two conditional use permit applications received in which this type of trailer would be the residence and several public came in to voice oppositions. She showed the Council a picture of the trailer and said that they look nice, and the city has no reason to believe they were built to any other standards than traditional modular building codes. Teri Whitesitt asked if there were any concerns or opposition in writing. Kelly replied there were not. She continued that these particular trailers are 2014 trailers that are 16-feet wide by 76-feet long, they just happen to be from a "man camp". Dennis Nelson asked if these trailers would meet the existing ordinance requirements regarding trailer house or mobile homes. Kelly said she does not have enough information at this time as to how they were built. George Chancellor asked where the trailers would go. Kelly replied on vacant city lots, assuming they met zoning setbacks and could prove they adhered to building conformity of the mobile home definition. George asked if the word "man camp" was not used, would these be no different than any other trailer. Kelly repeated that she did not have enough information at this time to answer that. She continued that Ralph Johnson asked her to relay that the Council consider if they wish to define this type of trailer as they do not have enough information right now to define if it meets building requirements. Other communities have amended zoning to disallow "man camp" style trailers. Teri Whitesitt asked if there were any specs on existing mobile homes on city lots now. Kelly said that in our ordinance it defines what one has to do to bring in a mobile home. Dennis Nelson stated they would be grandfathered in. Crystal Turner said that if a mobile home was brought in after zoning was enacted though, the City would have specs on those as they would have had to apply for a zoning permit.

Kelly Bugland explained that when she applied for her zoning permit for their [mobile] home, she included a floor plan. Upon research she has done on "man camp" style trailers, many have two or three kitchens, multiple entrance doors, very small bedrooms. Matt Bugland added that people question if one is bringing in a "single family residence" or "multi-family/multi-use". Kelly Smith added that our ordinance reads that mobile homes need to be single family. Daryl Sather encouraged the Council to look at the structure and ensure it meets fire codes, which are state laws. Kelly Smith said that the ordinance could require that a floor plan is submitted with the zoning permit application. Mr. Sather continued that an applicant could still partition off the inside of the residence, and then may not be adhering to the state electrical, and

subsequently state fire, codes. Mayor Hamilton echoed that a floor plan being submitted with the zoning permit would suffice and go a long way towards alleviating these concerns and answering some questions. The Ordinance Committee will look into this further.

City Clerk Crystal Turner reported that she has been in discussions with Susan Swimley and Angela Simonson at MMIA regarding implementation of a Drug/Alcohol-Free policy. Mrs. Swimley has informally told Crystal that she would not support a random program as it would most likely be administered by one who was also in the random pool to be tested. This could allow the administrator to play with dates if they chose. She also said with such a small pool of employees it may be excessively testing employees. After relaying this to Ms. Simonson, Crystal learned that there is a consortium of small cities/towns which the City could belong to which would make a larger employee pool and have someone outside the City administering the program. Ms. Simonson was not sure there was a facility in Three Forks that was an approved lab to take samples and test them. Ms. Simonson sent Crystal a link to ChemNet, and the closest facility is in Bozeman. The consortium fee is \$100 for 2-10 employees. Tests for drug screening are \$52.50/each and alcohol screens are \$35.00. ChemNet suggested that we speak with our attorney regarding fairness for job-specific required testing or city-wide testing.

REPORT OF COUNCIL COMMITTEES

Ordinance Committee - Teri Whitesitt reported that they did not have a draft on the parking/camping ordinance. She may request a meeting with Susan Swimley at her office when she returns from vacation.

UNFINISHED BUSINESS

Wastewater Project

Dennis Nelson reported that no punch list updates have been received to date. Ongoing issues with the MAU will be worked on next week.

Water Project

Dennis Nelson reported they will meet tomorrow at the tank to discuss the epoxy. He will also set up a meeting, probably next week, to review the budget of the project and discuss it with Great West.

Decision to Send Letter to the Gallatin County Sheriff regarding Opening Negotiations of County Contract #2014-063 regarding Law Enforcement

Mayor Hamilton explained that we could send a letter to open negotiations and if nothing gets changed the City could always leave it as is for the remaining year of the contract. The Mayor will take leadership on the negotiations committee, but he intends to utilize the Budget Committee as well, and if other council members are interested please let him know.

Dennis Nelson stated he was open to negotiations, and that he spoke with Teri Whitesitt and Debra Mickelberry, who also were supportive. He would like to be a little closer to the end of this fiscal year to have the County's final expenditures.

Daryl Sather spoke regarding where he would get a monthly "Police Department Report" which the current ordinances state will be provided. Would he get that information from the Gallatin County Sheriff's Office or from the City? "How many tickets were written this month for crossing the double-yellow line on Main Street? How many tickets were issued for speeding?" he asked. Regarding community support, Mr. Sather has offered his volunteer services in the past and it works in other communities. During negotiations he asked the City consider this piece as well.

Kelly Bugland spoke that at times there are only two deputies available in this whole end of the County and response time can be very untimely. She has had dangerous people loitering around her properties and had to call law enforcement, which never arrived. She has personally been apologized to because of the lack of response. She also had to contact law enforcement in late March or early April, regarding a domestic dispute on Jefferson Street where she witnessed a man hit a woman and then pulled a firearm. On the other hand, being a volunteer with the Ambulance District, the Gallatin County Sheriff has been wonderful to work with.

Councilwoman Whitesitt moved that we do open up negotiations with the Sheriff's Department. Councilman Chancellor seconded the motion. There was no Council discussion, nor public comments.

Motion Passed Unanimously.

NEW BUSINESS

Board Appointment to the Board of Adjustments

Mayor Hamilton read the board appointment memo into the record.

Councilman Chancellor made a motion to appoint Charlie Christensen to a term ending April 30, 2020. Councilwoman Smith seconded the motion. There was no public comment or Council discussion.

Motion Passed Unanimously.

Notice of Bid Award to Knife River for the "Three Forks 2017 Chip Seal Project" in the Amount of \$147,600.00

Mayor Hamilton recited the bid amounts to the Council and public, and noted that TD&H had reviewed the bids and recommended award to Knife River.

Councilman Nelson made a motion to accept Knife River's bid in the amount of \$147,600 based on TD&H's recommendation and Wendell's recommendation to award the project. Councilwoman Whitesitt seconded the motion. Public Comment: Kelly Bugland requested dates of the project be given to the emergency management personnel once scheduled.

Motion Passed Unanimously.

PUBLIC COMMENTS/CONCERNS

Daryl Sather said that there are getting to be a lot more racing in the City, especially now that it is spring. This is part of his concern with the law enforcement. "If you teach kids that no one will enforce it, you allow them to break the laws." Teri Whitesitt asked if there was a certain street Mr. Sather is concerned with. Mr. Sather stated he lives by the park (Stevenson Park) and believes the racing is happening somewhere around the airport from the sound of it. There are a lot of "doughnuts" on the pavement (where?). He questioned the 70 mph speed limit on both ends of the highway outside of town. Crystal Turner offered to look into a petition or what would need to be submitted to the State requesting a reduction in the speed limit. Mayor Hamilton asked if Mr. Sather would help gather signatures if a petition is required, and he agreed he would be willing to help out.

MAYOR & COUNCIL ANNOUNCEMENTS

There were no Council announcements.

Mayor Hamilton apologized to Mr. Sather for how long he took in responding to Mr. Sather's request for voluntarily doing law enforcement. Part of it was learning the answers, but part of his hesitancy in delivering the news was due to the Mayor not wanting to deliver disappointing news.

AGENDA ITEMS FOR NEXT COUNCIL MEETING: 5/11/2017

- Consent items, and possibly the Alcohol/Drug-free part of the policy

ADJOURNMENT

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

Motion Passed Unanimously. (7:46 P.M.)

Steven B. Hamilton, Mayor

Crystal Turner, City Clerk

MAY 23rd, 2017, The Three Forks City Council met in session in 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 ONLY meeting of MAY 2017.

PRESENT: Council members George Chancellor, Deb Mickelberry, Teri Whitesitt, Sharon Smith, Ed Tharp, and Dennis Nelson. City Treasurer Kelly Smith and City Clerk Crystal Turner were also present.

The record reflects that 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. Reminder to the public that the meeting was being recorded. The Mayor also asked the public to observe a moment of silence for Deputy Mason Moore.

GUESTS: Gloria Howland, Jared Brown, and Jessica Oehmcke.

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

CONSENT AGENDA

- ii) Approval of Claim paid due to timeliness:
 - a. to Mail Utility Bills in the Amount of \$160.92
 - b. to Mail Various Vendors in the Amount of \$16,712.81
 - c. to Pay Great West Engineering for SRF Draw #23 and TSEP Draw #15 administration in the Amount of \$877.00
- jj) Approval of Claims per List(s)
- kk) Approval of Meeting Minutes from April 25, 2017
- ll) Approval to Sign Engagement Letter with Rudd & Company for the FY2017, FY2018 and FY2019 Audits
- mm) Approval of Contract with Rudd & Company Notifying the Department of Administration of Audits for FY2017, FY2018 and FY2019

Councilman Chancellor motioned to approve the consent agenda.

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

Motion Passed Unanimously.

PUBLIC HEARINGS

There were no scheduled public hearings.

REPORT OF OFFICERS

City Treasurer Kelly Smith did not have a report.

City Clerk Crystal Turner reported on her recent MMIA training and thanked the Council for allowing her to attend. She highlighted that during the Harassment/Discrimination course, there was a very interesting discussion on service animals versus assistance animals. Because there was too much to report on tonight Crystal distributed typed up bullet points with some highlighted actions/direction needed from the Council. She asked them to review and come back for discussion in the near future. Crystal highlighted a dinner session with PayGOV.us who she believes would be a great option for our customers to pay their bills via credit/debit cards from their phones and home computers where our current provider can only offer that here in the office; also highlighted courses like Fundamentals of HR, Maximizing Social Media and Suspicion Testing.

Crystal reported on the soil testing results and recommended trees for replacement trees in Sacajawea Park. She handed the rest of the information off to the Mayor to finish presenting since he did the research.

Lastly, Crystal also reported on a regional training by Montana Municipal Insurance Authority, Local Government Services and League of Cities & Towns (MMIA/LGC/LC&T) who have offered to hold the training in Three Forks on July 19. They would like to know interest of attendance, and we can include an invitation to Manhattan and Belgrade, or other communities if we wish to maximum participation. It will be a free training that will run from 9am-4pm and lunch will be provided. Crystal asked the Council if they wished for her to confirm this training by MMIA/LGC/LC&T.

REPORT OF COUNCIL COMMITTEES

Ordinance Committee - Increasing Number of Chicken Permits from 15 to 30

Teri Whitesitt reported that they met to discuss increasing the number of chicken permits in city limits. They reviewed with Sgt. Peterson regarding enforcement and violations and/or complaints, and with Kelly Smith regarding the floodplain side of it, and it does not seem that there have been many issues. They would like to increase the limit to thirty (30). Crystal will start drafting an ordinance, which will allow the future Council to amend the permitted number via resolution rather than ordinance.

The Ordinance Committee also discussed Ralph Johnson's recommendation to at least consider defining or zoning of "man camp" style trailers. There does not appear to be any issues so the Council will leave the ordinance as written. They also discussed living in camping trailers. They came up with a plan and are waiting on a draft from Susan Swimley.

UNFINISHED BUSINESS

Wastewater Project

a) TSEP Draw Request #18 in the Amount of \$6,514.20 and SRF Draw #26 in the amount of \$21,701.00 for a grand total of \$28,215.20

Mayor Hamilton introduced the draw.

Councilwoman Smith moved to approve your signature to sign off on those TSEP Draw Request #18 in the Amount of \$6,514.20 and SRF Draw #26 in the amount of \$21,701.00 for a grand total of \$28,215.20. Councilwoman Whitesitt seconded the motion. There was no public comment or Council discussion.

Motion Passed Unanimously.

b) Settlement with Smith Contracting, Inc.

Dennis Nelson reminded the Council that he, Mayor Hamilton and Steve Johnston represented the City during mediation. There was no conclusion at that meeting, and then he got a call from Lee Barron last week regarding settling this and being done. Dennis thanked Kelly Smith and Crystal Turner for their work on the entire project. We had about \$93,000 in outstanding unscheduled employment of the engineer (UEE) the City would owe to Great West Engineering, and some miscellaneous bills that Smith owed during the project like propane, Susan's time for mediation, which total roughly another \$22,000. Lee Barron requested a "no lawyer's meeting" - but both lawyers were aware of the meeting and our attorney reviewed the negotiation prior to this draft before us tonight. We relayed on to Smith Contracting that there would be no assignments of the contract [the Great West Engineering and City of Three Forks contract]. At the end of all internal discussions we proposed \$227,000 as final payment to Smith Contracting. We are currently waiting to hear back from Smith. At the end of all this, we hope to come out borrowing around \$200,000 less than originally expected.

Mayor Hamilton added that Dennis and he sat down with Smith and then with Susan to ensure the City will retain all the rights with the contract. It also includes the certified payrolls being complete and accurate, which will fulfill the City's obligation with funding sources. He asked for the Council's approval of signature on this document in general terms, noting that if any minor edits are suggested from Smith Contracting that he and Dennis Nelson would be able to edit those (major changes would come back to the Council).

Dennis Nelson added that there are some minor punch list items still, and Wendell Ewan informed him that there is another leak in one of the lagoon covers which is bubbling up but this agreement would have the City taking full ownership of the wastewater lagoon system. Steve Johnston, Wendell Ewan and Randy Johnston have all informed Dennis that this is fully operational.

Mayor Hamilton stated he would not sign this until he receives a signed copy back from Smith Contracting. Dennis Nelson added that and final pay application needs to be seen and reviewed by Great West Engineering.

Councilman Nelson made a motion that we accept, in general terms accept, the proposal that has been put together and sent to Smith Contracting for final payment to SCI for the completion of the wastewater sewer project. Councilwoman Smith seconded the motion. Public Comment: Gloria Howland stated it was disappointing that it came to this.

Motion Passed Unanimously.

Water Project

Mayor Hamilton reported for Randy Johnston that the old concrete tank has been cleaned and sterilized, and is ready to hold water. Randy Johnston has been slowly reducing the holding capacity of the steel tank. He hopes to switch over to the concrete tank this week. Dennis Nelson added that due to the lower level in the steel tank we may hear some complaints, especially in Ridge View Subdivision, of low water pressure. The Mayor added that at the end of this project we will have increased our capacity from 1,000,000 gallons to 1,250,000.

Public Hearing and Decision on the Approval of the Final Planned Unit Development (PUD) Application by Folkvord Investments, LLC to create Folkvord Subdivision. This property is located at Block 3, Lot 2, Headwaters Addition (129 E Front) and would allow 10 lots and townhomes.

George Chancellor explained that the City has been through this hearing several times. Nothing but a small tweak to the covenants regarding not altering the storm drainage and retention area is new tonight. He noted that the covenants have been revised and are included in the packets tonight to reflect this change. Everything required in preliminary plat approval as a condition has been addressed.

Public Comment: Gloria Howland said that every time she goes by there is water to jump over.

Applicant Rebuttal: Jared Brown explained that most of the water is due to the sod, which needs to stay saturated for four weeks, so sprinklers are on full bore right now. There are also some changes to the sod and it needing to be lower than the asphalt. The landscaper will be back this week to adjust the sod. Kelly Smith added that the City and Jared Brown have agreed to monitor it moving forward and fix any drainage issues as needed.

Dennis Nelson asked about the sidewalk jog at the bank. Kelly Smith said that per Wendell Ewan he recommended ending the sidewalk at the property line. Because the bank installed a paved off-street parking area, and thus moving the sidewalk well onto their property and outside of the right-of-way, that it will be up to the bank to connect that sidewalk.

Councilman Chancellor made a motion that we approve the final planned unit development application by Folkvord Investments to create Folkvord

Subdivision. Councilwoman Whitesitt seconded the motion. Deb Mickelberry stated she has an interest in this project so she will abstain.

Motion Passed 5:0, 1 abstention.

NEW BUSINESS

There was no new business.

PUBLIC COMMENTS/CONCERNS

Jared Brown asked about the trailers left on the streets, like if you are building a tiny house in front of your house. Teri Whitesitt replied that the Ordinance Committee opted not to pursue the parked vehicles in excess of 72-hours, as a violation, for one year. Jared asked about ladders and things left on the sidewalk. Crystal Turner responded that she contacted the owner who has left ladders in the right-of-way to inform him that it not a place to store them as it imposes on the public's right to safe travel in the right-of-way. Jared said the ladders are still there. Crystal said she would follow up.

Gloria Howland asked about the chicken ordinance and how the process changes - would it be changed immediately? Crystal explained the ordinance process.

MAYOR & COUNCIL ANNOUNCEMENTS

Teri Whitesitt reported that she attended Mason Moore's funeral today which was one of the hardest funerals she has ever attended. She just wanted to personally thank him for his service to this community.

Dennis Nelson reported that the Budget Committee meeting for contract negotiations with the Gallatin County Sheriff was cancelled due to the funeral today, and we will just wait and meet with the Sheriff when his schedule lets up.

Mayor Hamilton reminded all that Friday is the last day of school so kids will be out and about at all times of the day, so please be aware. He thanked the Big Sky Fire Department who covered us during the funeral today. He also thanked AMR for providing ambulance services, who were utilized today! As Mayor Hamilton walked to City Hall he helped load someone from the Senior Center into the ambulance. Kelly Smith added that there was a small fire at Logan and Big Sky Fire was utilized as well.

He also thanked Teri for making the bands for our firefighter's badges. He noted that the girls' golf team is State Champion once again!

AGENDA ITEMS FOR NEXT COUNCIL MEETING: 6/13/2017

- Chamber request to utilize Milwaukee Park for Chamber Farmer's Market through the 2017 Summer Season
- Possibly the Alcohol/Drug-free part of the policy
- Possibly the first reading of the chicken ordinance, and first reading of the living in RVs

ADJOURNMENT

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

Motion Passed Unanimously. (7:49 P.M.)

Mayor Hamilton reported that he received a note at his personal post office box from Rhea at Lewis & Clark Caverns, who is his boss there. She had hoped that with Three Forks' love of trails, that anyone interested in donating time, money or other resources to the Caverns' trail systems please contact her directly.

Steven B. Hamilton, Mayor

Crystal Turner, City Clerk

JUNE 13th, 2017, The Three Forks City Council met in session in 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 JUNE 2017.

PRESENT: Council members George Chancellor, Deb Mickelberry, Teri Whitesitt, Sharon Smith, Ed Tharp, and Dennis Nelson. City Attorney Susan

Swimley, City Treasurer Kelly Smith and City Clerk Crystal Turner were also present.

The record reflects that 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. Reminder to the public that the meeting was being recorded.

GUESTS: Samuel Turner, Gloria Howland, Diane Phillips and Craig Pozega.

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

CONSENT AGENDA

- nn) Approval of Claim to Mail Utility Billing in the Amount of \$156.66
- oo) Approval of Claims per List(s)
- pp) Approval of Meeting Minutes from May 23, 2017
- qq) Approval to Dispose of Photo Smart Inkjet Printer no Longer Needed to conduct City Business, and Transfer Asset to the Gallatin County Sheriff Office

Kelly Smith explained that Sgt. Peterson suggested that the City Court would benefit from having the inkjet printer. The current printer in the Court is noisy and slow.

Councilwoman Whitesitt would like to see the City utilize it if they still can, especially since it is already owned by the City. She apologized to the Sheriff's office. Mayor Hamilton asked if the Council wished to exclude that item from the Consent Agenda approval.

Councilman Nelson motioned to approve the consent agenda items A, B, and C. Councilwoman Smith seconded the motion. There was no public comment.
Motion Passed Unanimously.

PUBLIC HEARINGS

Public Hearing and Decision on First Reading of an Ordinance Amending Title 6, Chapter 4B of the Three Forks Municipal Code to Remove the Limited Number of Chicken Permits and Allow the Council to Adopt the

Limited Number via Resolution, and to add Revocation of the Permit for Convicted Violations

Mayor Hamilton begrudgingly read the ordinance into the record in its entirety.

Councilwoman Whitesitt moved that we adopt Ordinance #372-2017.

Councilwoman Mickelberry seconded the motion. Public Comment by Gloria Howland, "Ger 'er done."

Motion Passed Unanimously.

REPORT OF OFFICERS

City Treasurer Kelly Smith reported the Montana League of Cities and Towns conference will be held on September 29th in Great Falls if anyone is interested in attending and needs to be registered please let her know. Kelly also reported that Steve Johnston noticed that Gurley's have the property next to the water tank for sale. He suggested that if the City were to buy this lot, we could have a boundary realignment survey performed on the top portion of the lot to provide better access and security to the water tank, then sell the remaining portion. Susan Swimley suggested there may be some Homeland Security funds available. Kelly Smith and Crystal Turner believed the 2017 Homeland Security Grant application deadline has already passed, but would look into it for next year. Teri Whitesitt asked if it was ever presented to the Gurley's to survey that top portion and sell it to the City. Kelly said she would contact them and find out. The Gurley's have provided a temporary easement in the past and always worked with the City to grant access to the backside of the water tank lot. The worry would be that any new owners may not be as willing to allow the City access.

City Clerk Crystal Turner reported on the letter to the Montana Department of Transportation, jointly signed by the County Commission and the mayor, agreeing to their suggested reduction in speed along MT Hwy 2/Frontage Road.

City Attorney Susan Swimley reported that the vast majority of her time has been spent on Smith Contracting. She has failed the Ordinance Committee again and apologized for that. She has worked with Crystal on ordinances for the chickens, and a lot of research for ordinance changes regarding handicapped parking which will be heard at the next meeting.

REPORT OF COUNCIL COMMITTEES

Budget Committee - would like to meet after the 1st of July.

NEW BUSINESS

Decision to Allow Three Forks Chamber to utilize Milwaukee Park on Thursday evenings for Farmer's Market for the Summer/Fall Season of 2017

Diane Phillips thanked the Council for hearing her tonight and stated that Milwaukee Park has been an ideal location for Farmer's Markets. The Chamber intends on starting on July 6th and run through the second Thursday in September.

Mrs. Phillips continued by stating that last year they began having non-profit organizations do a BBQ and they are not charged a fee for the space. Each non-profit was allowed to keep any money they collected for the food. They intend to continue the BBQ dinner as well because they feel it was a great addition to the Farmer's Market. "I believe this is our sixth year; I can't believe it has already been six years!" Diane exclaimed.

Councilman Chancellor made a motion to we allow the Three Forks Chamber to utilize Milwaukee Park on Thursday evenings for the Farmer's Market for the Summer/Fall Season of 2017. Councilman Tharp seconded the motion. There was no public comment.

Motion Passed Unanimously.

The mayor added that the Chamber has done a great job growing this. He was not surprised it has been such a success.

UNFINISHED BUSINESS

Wastewater Project

Craig Pozega was in attendance and provided a report on the wastewater project, noting that Great West Engineering was in receipt of a request from Smith Contracting for final inspection. Dennis Nelson asked if that inspection could occur next week, as he would be unavailable after that. It was agreed that Tuesday at 9AM worked best for those present at the Council meeting. The Mayor asked Crystal to check with the Wastewater Superintendent's schedule as well. Craig noted that there is a leak in the ceiling of the Headworks building that they are already aware of.

a) DRAWS Totaling \$24,748.00

- 1. TSEP Draw #19 in the Amount of \$12,500.00**
- 2. SRF Draw #27 in the Amount of \$2,248.00**
- 3. DNRC Draw #7 in the Amount of \$10,000.00**

Mayor Hamilton introduced the draws.

Councilwoman Smith motioned to approve the Mayor's signature on these draw totaling \$24,748.00. Councilwoman Whitesitt seconded the motion. The Mayor clarified the draws are as follows: TSEP Draw #19 for \$12,500; SRF Draw #27 for \$2,248.00; and DNRC Draw #7 for \$10,000. There was no public comment.

Motion Passed Unanimously.

b) Approval of Grant Closeout Documents for DNRC and TSEP

Kelly Smith explained that the full \$750,000 has been used of TSEP and the full \$100,000 from DNRC.

Councilman Nelson made a motion to approve the grant closeout documents for the DNRC and TSEP. Councilman Tharp seconded the motion.

Public Comment: Diane Phillips asked if there were any plans to host an open house, or anything similar, and allow the public to see what the new plant looks like and what their money purchased. Crystal Turner stated that there have been other requests and Randy Johnston did provide one or two personal tours. After those tours Crystal inquired with MMIA regarding the liability. MMIA's response was that if you held an open house and barricaded off certain (most dangerous) portions of the plant, and we advertised this time/date that MMIA was also aware of, that sort of presentation would be ideal to reduce risk.

Motion Passed Unanimously.

c) Settlement with Smith Contracting, Inc.

The Mayor explained we are not there yet with any settlement with Smith Contracting. Susan Swimley added that the lawyers are arguing over language.

Water Project

a) DRAWS Totaling \$108,109.56:

- 1. SRF C Draw #1 in the Amount of \$42,043.00**
- 2. SRF B Draw #12 in the Amount of \$49,898.90**
- 3. WRDA #4 in the Amount of \$16,167.66**

Kelly Smith explained the draws to the Council that these draws are paying the final payment to DN Tanks, and a small amount to BRV Contracting for helping with the live tap. We are close to being out of funding on this project and will not have enough to pay Maguire Iron completely out of the project but that we do have enough in reserves to cover that.

Councilman Nelson moved to approve draws: SRF C Draw #1 in the amount of \$42,043 and SRF B Draw #12 in the amount of \$49,898.90. (Mayor asked about the WRDA draw on the back page of the agenda.) Councilman Nelson added

WRDA #4 in the amount of \$16,167.66. Councilwoman Smith seconded the motion. There was no public comment or Council discussion.

Motion Passed Unanimously.

Approval of Contract with Maguire Iron, Inc. for Exterior Painting of the Steel Water Tank in the Amount of \$59,900.00

Mayor Hamilton explained this would be outside the contract scope with Maguire Iron. Susan Swimley added that she requested the Council include the addendum to contracts that she, Kelly Smith and Crystal Turner had created a couple years ago which includes standard contract language of indemnification, hold harmless, insurance, etc.

Dennis Nelson explained that Maguire Iron who will be doing the resurfacing and repainting of the inside of the 1,000,000 gallon water storage tank, has provided a quote for painting the outside as well. While they are already onsite they could sandblast, wire scrape the rust spots and power wash, and then one coat of industrial grade paint. Paint could be shipped directly here. They proposed \$59,900. Randy Johnston and Dennis Nelson discussed this, as the original plan was to only do the inside of the tank now and then do the outside in the future. Around 3 or 4 years ago the City went out to bid for all this work and only one company submitted a bid. That bid was for around \$200,000 just for the exterior patching and painting. To paint the inside was even more. That is why the City chose not to complete that phase of the water improvements project at that time. When going out to bid this year the City requested alternate bids for the exterior. Because of the possibility of lead paint and the expected costs associated with having to contain the paint during sandblasting, the City decided to take the exterior recoating out of the project and that was done in Addendum #2. It was decided to wait until we had a Contractor on board and on-site and then talk to them about possibly just doing an overcoat. Dennis Nelson believed we should accept this quote and get it completed in this year's budget. Maguire Iron was under budget for the interior painting due to the City approving the expenditure of additional labor and patch kits for the interior bottom of the tank. This ended up not being needed because the conditions were better than expected.

Mayor Hamilton echoed that the short version is this phase of the project came in well under budget, more than any of us anticipated by a long shot. Ed Tharp believed it would be a no brainer, as it will never be any cheaper than this and we should go with the quote. Dennis Nelson added they are already onsite. With the weather this week (lots of rain) they

have not been able to do much. Mayor Hamilton added that it will take about two weeks to cure the inside, then about one week to cure outside and we could be complete with the water project this fiscal year.

Councilman Nelson made a motion that we approve the exterior painting of the steel water tank, the bid from Maguire Construction, or with Maguire Iron for \$59,900 with the usage of our addendum assuming Maguire will accept all the points of our addendum. The Mayor clarified language as, "Contingent upon Maguire's acceptance of our addendum." Councilman Tharp seconded the motion. There was not public comment or Council discussion.
Motion Passed Unanimously.

Discussion and Review of draft City of Three Forks Drug & Alcohol Testing Policy

Crystal Turner explained that she did not schedule a decision on this policy for tonight's meeting. She requested that the Council take their copies home and read through them completely, and come back with their questions and comments in two weeks. Crystal further explained that she started with the Town of Manhattan's existing policy, which is more stringent because of Police Department and more MDT-licensed people. The draft tonight is without the random testing portion. Upon discussion with Susan Swimley, she agreed that with our small workforce and the responsibilities that require drug/alcohol testing implementing a random program would be quite costly and cumbersome. Even with a consortium, it really leaves only five employees who qualify for random testing. A reasonable suspicion and post-accident policy should catch any drug/alcohol issues. Crystal has questions within the document that are policy questions the Council must decide on. Crystal added that she removed the prohibition of alcohol on city property. She noted that many employees attend the rodeo and would not be working but would be visiting as a patron and then be violating the policy if they purchased and drank a beer for instance. Same with the City parks - we allow open containers throughout town and only employees would be in violation of the city laws.

Susan added that she agreed with the removal of language stating alcohol was prohibited on city property because the policy still prohibits alcohol and drugs while working. Susan prefers that the entire policy be provided to every employee in written format, and not electronic as Crystal poses the question in the draft policy. She noted that Crystal also asks a good question regarding the language, "...up to and including termination..." and if termination meant first offense. Susan said this is a work quality issue and is comfortable leaving the language in the document as is. It does not mean you are fired at your first offense but it does mean that if

you deny testing or help (which constitutes a failed test) that the employee's first offense may be termination because they are unwilling to use the system in place which provides help to the employee. She also stated that Crystal asked the question "who is the supervisor" to administer this program. Susan encouraged the Council to think about if they wished to have this policy extend to part-time library aides too.

Teri Whitesitt said she believed we discussed last month that if the policy did not include random it was not legal to pinpoint any one employee. Crystal and Susan disagreed and said that the reasonable suspicion and/or situational issue would still cover that behavior. Teri said she would be happy with reasonable suspicion if that covers the City's responsibility as well as liability. Susan agreed it would.

Mayor Hamilton said that in anticipation of this policy being adopted he has spoken with his supervisors at the Lewis & Clark Caverns and has very little overlapping schedules that would prohibit him from being able to administer this program. Teri Whitesitt asked if he had the same discussion with his normal job at the school, not just in the summer months. Mayor Hamilton said that he has personal leave available to use if the school said he needed to use personal time.

Crystal explained she is trained but it was really a two-hour brain dump of information. She believed that type of training needs to occur annually for the administrator, and that any employee could report to whomever the administrator would be that another employee appears to be under the influence of some kind. She does not wish to be the person who confronts the employee and subsequently takes them to be tested, and administers that experience. She did not feel that her job responsibilities should include this disciplinary duty. She believed it should be the Mayor, who is the ultimate supervisor of all employees. Susan agreed.

The Mayor encouraged the Council to review the document and write their thoughts in the grey area of the document. Please return in two weeks and come back with questions and comments. Teri Whitesitt asked why there is a question about library aides or seasonal employees being tested or not. Crystal explained that State Law requires testing for those who have fiduciary responsibilities, have commercial driving licenses subject to Montana Department of Transportation regulations - there are specific duties that warrant drug/alcohol testing. Library aides do not qualify, but the City Council could require it above the State Law requirements. Teri Whitesitt asked about safety responsibilities for seasonal wading

pool attendants. All agreed that with the safety aspect of the wading pool attendants should be subject to the policy. Kelly Smith asked about volunteers and if they would be required to adhere to this policy. There are rodeo volunteers, library volunteers, fire department volunteers (who do have their own alcohol policy). Susan suggested that if the Council is contemplating volunteers that we draft a separate volunteer policy since the City would not put the same amount of cost, time and resources into providing rehabilitation. The Council will think about that question as well.

Discussion and Review of the City of Three Forks Personnel Policy

Crystal Turner explained the remaining four changes to the Personnel Policy in order for the City to finalize the updates required by law and we have been working on with MMIA. Those are: 1) a difference of hours required to qualify for health benefits. Our benefit signup form has always said 30 hours, but the personnel policy states 36 hours. MMIA has suggested that the personnel policy not have a specific number and just leave it up to the Council annual during the salary resolution. 2) The drug/alcohol policy. 3) On-call response time for the public works employees has been paid historically as straight overtime wages with a minimum of four hours. Kelly Smith and Crystal Turner recommend revisiting this and calling it "availability pay" instead, with a flat rate for a certain amount of hours, with anything over that hours being the trigger for overtime. 4) Decision on how to determine "hours worked" - do vacation, sick, comp time used, etc. count towards "hours worked".

George Chancellor asked if we have done anything with a pay matrix. Crystal responded that she did the research of various positions all over the state, and gave all the information to Sharon Smith who had originally requested the information. Crystal has not done anything with the data, just provided it to Mrs. Smith.

The Mayor said that basically the way we are reporting overtime is not accurate. Teri Whitesitt asked how much overtime Kelly and Crystal accrue, and if that would be accurately reflected on reports. Kelly reported that the clerks accrue minimum overtime but any reports would accurately reflect just how much overtime was accrued. Crystal said that she and Kelly do use up quite of bit of time worked excessively in one day within the same week, which is called "flex" time. Teri asked if that was earned at 1.5 hours and then used at 1 hour. The answer is no - flex time is 1:1.

Deb Mickelberry asked about benefits and if the Council leaves eligibility open in the personnel policy, but offers something to one employee and not another employee would that be getting the City into trouble. The answer is yes, but that is not what the City is suggesting by this change in policy language.

PUBLIC COMMENTS/CONCERNS

Gloria Howland thanked the City for getting the water off the streets so quickly today in front of the hardware store.

MAYOR & COUNCIL ANNOUNCEMENTS

There were no Council announcements.

The Mayor distributed the Water Walk 2017 which walks the history, drainage, geology, and course of the Madison Drainage Ditch. Susan Swimley added that Judge Holly Brown is our District Court Judge and has invited everyone here tonight to attend the walk. RSVPs are required as lunch will be provided.

The Mayor also informed the Council that Kira Gifford has applied for a permit to close Main Street from Cedar Street to Date Street on July 8 from 3PM to July 9, 2017, at 2AM to host a block party and hold their one year anniversary party of V42 Fitness across the street. He does not anticipate this permit being denied and just wished that the Council knew.

Last, he hoped everyone had noticed the new trees at Sacajawea Park. Steve Johnston, Wendell Ewan, DNRC, the Mayor's dad, and himself all helped plant the trees. There are not many pictures as everyone ducked out of the camera's view. He showed the Tree City plaque to those present. The Mayor will complete paperwork to continue this status for next year. There will be highway signs installed stating that Three Forks is a "Tree City USA".

AGENDA ITEMS FOR NEXT COUNCIL MEETING: 6/27/2017

- Decision to Approve the Alcohol/Drug-free policy
- Decision to Approval Revisions to the City of Three Forks Personnel Policy
- Board Appointments for the Library Board and Fair Board

- Second readings of the chicken ordinance, and first reading of the living in RVs
- First readings of handicapped parking ordinance and violation/penalty

ADJOURNMENT

Mayor Hamilton asked if there was any other item to come before the Council tonight and if not for a motion to adjourn. Councilman Tharp "so moved." Councilman Nelson seconded the motion. There was no public comment.

Motion Passed Unanimously. (8:18 P.M.)

Steven B. Hamilton, Mayor

Crystal Turner, City Clerk

JUNE 27th, 2017, The Three Forks City Council met in session in 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 JUNE 2017.

PRESENT: Council members George Chancellor, Deb Mickelberry, Teri Whitesitt, Sharon Smith, Ed Tharp, and Dennis Nelson. City Treasurer Kelly Smith and City Clerk Crystal Turner were also present.

The record reflects that 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. Reminder to the public that the meeting was being recorded.

GUESTS: Gloria Howland, Beth Derby, Dolores McKenna, Kelly Bugland, Father Eric Gilbaugh, and Jessica Oehmcke.

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

CONSENT AGENDA

- rr) Approval of Claims paid due to Timeliness in the Amount of \$8,615.89
- ss) Approval of Claims per List(s)
- tt) Approval of Aggregation of Lot 10, 11 and 12 in Block 10 of the Original Plat of Three Forks, and Subsequent Relocation of Common Boundary, both Exempt from Subdivision Review between Marcia Fairhurst and Jake Jacobs
- uu) Approval of Asset Disposal of HP Photosmart Desktop Inkjet Printer and Donating it to the Gallatin County Sheriff Office

Councilwoman Smith motioned to approve the consent agenda. Councilman Tharp seconded the motion. There was no public comment.

Motion Passed Unanimously.

PUBLIC HEARINGS

Public Hearing and Decision on Second Reading of an Ordinance Amending Title 6, Chapter 4B of the Three Forks Municipal Code to Remove the Limited Number of Chicken Permits and Allow the Council to Adopt the Limited Number via Resolution, and to add Revocation of the Permit for Convicted Violations

Mayor Hamilton stated that since he had read the ordinance into the record in its entirety he would not be reading it again, unless the public requested him to do so. No public requested him to read it.

Councilwoman Whitesitt moved that we approve Ordinance #372-2017, an ordinance amending Title 6, Chapter 4B of the Three Forks Municipal Code to remove the limited number of chicken permits and allow the council to adopt the limited number via resolution, and to add revocation of the permit for convicted violations. Councilman Chancellor seconded the motion. There was no public comment, nor Council discussion.

Motion Passed Unanimously.

Public Hearing and Decision on a First Reading of an Ordinance Amending Title 7, Chapter 2, Section 2 Allowing the Mayor to Designate Areas of Limited Parking

Mayor Hamilton read the ordinance into the record in its entirety. He explained that this would allow the Mayor to designate areas of no parking, which includes permitted (handicapped) parking.

Father Gilbaugh, the priest of Holy Family Parish explained that the church remodeled in 2010 and managed to eliminate all stairs entering the building. One thing overlooked during that renovation was where handicapped parking would go. If this ordinance is adopted, the church will request one or two spaces along Birch Street. They will also request that a post is not installed as it is difficult to mow around for maintenance. Instead they offered a sign be painted or attached to a tree, as well as the curb painted blue.

Public Comment: Kelly Bugland asked if this would also apply to Main Street. The answer is no, as Main Street is a State Highway.

Councilman Chancellor made a motion that we accept the first reading of Ordinance #373-2017, amending Title 7, Chapter 2, Section 2 allowing the Mayor to designate areas of limited parking. Councilwoman Smith seconded the motion. There was neither public comment nor Council discussion.

Motion Passed Unanimously.

Public Hearing and Decision on a First Reading of an Ordinance Amending Title 7, Chapter 2, Section 11 to Authorize a Fine of \$100.00 for Parking Violating in a Designated Handicapped Parking Space

Mayor Hamilton read the ordinance into the record in its entirety.

There was no public comment nor Council discussion or questions.

Councilman Nelson made a motion that we approve the first reading of Ordinance #374-2017, and ordinance amending Title 7, Chapter 2, Section 11 to authorize a fine of \$100.00 for parking violations in a designated handicapped parking space. Councilwoman Whitesitt seconded the motion. There were no comments or concerns by the public or Council.

Motion Passed Unanimously.

REPORT OF OFFICERS

City Treasurer Kelly Smith reported she talked to the Gurleys regarding their lot and they are willing, if the City covers the cost, to allow a survey to realign the boundary of their lot. Gaston Engineering can perform the survey and will get back to the City with a quote. The Mayor asked if the Council wished to proceed with that. Teri Whitesitt said she

thought we should move forward with this rather than buying the whole lot and then having to realign the boundary.

City Clerk Crystal Turner did not have anything to report.

REPORT OF COUNCIL COMMITTEES

There were no Council Committee reports.

UNFINISHED BUSINESS

Wastewater Project

a) Approval to Sign the Final Pay Application in the Amount of \$227,042.37 to Smith Contracting

This final pay application amount matches the amount in the settlement agreement. Again, the agreement was approved by the Council in May with minimal changes to the documentation. That final draft was finally agreed upon by both the City's and Smith Contracting's attorneys and was given to the City this afternoon. The Mayor will sign the agreement and then the City will scan and email it to Smith Contracting to sign. Mayor Hamilton added that the City did not agree to any release of its contractual rights with Great West Engineering. This pay application does not mean a check is sent immediately - that still will go before Great West Engineering and have in a draw request at an upcoming meeting.

Councilwoman Whitesitt moved that we allow the Mayor to sign the pay application. Councilman Nelson seconded the motion. The Mayor clarified the total amount of the pay application is for \$227,042.37. There was no public comment.

Motion Passed Unanimously.

The Mayor stated that the day is fast approaching where we will not see "Wastewater Project" on the agenda under UNFINISHED BUSINESS anymore. Dennis Nelson said that we will have a mixing zone study at the end of the summer to discuss. The room laughed.

Water Project

Mayor Hamilton said that the water project is complete - the tank has been repainted both inside and out. He admitted that his initial paint color choice was red, for the Three Forks Wolves. However, it was an unpopular choice by all those involved with the project. He teased Kelly that she offered worse choices: blue and gold, which made him look to see if Grizzly maroon was an option. The room giggled.

Dennis Nelson added that he, Kelly Smith, Steve Johnston, the Mayor and Crystal Turner had met with Great West Engineering last week. They had presented the City with a list of items they felt were owed to Great West for various overages throughout the project. Those present at the meeting asked Great West to go back and review some of the figures they presented to the City. During the whole term of the project it appears there were some misunderstandings and problems in Phase 1 that should have been addressed at that time. Most present felt that Great West agreed to review the bills and come back for discussion. No numbers were tossed back and forth but Craig Pozega said he would come back to the City in a couple weeks.

Discussion and Decision on the City of Three Forks Drug & Alcohol Testing Policy

The Mayor stated the Council has had this draft for review for several weeks now and asked if each could speak up about the remaining items. Teri Whitesitt raised her hand and the Mayor asked her to inform everyone what page she was referring to. Teri Whitesitt said she was not referring to a specific page yet, but that she has thought about the "no random testing" portion of this policy and said it just does not set well with her. She stressed that she does not have any worries with our current employees, but eventually we will have turnover and addiction can happen so quickly. She has been on the phone with Safe Track Solutions out of Great Falls. They are a consortium, where you take your six employees and place them into a pool of 1,000 people. The only thing the City would pay for is if one of our employees was selected for a test - \$60/person for each test. This includes the test and collection fees. The sample would then be sent to Dr. Fritz, the Medical Records Officer (MRO). Safe Track sent her a contract, which has been proven in a court of law if we had to terminate someone for drug or alcohol abuse, but would replace the language we have now in the "gray" area of the draft Drug & Alcohol Policy. She distributed a draft to each Council member, the Mayor and staff.

We talked about who would be the administrator and we discussed at the last meeting that Steven would get trained but she worried that someone could get addicted prior to having any issues at work and the ultimate goal is to help our employees. She thinks including random is a good move, a prudent move, because of the direction our country is going with alcohol and drug abuse. Steven Hamilton asked if there was a charge to be part of the consortium. Teri replied there was not.

Deb followed up with her husband Bob's trucking company he belongs to a consortium. They do have to pay an annual fee but samples can be collected anywhere. Crystal Turner reported that other cities also use ChemNet out of Billings and their membership fee is \$250.00. Employees would have to go to the lab in Bozeman though. Steven asked if samples could be collected here in Three Forks if the City used Safe Track. Teri replied that they would be taken in Belgrade or Bozeman Health. She repeated that she does not think there are any problems now. George Chancellor asked if we could see a table of all the different companies and their fees. Crystal Turner argued that the decision tonight was if the Council wants to implement a random program or not, not which company it is going to use.

Dennis Nelson thanked Teri for her research on this program. He asked how many small cities/towns Teri contacted. She stated that she only called Manhattan. Dennis would like to know if and how Whitehall, Townsend, or Ennis deal with this type of policy. He is not a real fan of random though on this small scale. There was discussion regarding a company Dennis used to work for which was similar in size to the City's staff number, and they developed and implemented a drug and alcohol policy but did not include a random program because of the small number. They did discuss that if they grew in a few years they would probably implement a random program. He is not in support of a random program at this time. Teri suggested for example that 1% of the population is using; so 1% of our six may be using. The chance exists. Dennis said he respects Teri's opinion, however he is just not supportive of random testing.

Deb Mickelberry understands Teri's comments. She can see that when you are in a large company, suspicious activity could easily be missed and hence a random program would be better suited. First Security Bank is also small, and has seven employees. They are in a close knit environment there, just like the City, and she feels that the suspicion part of the policy will kick in because you work closely with each other daily.

Teri argued that an employee may not want to be the "tattle tale" to kick in the suspicious program. Speaking from personal experience, she said that addicts are good at hiding and manipulating to calm your suspicions.

George Chancellor asked if adding random meant taking away suspicion in the program. Kelly Smith said no, it would be another layer to the policy. Ed Tharp agreed with Deb and Denny that in a small environment he thinks everyone would notice if something is going on, probably earlier than a random test would catch anything. He would probably be opposed to

implement a random program. He does not have anything against it, but with such a small group he feels that we could police ourselves. Deb corrected that she is not against a random program, but she thinks a consortium is the way to go if you do. Crystal added that at the last meeting even Susan Swimley was not encouraging the adoption of a random program. However, that was based on the local administrator of the program could easily manipulate the "random" picks, and without the knowledge of a consortium.

The Mayor asked if Sharon Smith had any comments, and he added that it is a tough decision. Sharon agreed it was tough and said she appreciates Teri's research too and values everyone else's comments so far. Dennis asked if we could pick a number of small towns/cities and find out if they #1) have a policy, and #2) if they have a random program. Teri Whitesitt said she would make phone calls to the small communities for him, but she does not feel it should matter what other towns are doing.

Councilman Chancellor made a motion that we table this for two weeks until the next meeting. Councilwoman Smith seconded the motion.

Public Comment: Kelly Bugland said to the Council that she does not know why you would not do a random program to protect everyone and cover your liability. Being an ambulance volunteer, she said that the Council is blind to what goes on in this community. "It is so scary - it is not just meth, it is heroin, it is everything. It is worse than you remember when some of you served our emergency services. We had a prominent business owner in this community who lost their business because of drug addiction," she said.

Jessica Oehmcke echoed those comments. The Bozeman Daily Chronicle reported that more drugs have been captured this year to date than in all of 2016. She thinks our community is saturated with drug use. She also speaks from personal experience with addiction in her family. She feels a random program is important. The Three Rivers Clinic where she works does all sorts of small businesses' random drug testing. The employer calls the clinic and said we are sending down "so and so" and then they either bring a kit with them, or the clinic can provide it. How the clinic administers it is all negotiated. She agrees with Kelly Bugland it is deep in this community adding, "We are hub with I-90 and Hwy 287." She does not think this is a bad idea, and unfortunately it is becoming pretty common.

There was also discussion regarding the difficulties of administering a suspicious activity program and creating animosity within the workplace with the possibility of making it difficult to work together.

Motion Passed Unanimously.

Discussion and Review of the City of Three Forks Personnel Policy

The Mayor explained he would go through the track changes in the personnel policy. Those are: 1) BENEFITS would include the words, "as long as they meet the eligibility requirements as determined by the Mayor with Council approval," instead of specifying minimum hours required to work within the policy; 2) language which would refer to the new City of Three Forks Drug & Alcohol Policy including a question as to whether or not it would cover volunteers; 3) Revising the OVERTIME and COMP TIME section to remove that authorization is required prior to overtime/comp because emergencies happen and staff takes care of them without approval; 4) adding a definition for how we calculated hours worked; and 5) adding ON-CALL PAY.

Crystal Turner added that regarding the BENEFITS section, the City has always reported that a minimum of 36 hours are required to have been worked per pay period on the Employee Benefits Signup Form to MMIA. This year, due to the fact that MMIA was reviewing our policies at the same time the form was due, Angela Simonson noticed that our policy stated only 30 hours were required to be worked. She said that it did not matter which way the City opted but it should be consistent. Alex Simentka with MMIA did research and said that law states only 30 hours are required to have been worked. Crystal changed the language in the policy to read, "...as the Council decides..." because this way during budget time the Council may increase it or reduce it if chose on any given year. Then the policy would not contradict that annual decision.

Regarding the draft language referring to a drug- and alcohol-free policy, Deb Mickelberry commented that she believed all paid employee should have to comply. Kelly Smith asked about volunteers being covered. Teri Whitesitt asked if the City would be liable for the volunteers and Crystal said yes, because volunteers are covered by the City's workman compensation and thus the City is liable for them. The Mayor asked each Council member's opinion on including volunteers. Deb asked if volunteers would be in the random pool too. Crystal said we would need to create a separate policy for volunteers. Deb stated the Fire Department has a drug and alcohol policy. Crystal corrected that it is an alcohol policy only, a one-page document which states you will not respond to any calls while under the influence of alcohol. The Mayor asked again for each Council member to state if they wished to cover volunteers or not: George yes, Deb

no to volunteers, Teri yes, Sharon yes, Ed yes, Dennis played the devil's advocate and asked if the City would have a lot of difficulties finding volunteers if they were all required to be drug/alcohol tested. Teri argued she would rather have clean people than addicts. Dennis stated he agrees with Teri 100%. The Mayor warned that the Council may turn away non-drug and -alcohol users just because they do not wish to allow the government's encroachment into their privacy. Deb asked if the volunteers would be in the random pool then. Crystal said this portion only addresses if volunteers will be included in the drug and alcohol policy only - the details would be written in a separate policy. The Mayor added that elected officials also get paid/covered by the City - would they be required? Crystal explained that elected officials are specifically exempted from such a policy in Montana law.

Regarding overtime and comp time language in the policy, approval by the supervisor has been removed as this is not always possible to obtain in emergency situations, or when staff is called directly by the public or council outside of business hours.

The Mayor explained there is a definition of worked time now included in the policy. Dennis Nelson asked about time worked, with vacation and a holiday within the same week - the way we currently accrue time "worked". He wondered about vacation days and holiday days being called "worked" and do they meet the definition of "work". Mayor Hamilton agreed that using some of your personal leave during a week like the example given (below) it should be counted. Crystal Turner added that state law defines that overtime is paid when and if 40 hours in the prescribed work week is obtained - not in one particular 12-hour day worked, but all hours up to a total of 40 worked then overtime kicks in. One could work 10 hours Monday, have 8 hours of holiday on Tuesday, work 9 on Wednesday, 10 on Thursday and 4 on Friday - that totals 41 hours so 1 hour of overtime. Susan Swimley said at the last meeting that holidays count toward your overtime, but she was not sure about vacation/sick time counting. Crystal has yet to review the state law's definition on holiday time counting towards your hours worked. However, hours worked, holidays, personal time off have all historically been counted towards "hours worked" by the City of Three Forks. If the Council wishes to change it, then the Council may. It was not defined in the policy, so Crystal added the language of what is being done. Kelly Smith added that the Council may change it if it wished to do so. Mayor Hamilton said that the State of Montana operates that way, or at least his job with Fish, Wildlife and Parks does. Deb Mickelberry encouraged investigating the law, as the bank does not apply holiday time towards hours worked. Kelly Smith said if the Council wished

to approve it as is, we do not need to research anything further as this is a benefit to the employee. The Mayor asked the Council's consensus on including the language as written - he noted four head nods in agreement by George Chancellor, Deb Mickelberry, Sharon Smith, Denny Nelson and Ed Tharp. Teri Whitesitt stated she was unsure as she was still processing this in her mind.

The Mayor explained why on-call pay is being added to the policy. Currently the Public Works Department received four hours of overtime every Saturday and Sunday, with operators rotating each weekend. "This would not be making a monetary change, but more of a record keeping change," the Mayor said. Sometimes a full four hours is not actually worked - more often it is minor duties like checking the levels of water or wastewater, monitoring automated equipment, or putting flags up on holidays, etc. However, four hours of overtime are paid. We are seeking a way to report this more accurately by giving this alternating weekend duty a different name. He believes this is a more honest accounting for the work being performed. He has spoken with Randy, Steve and Wendell and this would probably affect Steve the most as he typically takes any extra time as comp time rather than overtime. The Mayor asked if the Council was comfortable with that. Minor duties like those previously mentioned would be included in the availability pay, but a big duty like a main break or storm drains needing pumped, which requires being called out and doing more than minor tasks and working more than four hours, then they would be paid overtime or comp time. The Council was comfortable with this change, and expected to see an amount in the salary resolution. Kelly Smith added that she did not believe the language presented read that after four hours of working on something like a main break then overtime would kick in. She understands it more like just minor duties would be included in the availability pay - any calls or call outs would be overtime or comp time.

Crystal Turner thanked the Council for taking the time to review each of these changes tonight so that she can present a clean copy to the Council at the next meeting. She will amend the draft with the changes discussed and agreed upon tonight, and then email that out to the Council.

Councilman Nelson made a motion that we table this issue for further discussion at the next meeting, pending the drug and alcohol policy. Councilwoman Smith seconded the motion. There was no public comment or Council comments.

Motion Passed Unanimously.

NEW BUSINESS

Board Appointments:

a) Library Board of Trustees

The Mayor read the board appointment memo into the record. He noted that there are three applicants for two seats on the Library Board. Crystal Turner reported that she sent the applications to the Library Board and Director, who said they fully trust the Council's decision as all candidates are excellent candidates. TK Gibson wishes to be reconsidered for another term, and two new applications were received from Janice Schendel and Carolynn Miller. Teri Whitesitt asked what the attachment referenced in Janice Schendel's application stated. Crystal read, "My only objective for serving is to assist in the availability of information for all those in this community. Be it for history or for continuing education, computer sciences or just pure entertainment. Our future lays in the hands of our learned citizens."

Ed Tharp stated that he has known Janice forever and he believes she would be a great candidate and do a great job.

Councilman Chancellor made a motion that we accept TK Gibson's application for another full term for the Library Board. Councilwoman Smith seconded the motion. The Mayor clarified that this would be a full term and expire on June 30, 2022. There was no public comment.

Motion Passed Unanimously.

The Mayor stated that this is a tough decision - and it is rare that we have more applicants than seats. Either candidate would be an excellent choice.

Councilman Chancellor made a motion to appoint Carolyn Miller for the remainder of Mrs. Torrence's term, to expire June 30, 2021. Councilwoman Whitesitt seconded the motion. Public Comment: Kelly Bugland stated she was glad she was not in the Council's seat tonight.

Motion Passed Unanimously.

b) Fair Board

The Mayor read the board appointment memo into the record.

Councilman Nelson made a motion that we approve the request of Gene Townsend and Whobee Hughes to be reappointed to the board seats.

Councilman Chancellor seconded the motion. Public Comment: Kelly Smith stated that a third application was submitted tonight, by Kelly Bugland, although this cannot be voted upon tonight.

Motion Passed Unanimously.

Crystal was unsure that it would not be able to be voted upon tonight. The vacancies have been advertised in various locations for more than thirty days which meets our policy requirements. The City would just continue to advertise and try to recruit applicants for an additional two weeks, when we already met the public notice requirements and followed our policy. She encouraged the opposite of her normal advice, and suggested the Council go ahead and review and accept Kelly Bugland's application tonight.

Councilman Nelson made a motion that we accept Kelly Bugland's application for the third vacant seat on the Fair Board. Councilman Tharp seconded the motion. The Mayor clarified this term would expire on June 30, 2020.

Motion Passed Unanimously.

PUBLIC COMMENTS/CONCERNS

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

MAYOR & COUNCIL ANNOUNCEMENTS

There were no Council announcements.

The Mayor reported that last week the City of Three Forks is now on Facebook. The first post was the addition of a new slide at Stevenson Park.

Three Forks Saddlery is celebrating 70 years this year so congratulations to them! Also V42 is celebrating their 1st anniversary as well this coming month. Congratulations to V42 too.

AGENDA ITEMS FOR NEXT COUNCIL MEETING: 7/11/2017

- Decision to Approve the Alcohol/Drug-free policy
- Decision to Approval Revisions to the City of Three Forks Personnel Policy
- Resolution on number of permitted chickens
- Second readings of handicapped parking ordinance and violation/penalty

ADJOURNMENT

Mayor Hamilton asked if there was any other item to come before the Council tonight and if not for a motion to adjourn. Councilman Tharp "so moved." Councilman Nelson seconded the motion. There was no public comment.

Motion Passed Unanimously. (8:40 P.M.)

Steven B. Hamilton, Mayor

Crystal Turner, City Clerk

JULY 11th, 2017, The Three Forks City Council met in session in 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 JULY 2017.

PRESENT: Council members George Chancellor, Deb Mickelberry, Teri Whitesitt, Sharon Smith, and Ed Tharp. Dennis Nelson was excused. City Treasurer Kelly Smith and City Clerk Crystal Turner were also present.

The record reflects that 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. Reminder to the public that the meeting was being recorded.

GUESTS: Gloria Howland

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

CONSENT AGENDA

- vv) Approval of Claims paid due to Timeliness, Including to mail Utility Bills, for FY2016/2017 in the Amount of \$6,528.14

- ww) Approval of Claims per List(s) for FY2016/2017 in the Amount of \$72,326.25
- xx) Approval of Claims per List(s) for FY2107/2018
- yy) Approval of Meeting Minutes from June 13th, 2017
- zz) Approval of Pledged Securities report through June 30, 2017

Crystal Turner said that Kelly Smith noticed an item in the June 13th minutes that still needs investigated prior to finalizing the minutes. She suggested they be moved to the next Council meeting.

Councilwoman Smith motioned to approve the consent agenda minus Item "D".
Councilwoman Mickelberry seconded the motion. There was no public comment.

Motion Passed Unanimously.

PUBLIC HEARINGS

Public Hearing and Decision on a Second Reading of an Ordinance Amending Title 7, Chapter 2, Section 2 Allowing the Mayor to Designate Areas of Limited Parking

Mayor Hamilton stated that if no one requested another full reading of this ordinance tonight he would not be reading it again. No one requested another complete reading.

Councilman Chancellor made a motion that we approve Ordinance #373-2017, an ordinance amending Title 7, Chapter 2, Section allowing the Mayor to designate areas of limited parking. Councilwoman Whitesitt seconded the motion. There was no public comment.

Motion Passed Unanimously.

Public Hearing and Decision on a Second Reading of an Ordinance Amending Title 7, Chapter 2, Section 11 to Authorize a Fine of \$100.00 for Parking Violating in a Designated Handicapped Parking Space

Mayor Hamilton stated that if no one requested another full reading of this ordinance tonight he would not be reading it again. No one requested another complete reading.

Councilman Chancellor made a motion that we approve Ordinance #374-2017, an ordinance amending Title 7, Chapter 2, Section 11 authorizing a fine of \$100.00. Councilman Tharp seconded the motion. There was no public comment.

Motion Passed Unanimously.

REPORT OF OFFICERS

City Treasurer Kelly Smith reported that the Water Main Extension project will begin along Cedar Street on July 17, 2017. It should take a couple days for each street and the project will be completed mid-August. Kelly also reported regarding Gurley's property that Mr. Gurley stated the Ridge View subdivision's covenants state no subdividing. Susan Swimley did not believe this would be a subdivision request, but she would first need to read the covenants and then provide input (if directed to do so).

City Clerk Crystal Turner reported on Ann Cole's update of the June 29th's Northern Rocky Mountain Economic Development District's (NRMEDD) meeting. She also reported that the NRMEDD sent an email to the Chamber of Commerce inviting anyone interested to attend a meeting they are hosting at the Library on July 18, 2017, at 7PM. Lastly, she reported that she had inquired of Morrison-Maierle to provide firewall and antivirus quotes when they send their annual backup contract for this fiscal year. She has received the quotes and wanted to go over them with the Budget Committee when they meet next.

REPORT OF COUNCIL COMMITTEES

Ordinance Committee will meet two weeks' from tonight at 6:00PM here at City Hall.

UNFINISHED BUSINESS

Wastewater Project

Kelly Smith reported that we received the original signed settlement agreement between the City and Smith Contracting yesterday. She also reported that the City received an email regarding the final TSEP grant documentation being accepted, however we have not received the hard copies yet. There were no new updates on the DNRC closeout documents. The solar gate for the wastewater lagoon will be installed in a couple of weeks - payment of half the full amount is due and was in the claims for approval tonight.

Water Project

Mayor Hamilton was pleased to report that both water tanks are officially online now. We now have 25% more capacity.

Discussion and Decision on the City of Three Forks Drug & Alcohol Testing Policy

Teri Whitesitt called a number of cities per Dennis' request. The majority of those cities utilize "random" only for their positions who have a commercial driver's license (CDL), five of those cities do not test (for those positions qualifying to be tested), and eight do random testing for all their city employees. She called Three Rivers Clinic and asked them to send her a list of the drug companies they work with. One such company, out of Spokane, does not operate a consortium. CLR, another testing company, also does not administer random drug screens. Fees for testing are \$18 for the drug screen, and then the City would pay the medical resource office (MRO) and whatever the clinic charges. The woman Teri spoke with at CLR said we were looking at around \$60 flat price. She also called Quest Diagnostics, but they also do not administer a consortium. Teri called Lab Corp. who charges \$50 per test, but that does not include consortium fees.

Deb Mickelberry contacted CMS which was in the packet tonight; they are a standalone company where the City would not be part of a consortium but would be considered standalone (meaning the City's employees would be in a pool of just themselves). They suggest the City choose a minimum percentage it wishes to test, and then CMS would handle it from there. [Testing] Kits could be here at the City and then picked up and taken to clinic by the employee selected for a random test. Drug screens are \$25.

Teri said that she left out an important fact - she asked Safe Track if the City could use the lab here in Three Forks to collect samples. Safe Track did not have Three Rivers Clinic setup at the time, but he made a call to them and said he got it setup with the clinic to be done here. Fees would be \$60 per test, which includes the lab fee, shipping, chain of custody, MRO, and there are no yearly membership fees.

Mayor Hamilton said he wanted to confirm with the Council that as far as reasonable suspicion, everyone was OK with implementing that point. All Council members agreed. The Mayor asked if all the Council was also okay with implementing post-accident and pre-employment testing. All Council members agreed. The Mayor said the Council only needed to decide on implementing random testing, and then figure out if the City would use a consortium or not.

Teri Whitesitt said she personally would like to see random go in to effect. She said, "We are at the day and age that we need to test more often and be prudent. It would put our girls in a more comfortable place."

Crystal Turner read her comments of opposition into the record. Crystal said although it was not ideal to confront someone, she felt that the suspicious aspect of the program would kick in sooner than the random program would select an employee. Confrontation by herself as a witness, or as the administrator, would occur anyway. Kelly Smith agreed and said we can tell who is in a bad mood and who is not, when someone is sick or has allergies, "We notice these things because we work with each other so closely." Kelly added that even with a former resident who ended up with an addiction, we all knew something was up we just did not know what. If we had spent days in the working environment with him, you would know sooner than if you are not daily working with someone. "When the guys are out on a project and you make them stop their work and go in for testing I think you will have push back," she said. She used the example of being in the office alone last week, when there was scheduled open court, payroll had to be completed Monday as well, and if she had been selected she would have been considered a "fail" because there was no way she could have left to appear for testing.

George Chancellor posed to the Council that the cost [of a testing program] to the City vs. the cost of the liability to the City.

Teri Whitesitt said if the City went with Safe Track and 100% of our employees were tested it would only be \$300.00. She remembers a meeting when the former resident previously spoken of was present and she knew something was wrong and no one confronted him. Kelly Smith argued that she had confronted him on one occasion, and she and Crystal confronted him again on another occasion asking if he was using drugs and needed help. Kelly did not feel she would have a problem confronting an employee, no matter how uncomfortable it may be. The Mayor agreed that these girls would be able to confront anyone, respectfully, but still do that uncomfortable task. Teri said she remembered the girls said at the last meeting that they did not want to be the ones trained to be the administrator. She feels the Mayor is not here enough on a daily basis to be able to be the enforcer of this policy so that is why a random program would be helpful. Not having a random program is not setting well with her.

Kelly asked if bus drivers at the school are tested. Mayor Hamilton said that because of State Law and them having a CDL yes, they are required. Kelly asked if the school teachers get tested. Mayor Hamilton said no. Kelly continued by stating that banks do not test, the County does not test all of its employees, and [the City of] Bozeman is just now looking

to add suspicion and post-accident to their pre-employment-only policy. She feels the City is too small to implement this kind of program.

Ed Tharp hears everyone but he agrees with Kelly and thinks we are too small. He would be against a random program.

Teri Whitesitt asked if Gloria Howland was present at the last meeting; she added that she did not know where Gloria stood at that time but 66% (2 out of 3 people) of the public present at the last meeting were supportive of a random program.

George Chancellor would like to propose a compromise noting that Crystal and Kelly work with the rest of the employees more than the Council sees them: He would be willing to forego random at this point if we can revisit this in two years. Mayor Hamilton said this is not a policy etched in stone - and it could be revisited and amended. He suggested putting a maximum of two years rather than a minimum of two years to revisit the random aspect. George Chancellor realizes that random covers our liability to some extent, but the decision we are making is objective and semi-emotional. He understands that. With what we have now, he could go with that. He would like to see it back on the table in two years though.

Deb Mickelberry's concern is the liability, not the existing employees per se, but a new employee running heavy equipment. If a new employee gets in an accident right after hiring, or years down the road and we did not test - what is the liability? (No one responded with an answer at this time.)

Mayor Hamilton said that as the mayor he does not get to weigh in his opinion at times because he does not have a vote unless there is a tie. He commented that he has a problem with any law that exempts one class. Each council member and the mayor have liabilities as well yet we do not have to be tested. He does not feel this is fair or right. He talks to the staff daily. He will leave his class if needed to deal with employees; he will leave the Caverns if needed to enforce the policy. George Chancellor stated that he believed the employees would contact the Mayor with any concerns. The Mayor agreed that he felt the staff would do so even in the middle of the night if there was concern. Teri Whitesitt said that there is no 100% guarantee [that the employees would contact him]. The Mayor replied that there is not with random is going to catch every use either. Sharon Smith agreed to the Mayor's last statement. Teri Whitesitt said the Council would be able to set the percentage of employees to be in the pool. She added that she would be happy to random

drug screen with everyone else - she did not write the law [exempting elected officials] and does not agree with it either.

Ed Tharp agrees with the George and suggested revisiting the random aspect down the road.

Crystal Turner added her concerns regarding volunteers handling cash at the Rodeo. Those volunteers handle more cash than Kelly, Melissa or herself combined ever handle - and fiduciary responsibility qualifies a person to be drug/alcohol tested. She said this just so the Council can put into perspective the volunteer side of the policy.

Mayor Hamilton asked if everyone has spoken that wished to speak.

Teri Whitesitt stated that if Council votes it down that is fine, she still will not be in agreement, but she thinks revisiting this in two years is too long. George Chancellor does not care about the time, he just wanted to make sure it comes up again.

Crystal reminded all that this all began because of updates in State and Federal laws which MMIA wished to review all our policies, job descriptions, etc. It was due to be complete in April, and so for right now MMIA has issued gap-endorsement coverage of the Employee Practices Liability policy. Crystal will continue to keep MMIA apprised of all changes.

Mayor Hamilton asked for a motion of the reasonable suspicion, post-accident and pre-employment aspects of the City of Three Forks' Drug & Alcohol Testing Policy. Teri Whitesitt is sitting contemplating whether she is going to say this or not. As a teacher in Oregon, the school district implemented a drug/alcohol policy. As a teacher, she did not get a say as a teacher if the school board was going to implement the policy. She did clarify that she could have had a voice at the school board meetings had she attended, however it was not the teacher's or school aide's decision. It was the school board's decision. She appreciates Kelly, Crystal and Steven's comments and they have had time to sit and visit and get on the same page, but really this is a city decision, a Council decision for policy, and not the employees' decision. The Mayor stated he has not visited with anyone on this. Teri continued that she completely disagrees with elected officials not being part of a random program too. Crystal said she means no disrespect but she wanted the Council to know where she, as the employee, was coming from. Teri stated this is not a personal vendetta against any employee. George Chancellor

said he feels this has been a good banter and discussion tonight that allowed both sides to communicate.

George Chancellor would like to make a motion concerning our employee drug policy, that our prospective employees be tested, a test to be run upon reasonable suspicion, and a test to be run post-accident. And I want this to come up for further discussion in two years. Teri Whitesitt said a maximum of two years. George Chancellor: Fine. Councilwoman Smith seconded the motion. There was no public comment. The Mayor said this was not an easy decision and he thanked the Council and staff for relaying their comments and opinions respectfully.

Motion Passed 3:2; Councilwoman Mickelberry and Whitesitt opposed (both relaying more comments just before their vote - Deb Mickelberry said she does not have any qualms with any employees but feels suspicious put employees in a tattle tale situation; Teri Whitesitt agreed that for a maximum of \$360/year and 10% of our population of employees is not a bad idea).

NEW BUSINESS

Approval of Request by the Fire Department Hiring Committee to Place Vanessa Dionne Flores and Josh Williams to the Position of Probationary Firefighter

Teri Whitesitt moved to make Vanessa and Josh to get their backgrounds done to be volunteer firefighters. Councilwoman Smith seconded the motion. Teri Whitesitt added "probationary".

Public Comment: Gloria Howland said, "We need them."

Motion Passed Unanimously.

Resolution of the Three Forks City Council Establishing the Total Number of Permits for Residential Chickens

Mayor Hamilton read the resolution into the record in its entirety, which increased the former ordinance limit of fifteen (15) and set the maximum number of chicken permits at thirty (30).

Deb Mickelberry moved to approve Resolution #266-2017 a resolution of the Three Forks City Council establishing the total number of permits for residential chickens. George Chancellor seconded the motion. There was no public comment.

Motion Passed Unanimously.

Crystal Turner asked if she could report one more item before moving on. The Mayor Hamilton allowed her. She added that the Fair Board transition is still ongoing, she attended their Board meeting last night and reported that we still do not have reconciled statements through June 30. Crystal reminded them they cannot pay bills, they cannot write checks, etc. Christina Kamps provided the checks to the City office today. She said she will have the bank account reconciled by the end of the week and get that to the City so we can start processing their payments. We may need to handwrite checks for cash and payments needed for the rodeo this coming weekend. Signers cannot be changed on the Fair Board account until approved minutes are provided to the bank. In the future, we will input the bills and send the transaction report to the Board for their monthly meeting, which typically occurs the week before the Council meeting. All approved bills by the Board will only be printed after Council approval. Kelly Smith added that the Board knew of this change since January or February and she really wished they had done more in the way of preparation for this busy transitional and rodeo time.

PUBLIC COMMENTS/CONCERNS

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

MAYOR & COUNCIL ANNOUNCEMENTS

There were no Council announcements.

Mayor Hamilton reminded everyone the City is on Facebook, and online. He has only posted that we had an earthquake so far.

AGENDA ITEMS FOR NEXT COUNCIL MEETING: 7/25/2017

- Decision to Approval Revisions to the City of Three Forks Personnel Policy

ADJOURNMENT

Mayor Hamilton asked if there was any other item to come before the Council tonight and if not for a motion to adjourn. Councilman Chancellor moved to adjourn. Councilman Nelson seconded the motion. There was no public comment.

Motion Passed Unanimously. (8:19 P.M.)

Steven B. Hamilton, Mayor

Crystal Turner, City Clerk

JULY 25th, 2017, The Three Forks City Council met in session in 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 JULY 2017.

PRESENT: Council members George Chancellor, Deb Mickelberry, Teri Whitesitt, Sharon Smith, Ed Tharp, and Dennis Nelson. City Treasurer Kelly Smith and City Clerk Crystal Turner were also present.

The record reflects that 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. Reminder to the public that the meeting was being recorded.

GUESTS: There was no public present at tonight's meeting.

There were no **PUBLIC COMMENTS/CONCERNS** that were not on the agenda.

CONSENT AGENDA

- aaa) Approval of Claims for FY2016/2017 in the Amount of \$2,801.92
- bbb) Approval of Claims for FY2017/2018 per List(s)
- ccc) Approval of Meeting Minutes from June 13th and 27th, 2017
- ddd) Approval of Zoning & Planning Minutes from March 16, 2017
(approved by the Z&P Board 7/20/2017)
- eee) Approval of Records Destruction Request (Form RM88) #3 of Records
not Required to Obtain Local Government Records Committee's
Approval

(Agenda said Item "a" claims total \$2,801.92, however claims were added to the claims approval list after the agenda was finalized. The claims approval list sent to the Council via email and available to the public, actually totaled \$349,070.85 - the agenda just was not updated after claims were added for FY216/17. See claims approval book.)

Dennis Nelson asked to pull claim #142740 to MMIA we could save \$1500/year by switching our deductible on the property program from \$1,000 to \$5,000. He asked Kelly to contact MMIA to ask about changing it - so far MMIA is unsure if they can change it since the fiscal year has already started. He wishes to pull it until we hear back from MMIA on a definitive answer.

The Mayor asked for a motion to approve the consent agenda as amended to pull claim #142740. Councilman Tharp "so moved. Councilwoman Smith seconded the motion. There was no public comment.

Motion Passed Unanimously.

PUBLIC HEARINGS

Public Hearing and Decision on the Preliminary Budget for FY2017/2018

Mayor Hamilton introduced the item and turned the presentation over to the Budget Committee. Dennis Nelson explained that he, Ed Tharp and George Chancellor, along with the Mayor, Kelly Smith and Crystal Turner met last week to review the expenditures from the FY2016/2017 budget. He commended all departments for being within their budgets, all except Planning & Zoning. That department overspent but it received lots more applications than anticipated so the revenues were also higher. The Committee recommends utilizing the same budgeted expenditures as last fiscal year for this upcoming year. We will need to budget more in Planning this year as there will be more time spent on review of Impact Fee and Growth Policy, as well as we may see more zoning applications. The City also has submitted a grant application for three projects (trails, sidewalks and pedestrian crossing lights), all which require a local match of over \$74,000. We would like to budget the match in hopes of being awarded the grant. Mr. Nelson explained that the new gas tax revenue program will also require a local match, roughly \$2,500. Kelly Smith is still learning about how to process this program and will relay information to Mr. Nelson once she has it all.

The law requires that a City can only have up to 50% of its budget for the General Fund saved in reserves. We have an overage in reserves of around \$50,000 and so the Committee recommends all \$50,000 be used as the grant

matches. Mr. Nelson also recommends that the \$12,000 cell tower lease payment also be budgeted to be used for these grant matches.

Randy Johnston presented to Mr. Nelson that he wishes to purchase a sickle bar that would be used to mow areas along the lagoons and the barrow pit - which would be split three ways between Water, Sewer and Park funds.

Kelly Smith added that she increased the sidewalk improvement budget because we will be performing another round of inventory and sending letters to property owners for removal of trip hazards. Any expense will be offset by revenues though since the property owners pay the City and then the City pays the contractors.

Mayor Hamilton explained that we are also planning on a budget increase for the Court due to Marsy's Law, should this law go into effect.

Dennis Nelson asked if there were any updates from the Gallatin County Sheriff Office since we opened negotiations for the final year of the contract. Crystal Turner reported that she has been in contact with Sheriff Gootkin who said he still has not gathered all the information that the committee requested. Dennis suggested that the City continue with the \$300,000 budget which matches the contract.

Dennis asked when the City would know what the mill levy price will be. Kelly Smith replied that we should know no later than the first Monday in August.

Councilman Chancellor made a motion that we approve the preliminary budget for the Fiscal Year 2017/2018. Councilman Tharp seconded the motion.

There was no other discussion.

Motion Passed Unanimously.

REPORT OF OFFICERS

City Treasurer Kelly Smith reported the Mixing Zone Study for the outfall of the wastewater project will be performed this Thursday.

City Clerk Crystal Turner the only thing she had to report on was that she and Kelly questioned today about the cell tower lease payment and where that would be budgeted to. Dennis Nelson said he would like to open that up for discussion now. Kelly added that she knows that the only revenue which needs budgeted separate in its own fund will be the Gas Tax money for HB473. She asked the auditors for verification that the City could

decide where to receipt the other revenues - if the City left the cell tower lease money where we had it budgeted in years past it would be going to the General Fund and that would help cover the cost of the grant match Mr. Nelson mentioned earlier.

REPORT OF COUNCIL COMMITTEES

Ordinance Committee met tonight at 6PM here at City Hall - they thought they had a clear direction but the draft they reviewed tonight was said by Sgt. Peterson to be an administrative nightmare. They would prefer a no-Council-required permit that could be issued at City Hall up to seven days. Over seven days would require Council approval. The Mayor asked if it would be a conditional use permit process then over seven days. Kelly Smith said a conditional use permit would require a hearing before the Zoning & Planning board. There was discussion regarding the timeliness for response to an applicant if the application needed to be heard by the Zoning & Planning board, and then the Council prior to approval. The Ordinance Committee would like applications to not have to be heard before the Zoning & Planning Board - perhaps the permit name could be something else? The discussion turned to timeframes exceeding seven days, and what an acceptable time to stay in a camper/recreational vehicle would be. Dennis Nelson suggested something even up to twenty days. George Chancellor asked what the original intent of this ordinance was. Teri Whitesitt and Deb Mickelberry stated it was to prohibit a person from living in a camper, recreational vehicle or tent permanently. George asked where the line was when you are staying in your camper for a visit versus living in your camper permanently. Deb Mickelberry said there is another avenue for living in your camper during construction of a home. We do not want to encourage someone who is actually home-less to come in and live in their camper on a family member's property. Ed Tharp added that he believes two weeks would be sufficient and that would take care of 95% of the visiting people.

George Chancellor asked how we would inform the public they would need to obtain a permit before their family comes visiting. Crystal Turner said we try to inform the public via our website, shared on Facebook, physical postings around town but we will still have people slip through the cracks. She believed the majority of the public would get informed of this prior to adoption though. George added that having to obtain permission for his family to come visit him sticks in his craw a bit. He feels it should be a family decision on how long one can stay visiting in a camper (on your property).

Kelly Smith said we have been informing people face-to-face as they come into the office, trying to educate those we know are living in their campers of this upcoming change.

Teri asked if there was a number everyone felt comfortable with so we could move this ordinance to a first reading. She was comfortable with two weeks, or even one month. Dennis Nelson suggested three weeks because if one needs to obtain a permit for more than three weeks they would not be able to be heard before the Council on those months where we do not have meetings every other week. The rest of the Council was comfortable with three weeks, more than that, the permittee would have enough time to get prepare to be heard before the Council. Each request would be heard on a case-by-case basis but we need some guidelines to follow. If the RV/camper can fit on the private property then she asked the City office to communicate with the Sheriff Officers that, "this person at this address has a permit to stay until X date." Dennis Nelson said to play Devil's advocate, how do we differentiate between alley, boulevard, public street and private property. Teri added that the way the ordinance is drafted now it says no one can live on the street, but that may be difficult for some properties to allow the RV/camper on their property. Deb Mickelberry was okay with one parking along the street or boulevard, as long as slides are not opened and blocking the public's access along the sidewalk or other safe way to pass.

UNFINISHED BUSINESS

Wastewater Project

a) SRF Draw #28 in the Amount of \$332,824.00

Mayor Hamilton introduced the draw. Dennis Nelson explained this was the last draw request which includes a pay application to Smith Contracting. Teri Whitesitt thanked the Committee for all their work, noting they spent hours and hours keeping tabs on this project.

Councilwoman Smith thanked Dennis and Ed for all their work on this, and made a motion to approve that SRF Draw #28 in the amount of \$332,824.00 to be signed by the Mayor. Council Tharp seconded the motion. (Dennis added comments regarding the next agenda item.)

Motion Passed Unanimously.

b) Approval of Addendum #9 with Great West Engineering to Furnish the MPDES Permit Modification

Mayor Hamilton explained that the current MDEQ permit does not reflect our new discharge location and so the permit needs modified. Dennis added

this would cost around \$5,000 to modify the DEQ permit. The Mayor said that we were going to look into our contract with Morrison-Maierle to ensure this is not work they already perform for the City. Crystal Turner said she has discussed this with Eric Blanksma and that it is not work covered in their existing contract.

Councilman Nelson made a motion to give Steven permission to sign Addendum #9 of the extension of the Great West Engineering contract. Councilwoman Whitesitt seconded the motion. There was no further discussion.

Motion Passed Unanimously.

Water Project

a) SRF "C" Draw #2 in the Amount of \$36,423.00

b) WRDA Draw #5 in the Amount of \$98,916.63

Mayor Hamilton introduced the draws simultaneously.

Kelly Smith said that the only other item in the Water Project after this will be the final payment to Great West Engineering.

Dennis Nelson added that he, Ed Tharp, Sharon Smith, the Mayor along with Crystal and Kelly met with Great West last week to follow up on the amendments they requested to their contract. We had roughly \$39,000 remaining in the project budget. Great West had submitted a letter requesting additional payments for things like the third bid notice for the water tank painting, engineering services, and grant administration once WRDA was awarded. During the meeting Great West Engineering said it would go back and review the City's arguments to some of those charges. They have ceded some of those requested charges and the Committee recommends a final payment to Great West for around \$34,000.

Councilman Nelson moved to approve the two draws, the SRF "C" draw in the \$36,423.00 and the WRDA draw #5 in the amount of \$98,916.63. Councilwoman Smith seconded the motion. The Mayor added that we will use all grant money first; no loan money will be used until grants are fully expended.

Motion Passed Unanimously.

Discussion and Decision on the City of Three Forks Drug & Alcohol Testing Policy

Mayor Hamilton recapped the changes agreed upon at the last meeting and noted that Crystal Turner had provided a clean copy to all the Council via email after that meeting. Those changes in the clean, final copy are: providing definitions for "Program Administrator" and "Volunteer", amending the adoption date as July 25th as well as the 60-day notice

afterwards stating the effective date of the policy, and the specific job titles per the law.

Councilman Chancellor made a motion that we approve the City of Three Forks Drug & Alcohol Testing Policy. Councilman Nelson seconded the motion. There were no public or Council comments.

Motion Passed 5:1, Teri Whitesitt opposed.

Decision on the City of Three Forks Personnel Policy

The Mayor stated that if he remembered correctly, this was only waiting for the adoption of the Drug & Alcohol Testing Policy. Crystal Turner agreed and said that she also added the word "volunteer" to that paragraph regarding the Drug & Alcohol Testing Policy since the Council agreed at the last meeting that it would have volunteers adhere as well.

Councilwoman Smith motioned to approve the personnel policy manual.

Councilman Chancellor seconded the motion. Crystal explained the accident at the rodeo with a volunteer this past week. Had she not been a volunteer she probably would not have even heard about the accident. There are roughly seventy volunteers for the rodeo, maybe twenty for the Headwaters Run, and the Library has a pool of around ten. Under this same policy, the volunteer who was injured would be required to go be tested. She encouraged the Council to really put thought into the volunteer-specific policy. This would require quite a bit of administration to educate our volunteers on what needs to occur prior to volunteering, and if accidents occur. Crystal asked Christina Kamps to document the accident just to be safe for their workman's compensation coverage at a minimum. Kelly Smith asked if there will be a pre-employment aspect (or pre-volunteering) for volunteers and if that would be annually, or once in their volunteer "life" for the City.

Motion Passed Unanimously.

NEW BUSINESS

Decision to Appoint Ann Cole as the Three Forks Representative

Mayor Hamilton read the board appointment memo.

Councilman Nelson made a motion that we approve Ann Cole to the three year term on the economic board. Councilman Tharp seconded the motion. There were no public or Council comments.

Motion Passed Unanimously.

With no public present, there were no **PUBLIC COMMENTS/CONCERNS**.

MAYOR & COUNCIL ANNOUNCEMENTS

There were no Council announcements.

Mayor Hamilton reported he and Dennis Nelson attended the Northern Rocky Mountain Economic Development meeting which was held last Tuesday night. They were the only attendees so they had a good visit with NRMEDD.

He also reported he and Kelly Smith attended the Montana League of Cities & Towns regional training last Wednesday. They received good information about the new gas tax, discussions on liabilities, and how Councils interact with each other.

Last, he reported that the Gallatin Valley Outlaws would be hosting the State A in Montana and Alberta regional games, held at the Imerys field this weekend. He will be attending the welcoming ceremony and get to welcome everyone at that game. If you get a chance, come down to see some baseball this weekend.

AGENDA ITEMS FOR NEXT COUNCIL MEETING: 8/8/2017

- Public Hearing and Decision on a Resolution Notifying the Gallatin County Election Administrator of its Desire to Conduct the 2017 City General Election by Mail Ballot in Accordance with Section 13-9-202, MCA
- Discussion and Possible Decision on the Preliminary Budget for FY2017/2018
- Jared Brown has two zoning applications - one for a zone change request and the other for a conditional use permit

ADJOURNMENT

Mayor Hamilton asked if there was any other item to come before the Council tonight and if not for a motion to adjourn. Councilman Tharp moved to adjourn. Councilwoman Whitesitt seconded the motion. There was no public comment.

Motion Passed Unanimously. (8:00 P.M.)

Steven B. Hamilton, Mayor

Crystal Turner, City Clerk

AUGUST 8th, 2017, The Three Forks City Council met in session in 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 AUGUST 2017.

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

The record reflects that 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. Reminder to the public that the meeting was being recorded.

GUESTS: Gloria Howland, Tony and Jackie Sorenson, Jared Brown, and Justin Helvik.

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

CONSENT AGENDA

- fff) Approval of Claim Paid to Mail Utility Bills in the Amount of \$159.79
- ggg) Approval of Claims for FY2016/2017 in the Amount of \$169,383.00
- hhh) Approval of Claims per List(s)
- iii) Approval of Fair Board Claims (hand-written checks) Totaling \$37,484.99 in order to pay Rodeo Expenses
- jjj) Approval of Fair Board Claims per Lists(s)
- kkk) Approval of Meeting Minutes from June 27th and July 11th, 2017
- lll) Approval of Zoning & Planning Meeting Minutes from July 20th, 2017

- mmm) Approval of Zoning & Planning Meeting Minutes from July 20, 2017 (approved by the Z&P Board 08/03/2017)
- nnn) Craig Shepherd Engagement Letter to prepare the Annual Financial Report for the year ended June 30, 2016, for \$3,500.

Mayor Hamilton noted that nine items are mentioned, but really there are only eight, as items G and H are the same item. He added that the Clerk and Treasurer are just being efficient and ensuring items are on the agenda.

Sharon Smith asked if the Annual Financial Report item should be for the year ending 2017 and not 2016. Kelly Smith replied yes.

Councilwoman Smith "so moved" to approve the consent agenda as amended.
Councilman Tharp seconded the motion. There was no public comment.

Motion Passed Unanimously.

PUBLIC HEARINGS

Public Hearing and Decision on a Resolution Notifying the Gallatin County Election Administrator of its Desire to Conduct the 2017 City General Election by Mail Ballot in Accordance with Section 13-9-202, MCA

Mayor Hamilton read the resolution into the record completely.

Councilman Chancellor made a motion that we approve Resolution #267-2017, a resolution of the City of Three Forks notifying the Gallatin County Election Administrator of its desire to conduct the 2017 general election by mail ballot in accordance with 13-9-202, MCA. Councilwoman Smith seconded the motion.

Public Comment: Jared Brown asked if that means that one can only vote via mail. The Mayor replied no, you can vote by mail or you can drop it off here. George Chancellor added that there will not be a polling place in Three Forks. The Mayor added that you will not get a "I Voted" sticker either. Crystal Turner said she would ask the Election Administrator if she could give us stickers to distribute to those turning their ballots in.

Motion Passed Unanimously.

Public Hearing and Decision on the Approval of an Application by ARASTA Enterprises, LLC, Jared Brown, to Change Zoning Designation at Block 3,

Lot 3B, Headwaters Addition (34 Railway) from General Industrial Transitional Zoning District to Central Business District

Zoning Liaison George Chancellor recapped the Planning & Zoning staff report and read the conclusion from City Planner Ralph Johnson. Staff recommended approval.

Applicant Presentation: Jared Brown stated that there is a need for commercial/residential as there is a lot of that already in this area. He added "General Industrial- Transitional" seems to be going by the way-side and not being used as much anymore.

Public Comment: Gloria Howland questioned about the parking along Railway Avenue, however the staff report states there is adequate parking off the street.

There was no applicant rebuttal.

Councilman Chancellor made a motion that we approve ARASTA's request that the zoning map be changed that Block 3, Lot 3B of the Headwaters Addition, from General Industrial Transitional to Central Business District.

Councilwoman Mickelberry seconded the motion.

There was no public comment or Council comments.

Motion Passed Unanimously.

Public Hearing and Decision on the Approval of a Conditional Use Application by ARASTA Enterprises, LLC, Jared Brown, to build a shop enclosed storage, within & adjacent to a Residential Apartment for the Property Location at Block 3, Lot 3B, Headwaters Addition (34 Railway)

Zoning Liaison George Chancellor recapped the Planning & Zoning staff report and read the conclusion of Planner Ralph Johnson. Mr. Chancellor stated there is an off-street parking plan drawing that was submitted after the Zoning & Planning meeting. Staff recommended approval with the condition that all off-street parking standards must be met in accordance with the City of Three Forks Zoning Ordinance Chapter 13, Off-Street Parking.

Applicant Presentation: Jared Brown said the building drawings in tonight's application are preliminary, because they are also going through floodplain elevation and permitting. The intent would be no different than his own application for where BBG resides. They began with gravel parking areas and paved it after a year or so, but even if this parking area remains gravel it is no different than Railway Avenue. Zoning only requires 2% of the property to be landscaped, but again his intent is to

do more than required similar to what he did at the BBG office. He said this is a good local business.

Deb Mickelberry questioned what the intent was regarding the residential unit - is it to be rented out; would the renter be bothered by being in a business zone? Mr. Brown replied that he believes the tenant would not be affected by the surrounding businesses because the businesses operate normal business hours. Susan Swimley suggested it would be beneficial to put the tenants on notice up front by stating in the lease that they are surrounded by industrial businesses who may operate outside of common business hours. Mrs. Swimley asked about the intent of paving the lot, since the applicant stated since Railway Avenue is not paved it did not make sense yet to pave the approaches and the lot. Mr. Brown said that only the approaches and the required parking spaces need to be paved, but ultimately there is a big chunk of money being dished out to build the building. However, the intent down the road (possibly a couple years) is that the rest of the land would also be paved. He proposed the condition be that he would have to pave the approach and lot when the City paves Railway. Mrs. Swimley said that would be a reasonable condition.

There was no public comment.

There was no applicant rebuttal.

Councilman Chancellor moved to approve the conditional use permit with the condition that the approaches and parking spaces be paved either at the applicant's leisure, or whenever the [Railway] street is paved.

Councilwoman Smith seconded the motion. There were no other comments.

Motion Passed Unanimously.

Public Hearing and Discussion on the FY2017/2018 Budget

Dennis Nelson reported that the Budget Committee, the Treasurer and Clerk met a couple weeks ago and reviewed the 2016/2017 expenditures and just carried that same appropriations over to this year. He stated that Kelly Smith is fine tuning the budget as the City just received the Department of Revenue's mill value in yesterday's mail. Kelly Smith informed Dennis that our checking account interest was increased from 0.5% to 1.0%. There is a Budget Committee meeting scheduled for Thursday, August 17, 2017, at 3PM.

City Treasurer Kelly Smith reported that we will be able to tax about 146 mills to split between all the funds, but that is roughly 12 mills less than what we taxed last year. The fire truck was paid off early. With the 10 voter-approved mills, and 3 extra of regularly taxed mills, the

Fire Relief Association will be fully funded at the end of this fiscal year. There are two more years on those 10 voter-approved mills and it would be fully funded before that sunset date. Dennis Nelson added that in a couple years we will reassess that situation and probably reduce the number of mills that are taxed. Dennis added that every department last year was under budget by almost 7%.

Public Comment: Jared Brown praised the City for doing a good job by coming in 7% under budget.

REPORT OF OFFICERS

City Treasurer Kelly Smith reported that the Wastewater Draw which was approved at the last meeting, after the fact she caught that it was requesting \$92,000 for reimbursement of Great West invoices which had already been included in a previous draw. She had Steven Hamilton re-sign the draw paperwork that removed that additional \$92,000 and Great West Engineering re-sent the draw to SRF. SRF probably would have caught that we were borrowing on invoices previously submitted, however we sent it earlier. She also reported on Chloe Mamelok of the Viceland channel, who has requested to speak with the Judge regarding an old court case. She is producing a series on sovereign citizens and would like to know if any of the Council or Mayor would like to talk to her.

City Clerk Crystal Turner reported that she has been working on sidewalk letters to those who have been inventoried on the connecting streets between Main Street and 2nd Avenue East. She also has been sending out a lot of community decay letters for overgrown vegetation, noxious weeds and low hanging tree limbs blocking alley traffic. Lastly, she reported that she and Kelly have both been working on Fair Board transitional items and attended the Fair Board meeting on August 7th. We recapped some financial information to them, but we could not give them as clear of a financial report as they expected since we still do not have "all the pieces to the puzzle." She reminded Mrs. Swimley to review the Fair Board bylaws she sent a few months ago so that we can have the Board review them and provide comments prior to the Council's adoption of the bylaws.

City Attorney Susan Swimley said she did not have anything to report.

Dennis Nelson added regarding the Fair Board meeting, that their big wish/project is still bleachers. New bleachers are needed for safety but also for handling the exceptionally large crowds. George Chancellor asked if the Board had asked the City to float a loan. Denny responded that the

Board has not directly asked that yet. Crystal added that the Board said they raised the rodeo ticket prices again this year and it did not deter any fewer in attendance. In fact this year was the highest ever attended Three Forks Rodeo. They do not have enough seating for as many people as attend the rodeos.

REPORT OF COUNCIL COMMITTEES

Mayor Hamilton said that he would like to meet with the Streets & Alley Committee and Wendell Ewan in the next few weeks.

UNFINISHED BUSINESS

Wastewater Project

The only remaining item on this project is the mixing zone study. Dennis Nelson went with Great West Engineering to the Madison River while they shot depths of the river. He spoke with the technicians from Great West who said it would take two weeks for the results from the lab and then they can finish the report in three or four weeks after that. One other outstanding item that Great West Engineering is working on is the modification to the DEQ outfall permit. This will cost about \$3,500 for the DEQ permit modification and another \$1,500 to Great West to administer the change.

Water Project

a) Approval of Amendment #2 to the Contract with Great West Engineering for \$34,043

The Mayor introduced the amendment. This was agreed upon with the Water/Sewer Committee and Great West during a meeting a couple weeks ago. The Mayor added that this was about \$10,000 less than their original request. Dennis Nelson added that it was also still within the Water project budget.

Councilman Nelson made a motion that we approve Amendment #2 to the contract with Great West Engineering in the amount of \$34,043.

Councilwoman Smith seconded the motion. There were no public or Council comments.

Motion Passed Unanimously.

b) SRF "C" Draw #3 in the Amount of \$16,250.47

c) WRDA Draw #6 in the Amount of \$17,952.49

Mayor Hamilton introduced the draw. Kelly Smith added that these two draws together total the amount of the Amendment #2.

Councilman Nelson made a motion that we give Steven the approval to sign off of the SRF "C" draw #3 in the amount of \$16,250.47 and also the WRDA Draw #6 in the amount of \$17,952.49. Councilman Tharp seconded the motion. There were no public comments. Dennis Nelson asked if all the grant money was now used. Kelly Smith reported yes, all the grant money was used up first.

Motion Passed Unanimously.

NEW BUSINESS

Approval of Firefighters' Election of Officers of Keith Aune as Fire Chief, John D. Whitesitt as Assistant Fire Chief, and Josh Miller as Fire Secretary

The Mayor noted that the Council had a letter from Keith Aune in their packet.

Councilman Nelson made a motion that we approve the appointment of the following members Chief Keith Aune, Assistant Chief John Whitesitt and Secretary Josh Miller to the Three Forks Fire Department. Councilman Tharp seconded the motion. There were no public or Council comments.

Motion Passed Unanimously.

Board Appointment - Board of Adjustments

Mayor Hamilton read the board appointment memo into the record.

Councilman Tharp moved that we reappoint Deb to the Board of Adjustments. Councilwoman Whitesitt seconded the motion. There were no public or Council comments.

Motion Passed 5:0, Deb Mickelberry abstained.

Approval of Request to Allow the Three Forks School's Homecoming Parade down Main Street in September Including a Bonfire at the School the Evening Prior to the Homecoming Game

The Mayor disclosed that Mr. Helvik is his immediate supervisor, so if there was a tie vote he could not vote. The room laughed.

Justin Helvik distributed a copy of the approved permit from the State of Montana for the school's request to block off the road and place detour signs during the Homecoming Parade on September 22nd. The school has not had a bonfire since 2014 because of fire restrictions. There are restrictions right now but in hopes of those being lifted, we wanted to request permission just in case. The school will talk to Fire Chief Keith Aune as we get closer to the Homecoming game day. The bonfire would

typically be held Thursday, after the game, in the gravel of the bus barn property.

There were no questions by the Council.

Councilman Nelson moved that we approve the request for the parade on Main Street, and also the bonfire precluding any bans that might be in place and also with permission that the Fire Chief will cover the safety.

Councilman Tharp seconded the motion.

There was no public comment or Council comments.

Motion Passed Unanimously.

PUBLIC COMMENTS/CONCERNS

Kelly Smith asked if there was a timeline on the camper ordinance, because the people living by her house have had Northwestern Energy install a power line which is directly connected to a recreational vehicle. Susan Swimley stated she did not have the minutes. Crystal Turner explained she has six other meeting minutes ahead of that meeting. She apologized, as she had read them but did not see any action items to get anything to Susan in the minutes. She offered to give a copy of the minutes to Susan, and the Committee said that would be fine.

MAYOR & COUNCIL ANNOUNCEMENTS

There were no Council comments.

The Mayor reminded everyone of the Solar Eclipse which will take place on August 21st, 2017, and the Library is hosting a party if anyone is interested. He reminded everyone not to look into the sun. Kelly Smith added that there is also a meteor shower this Saturday night.

AGENDA ITEMS FOR NEXT COUNCIL MEETING: 8/22/2017

- Public Hearing and Decision on the Approval of a Conditional Use Application by Brian Koelzer, to Build a Residential Duplex and Garage for the Property Located at Block 62, Lot 6 Milwaukee 2nd Addition, More Commonly Referred to as 722 3rd Avenue East
- Public Hearing and Decision on a Resolution Amending the FY2016/2017 Budget to Acknowledge Unanticipated Revenues, and Accounts of Exceeded Expenditures
- Public Hearing and Decision to Adopt the Final FY2017/2018 Budget

ADJOURNMENT

Mayor Hamilton asked if there was any other item to come before the Council tonight and if not for a motion to adjourn. Councilman Tharp "so moved" to adjourn. Councilwoman Mickelberry seconded the motion. There was no public comment.

Motion Passed Unanimously. (8:06 P.M.)

Steven B. Hamilton, Mayor

Crystal Turner, City Clerk

AUGUST 22nd, 2017, The Three Forks City Council met in session in 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 AUGUST 2017.

PRESENT: Council members George Chancellor, Deb Mickelberry, Teri Whitesitt, Sharon Smith, Ed Tharp, and Dennis Nelson. City Treasurer Kelly Smith and City Clerk Crystal Turner were also present.

The record reflects that 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. Reminder to the public that the meeting was being recorded.

GUESTS: Gloria Howland, Brian Koelzer, Matt and Kelly Bugland.

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

CONSENT AGENDA

ooo) Approval of Claims per List

ppp) Approval of Fair Board Claims per List

- qqq) Approval of Meeting Minutes from July 25th and August 8th, 2017
- rrr) Approval of Allow the Fair Board to enter into a 250-gallon LP Gas Tank Rental Agreement at the Rodeo Grounds in the Amount of \$50/year

Councilwoman Smith moved to approve the consent agenda. Councilman Tharp seconded the motion. There was no public comment.

Motion Passed Unanimously.

PUBLIC HEARINGS

Public Hearing and Decision on a Conditional Use Permit for Brian Koelzer, to Build a Residential Duplex and Garage for the Property Located at Block 62, Lot 6 Milwaukee 2nd Addition, More Commonly Referred to as 722 3rd Ave E.

Mayor Hamilton turned the presentation over to Zoning & Planning Board Chairman George Chancellor. George read the staff report into the record. In conclusion, assuming no new evidence or significant public comments contrary to the application, Ralph Johnson recommends approval of the Brian Koelzer request for the Conditional Use Permit to build a multi-family (duplex) residential unit at Block 62, Lot 6 of the Milwaukee 2nd Addition, City of Three Forks.

George read a petition of opposition signed by Larry Bjorndal, Daniel & Felicia Schedel, Tim & Lori Tribble, and Jim & JoRill Jewett. He also read letters of support from Steve & Robin Hamilton, Linda Koelzer, John McDonnell, Dean Folkvord, and Joan Oelke.

Applicant Presentation: Brian Koelzer thanked the Council and Mayor for hearing him tonight. He testified that from when he was a child until current, housing has always been a tough situation and Three Forks has a lack of rentals. He learned from Kelly Bugland at the last Zoning & Planning meeting that the school has hired eleven new teachers, all of whom were still searching for housing. Since that August 3rd meeting he has learned that one of those teachers has found a studio apartment above a barn in Clarkston - and that was the closest one that teacher could find available. He knows there are rumors that he is building a "slum lord" style facility and wanted to say that this is not the case.

Public Comment: Kelly Bugland said that she would be managing the property for Brian so it will be properly and legally managed. She has spoken with some of the people who signed the petition in opposition and informed them it will not be a low income rental facility. They assured

her they would call the City to let them know that they are no longer opposed. (To date Jim Jewitt came in to review the plans, as did Felicia Schedel, but neither removed their name from the petition. Lori Tribble contacted the City the day after this meeting to say she wished for her and her husband's name to be removed from the petition.)

Matt Bugland added that it is nice to see stick built construction coming into town, not a trailer wheeled in. He added that the people building and those who will be living in the homes are eating and shopping here and he is happy to see that growth in "Montana's Favorite Small Town."

There was no applicant rebuttal.

Board Discussion/Decision: The Mayor said that although he does not get a vote unless there is a tie by the Council, he thinks all growth is good and he would vote for it if he could.

Councilman Nelson moved that we approve the Brian Koelzer application for for a Conditional Use Permit at 722 3rd. Councilman Chancellor and Councilwoman Smith seconded the motion in unison. There was no further public or Council comments.

Motion Passed Unanimously.

Public Hearing and Decision on a Resolution Amending the FY2016-2017 Budget to Acknowledge Unanticipated Revenues in the Amount of \$119,570.60, and to Amend Expenditures Exceeding the Original Appropriations in the Amount of \$27,742.81

Mayor Hamilton read the resolution into the record and introduced that it would be Resolution #269-2017 if adopted.

Neither the Council nor the public had any comments.

Councilman Chancellor moved that we approve Resolution #269-2017, a resolution amending the FY2016-2017 budget to acknowledge unanticipated revenues in the amount of \$119,570.60, and to amend expenditures exceeding the original appropriations in the amount of \$27,742.81. Councilwoman Smith seconded the motion. There was no further public or Council comments.

Motion Passed Unanimously.

Public Hearing and Decision on a Resolution Levying the Annual Assessments of Repair and Maintenance Costs for the Street Maintenance District #1

Mayor Hamilton informed the Council members that they had the full text of the resolution in front of them, but that the appendices for each of these are available on the table to share in order to reduce printing costs. He then read the resolution into the record and stated that it would be Resolution #270-2017 if adopted.

Neither the Council nor the public had any comments.

Councilman Nelson moved that we approve Resolution #270-2017, a resolution levying the annual assessments of repair and maintenance costs for the Street Maintenance District #1. Councilman Tharp seconded the motion. There was no further public or Council comments.

Motion Passed Unanimously.

Public Hearing and Decision on a Resolution Levying the Annual Assessments of Repair and Maintenance Costs for the Street Maintenance District #2 (Ridge View Subdivision)

Mayor Hamilton informed the Council members that they had the full text of the resolution in front of them, but that again the appendices for each of these assessment resolutions are available on the table to share in order to reduce printing costs. He then read the resolution into the record and stated that it would be Resolution #271-2017 if adopted.

Neither the Council nor the public had any comments.

Councilwoman Smith moved that we approve Resolution #271-2017, a resolution of the Three Forks City Council adopting and levying the assessments for the 2017-2018 Street Maintenance District No. 2 (Ridge View Subdivision), in the total amount of \$3,300.00. Councilwoman Whitesitt seconded the motion. There was no further public or Council comments.

Motion Passed Unanimously.

Public Hearing and Decision on a Resolution Levying the Annual Assessments of Repair and Maintenance Costs for the Street Lighting District #1

Prior to the Mayor reading this resolution, Kelly Smith distributed a new version of this resolution than what was originally emailed out on Friday and placed in the packets. There was discussion on the Clerk's "listserve" email which Kelly had caught the MCA number had changed as well as street light districts do not have to be adopted until October. She distributed clean copies with the correct MCA.

Mayor Hamilton informed the Council members that they had the full text of the resolution in front of them, but that the appendices for each of these are available on the table to share in order to reduce printing costs. He then read the resolution into the record and stated that it would be Resolution #272-2017 if adopted.

There was no public comment. Dennis Nelson questioned if sending these now would change anything for Gallatin County when they bill our taxes. Kelly Smith explained no, that the County requires our numbers first prior to them levying the amount for each lot on the tax bill.

Councilman Nelson moved that we approve Resolution #272-2017, a resolution of the Three Forks City Council adopting and levying the assessments for the 2017-2018 Street Lighting District No. 1. Councilman Tharp seconded the motion. There was no further public or Council comments.

Motion Passed Unanimously.

Public Hearing and Decision on a Resolution Establishing the Mills to be Levied, Designating the Percentage Breakdown for the State Entitlement Share; and Designating the Breakdown for the Local Option Tax for FY2017-2018

Mayor Hamilton read the resolution into the record.

There were no public comments.

Dennis Nelson thanked Kelly and Crystal for getting all these numbers together for the Budget Committee and Mayor. The Option Tax consists of roughly \$58,000 of which Kelly left \$47,300 for the General Fund as it previously had been and \$2,563 to the Library, leaving roughly \$8,100 needing to be determined of how to split. The girls said Melissa Christoffersen has done a phenomenal job at the Library this past year with the budget so they suggested giving the Library more in order to sustain their programs (\$3,731 additional). Fire Capital Improvement fund will have the other \$5,000 from the Option Tax. He also mentioned that the \$12,000 of State Entitlement money will go to Street Capital Improvement. The Mayor added that the Street Capital Improvement funds will go towards pavement of currently unpaved streets over time as it builds.

Kelly noted in the first "Now Therefore be it Resolved" paragraph, the resolution still mentions Fiscal Year 2016/2017. Crystal Turner corrected the resolution to read Fiscal Year 2017/2018 and printed a clean and correct copy for the Mayor's signature if approved.

Councilwoman Smith moved to pass Resolution #273-2017, a resolution of the Three Forks City Council adopting and establishing the mills to be levied; designating the percentages breakdown for the State of Montana Entitlement Share; and designating the breakdown for the Local Option Tax for the Fiscal Year beginning July 1st, 2017, and ending June 30th, 2018.

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

Motion Passed Unanimously.

Public Hearing and Decision on a Resolution to Adopt the FY2017-2018 Budget

Mayor Hamilton said this would be Resolution #274-2017 if adopted, and then read it completely into the record. In doing so, he also found a mention of Fiscal Year 2016/2017. Crystal Turner corrected the resolution and printed a clean and correct copy for the Mayor's signature if approved.

Dennis Nelson again thanked the Mayor, the Budget Committee and Crystal and Kelly for presenting a very strong and healthy budget. All the departments came in under budget last year and that really helped the City. He thanked the department heads for staying in budget. The City projects the interest on our checking account, to the tune of around \$34,000. The Committee recommends directing that interest money entirely to the Sewer Fund #5310 (less what already is designated to the various CIP funds). This will go specifically to offset the final outfall work on the project. We may not need to use all of it, but we do not know the full coverage of WRDA funding yet. The Committee felt this would be a good place to put this money in the event it is needed. Also, the City receives rent from the cell tower which is located on City property. The rent is around \$12,000/year. The Committee recommends all this goes towards Park Reserves/Capital Improvements for replacements of swings and small items. He was very pleased to announce that the Committee recommends that the City pay off the police car loans. It will save around \$2,000 on interest, but may put us in a better position for next year's negotiations with the Sheriff. City Treasurer Kelly Smith had brought to the Committee's attention that if the City paid off a Water loan, it would save about \$4,800 in interest, this loan is not scheduled to be paid off until 2029. Kelly also stated that a Sewer loan not scheduled for payoff until 2027, could be paid off early. The outstanding balance is \$361,000 and we will save over \$40,000 in interest payments and free that money up for operational costs. Ed Tharp added that the Committee also discussed paying off the Bobcat early this year.

Kelly Smith said that there is a new fund in this budget - Fund #2821. This is the new fund for HB473 the Legislature enacted this year. It has to be kept separate and the City will have to budget a local match. The money remaining in the Fire Truck G.O. Bond fund comes from past due property taxes (which trickle in annually) and is budgeted to be transferred to the General Fund, but the loan has been paid off. She did budget a small amount in the Water Project just in case there are some final invoices that come in.

Councilman Nelson moved that we approve Resolution #274-2017, a resolution of the Three Forks City Council Adopting the Fiscal Year 2017-2018 Budget.

Councilwoman Smith seconded the motion. There was no public comment. There were no Council comments. The Mayor commented that this is a very good budget - the fact that the City can pay off a Sewer loan twelve years early, and a Water loan ten years early is because of the Council's hard work, because of our staff's hard work and conservation in previous budgets. Many cities would love to have such a healthy budget. We are paying off a large amount of debt in this budget. Kelly Smith clarified that the debt payoff totals around \$400,000. The Mayor continued that it is not very often that you can reduce a city's debt by \$400,000 and reduce taxes at the same time.

Motion Passed Unanimously.

REPORT OF OFFICERS

City Treasurer Kelly Smith reported that she was able to change the MMIA deductible to \$5,000 per occurrence. She also said that when the Three Forks Market opened up the Campground, the City Council said that it would review the usage and amend the sewer rate after a season. The water usage is minimal, but the Campground does allow people to dump their RVs so this does impact our sewer system. She wondered if the Council wanted to review and amend the sewer average charge. Deb Mickelberry asked if there was a tenth RV allowed, as it appears there is a new location for a tenth RV to park. Kelly Smith replied, "Not a legal one." Teri Whitesitt explained that the Campground only allows a RV to dump if there is an empty camping space. She added that the Campground charges \$9.99/dump. (There was no Council response to Kelly's question regarding amending the sewer average charge.)

City Clerk Crystal Turner reported that the mail ballot written plan was received today from the Gallatin County Clerk & Recorder's office. This will be sent to the Secretary of State for approval. The plan outlines specific dates for the upcoming election including that the City will pick

up any insufficient postage costs, that the ballot box will be locked and voters will need to sign in that they submitted their ballot into the ballot box, the City can opt out of the mail ballot up to September 13th, and that if no opt out of mail ballots occur then ballots will be mailed out on October 18th.

REPORT OF COUNCIL COMMITTEES

There were no Council Committee reports.

UNFINISHED BUSINESS

Wastewater Project

Dennis Nelson said we are only waiting for the results of the mixing zone study, which are expected early September.

Water Project

Dennis Nelson reported that the water main extension is underway (which is separate from the Water Project). Cedar Street is done however we are still waiting for a paving contractor to come and pave the opening.

NEW BUSINESS

There was no new business.

PUBLIC COMMENTS/CONCERNS

Kelly Bugland asked if the Council had any discussions on the "Air BnB" style of businesses in the residential area. She knows there are a couple operating in the City, and Bozeman is putting a big zoning squeeze on how to curb issues regarding Air BnB businesses. She encouraged the Council to think about it. She had sent Crystal Turner and Kelly Smith a link to an article in Outside Bozeman which talked about these businesses. Crystal said she would send the link to the Council, or print them a copy. Kelly Smith said that the City is in receipt of a Conditional Use Permit application for an Air BnB business.

MAYOR & COUNCIL ANNOUNCEMENTS

There were no Council announcements.

The Mayor announced that school starts tomorrow, and that there are football games, cross-country, and volleyball games already scheduled for this week.

AGENDA ITEMS FOR NEXT COUNCIL MEETING: 9/12/2017

- A. Resolution Appointing Officers and Setting Salaries
- B. First Reading of an Ordinance Amending the Specific Seats on the Impact Fee Advisory Committee
- C. Kennel Application for Jay & Marianne Maisano, 514 6th Ave E.
- D. Certificate of Appreciation in Memoriam of Hank Hecker

ADJOURNMENT

Mayor Hamilton asked if there was any other item to come before the Council tonight and if not for a motion to adjourn. Councilman Nelson "so moved" to adjourn. Councilwoman Mickelberry seconded the motion. There was no public comment.

Motion Passed Unanimously. (8:24 P.M.)

Steven B. Hamilton, Mayor

Crystal Turner, City Clerk

SEPTEMBER 12TH, 2017, The Three Forks City Council met in session in 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 SEPTEMBER 2017.

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

The record reflects that 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. Reminder to the public that the meeting was being recorded.

GUESTS: Marianne Maisano, Judy Hecker, Leah Hecker, Ginny Landers and Dave Hecker.

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

CONSENT AGENDA

- sss) Approval of Claim to Mail Utility Bills in the Amount of \$125.86
- ttt) Approval of Claims per List
- uuu) Approval of Fair Board Claims per List
- vvv) Approval of Meeting Minutes from August 22, 2017

Councilman Chancellor moved to approve the consent agenda. Councilwoman Smith seconded the motion. There was no public comment.

Motion Passed Unanimously.

(Agenda order rearranged to accommodate the Hecker family.)

NEW BUSINESS

Recognition of Henry "Hank" Hecker for his years of service

Mayor Hamilton asked Mrs. Hecker if she would like to introduce her family, which she did. He said that he and Sharon Smith have had good discussions the past week and he learned that Sharon always called him Henry, while Steven always called him Hank. He said that Hank was always very good with children. The Mayor recanted a story of when it snowed in Three Forks. Since the city never plows the streets, it was a perfect opportunity to attach an inner tube to the back of a truck and drive around town. Well, Hank caught up with them and informed the kids how unsafe doing this was - then added that there were plenty of less travelled roads outside of City limits that had more space. Steven recanted other humorous stories and the room erupted with laughter. He added that there were a lot of kids who grew up better because of knowing Hank. He shared a certificate of honor from the City of Three Forks to Mrs. Hecker in dedication and appreciation of Mr. Hank Hecker's twenty-one years of service to Three Forks. The family thanked the City for the recognition. The Mayor added that the family is invited to come back in the spring when we plant a tree for Arbor Day - he asked them to pick out

the tree they wished to have planted and come join in planting the tree. The City will have a plaque to dedicate the tree in memory of Hank Hecker.

Kennel Application for Jay & Marianne Maisano at 514 6th Ave East

Marianne Maisano explained she and her husband just moved into Three Forks and are renting a home on 6th Avenue East. They just sold their home in Spokane and will be looking for a new home in Montana, however they will remain in their current home through the winter. They have four dogs. Mrs. Maisano has purchased crates for all four dogs so that when she is not home the dogs will be crated. She also purchased new bark collars, but her dogs are still getting used to the neighborhood and the neighboring dogs so they are barking more than usual right now. She does not anticipate it taking much longer for them to get used to the neighborhood. She works from home so will be home with the dogs most of the time. She has no problem if anyone comes to her door and complains to her that the dogs are barking as she does not wish to be "that neighbor" nor inflict any discomfort to her neighbors. She added that they will not be getting any more dogs.

Teri Whitesitt commented that a past applicant with four dogs, the Council allowed the kennel license with the understanding that there would be no more dogs, but also if one dog passed it would not be replaced with a new fourth dog. That way they would be in compliance. Mrs. Maisano agreed that she and her husband had already discussed this same thing, and even that as their dogs pass they will not ever have more than two in the future.

Councilwoman Smith made a motion to approve this application for a kennel license for Jay & Marianne Maisano at 514 6th Avenue East, for four dogs.

Councilman Tharp seconded the motion. Teri Whitesitt added the conditional language of, "No more than four dogs on the property, and following the existing ordinances about nuisance and dangerous dogs."

Sharon Smith agreed to that language in her motion, as did Ed Tharp for his second. There was no further Council or applicant comments.

Motion Passed Unanimously.

Board Appointments:

a) Board of Adjustments

The Mayor read the Board Appointment memo into the record.

Councilman Chancellor moved that we accept Ed Tharp's application for the Board of Adjustment to replace Ray Noble for the remainder of his term.

Councilman Nelson seconded the motion. There were no Council comments.

Motion Passed 5:0 - Ed Tharp abstained.

b) Fair Board

The Mayor read the Board Appointment memo into the record.

Councilman Nelson moved that we approve Adam Miller's application to the remainder of the term on the Fair Board. Councilwoman Whitesitt seconded the motion. There was no further discussion.

Motion Passed Unanimously.

Discussion and Possible Decision to Pay Richard Firestone an Additional \$1,000.00 to use 3% Assumed Interest Rate per FASB 73 in the Actuarial Valuation, as Requested by Rudd & Company

Kelly Smith explained that Rudd & Company reviewed Mr. Firestone's recent draft of the Fire Relief Association's actuarial study. He has historically used 4.5% based on GASB 68, but Rudd & Company just realized the funds are not in an irrevocable trust, so we fall under GASB 73. Julie Kostelecky stated some assumed liability as she does not know of any relief association in Montana that holds their funds in an irrevocable trust. Dennis Nelson asked if Rudd should have known this. Kelly said yes, but also the City did not have a study performed last year, when the new GASB came out. Susan Swimley added that Mr. Firestone's contract is so low for this type of work that it really is minimal in the overall scheme.

Mayor Hamilton did not want to hold up payment to Richard Firestone, but asked if the Council would be agreeable to ask Rudd if they would take half off the contract price for our audit. Dennis liked this and asked Kelly to ask Rudd if they would split the cost of Mr. Firestone's bill. Kelly will ask Rudd, and then asked if the City could pay Richard Firestone immediately and then take \$500 off the audit contract price.

Councilman Nelson moved to approach Julie and Rudd to investigate splitting the \$1,000 bill, handling it the most convenient way and that we also pay Richard his full amount. Councilwoman Smith seconded the motion. There was no further discussion.

Motion Passed Unanimously.

Discussion and Decision on the Capital Improvement Plan Update Strategy

Kelly explained the City needs to come up with a new CIP strategy - we are at the 5-year cycle, the original plan was created 10 years ago and we have met most of the items on the original list.

Dennis Nelson suggested that the Council team up in 2-person teams to come up with three capital improvement projects. Each team could come up with three projects. We will probably overlap ideas, but if each team prioritizes the projects, come up with ideas on how to fund each project, etc... we could have a pretty good first draft. Susan Swimley explained the trickle-down effect of coming up with a CIP list: updating the Growth Policy to reflect that we plan on reducing dust by paving, or reducing storm water runoff for instance, then updating your Subdivision Regulations to condition new development to install "x, y, z" in order for approval, and with impact fees to implement "such-and-such" project. She liked Dennis' idea of the committees and prioritized projects. The Committees will be: Teri/Deb, George/Sharon, Ed/Dennis. Committees should meet and come back to the next Council meeting with their ideas.

PUBLIC HEARINGS

Public Hearing and Decision on a Resolution Establishing the Salaries for the Appointed Officers and Employees

Mayor Hamilton read the resolution into the record.

Crystal Turner added that the version read tonight is slightly different than the one emailed out because the on-call duty worked since July 1st to current date has already been paid out via overtime (or comp time). On-call duty will be paid at the established rate moving forward only. All other pay will be retro-active though.

Councilwoman Smith moved that we approve Resolution #275-2017, a resolution establishing the salaries for the appointed officers and employees. Councilman Chancellor seconded the motion. There were no comments or discussion.

Motion Passed Unanimously.

Public Hearing and Decision on a First Reading of an Ordinance Amending Title 3, Chapter 6, Section 7 to Remove the Specification of Seats on the Impact Fee Advisory Committee

The Mayor read the ordinance into the record in its entirety.

Councilman Nelson moved that we approve Ordinance #375-2017, an ordinance amending Title 3, Chapter 6, Section 7 to remove the specification of seats on the Impact Fee Advisory Committee. Councilwoman Smith seconded the motion. There were no comments or discussion.

Motion Passed Unanimously.

REPORT OF OFFICERS

City Treasurer Kelly Smith reported all the documentation needed for our Annual Financial Report has been sent to Craig Shepherd. We are not first, but she believed we are third in line for him.

City Clerk Crystal Turner reported that the Budget Document has been completed and uploaded to the Department of Administration's website. She also has worked on ordinance draft changes to implement an after-the-fact zoning permit fee and an after-the-fact floodplain permit fee, along with a resolution to establish a fee schedule. She sent all that to Susan and Kelly today for review.

City Attorney Susan Swimley did not have a report.

REPORT OF COUNCIL COMMITTEES

The Mayor reminded the Streets & Alleys Committee that they will be meeting tomorrow night at 6PM.

Ordinance Committee - Teri Whitesitt reported that they met tonight and asked if the other Council members had read Sgt. Peterson's comments he sent via email. She reiterated Sgt. Peterson's words regarding a black and white law, leaving the discretion of how to interpret the ordinance with the deputy. With that thought in mind, the committee has decided that they will allow the Sheriff's office to enforce the over 72-hour parking ordinance. It will need to be moved completely, not just driven around the block and parked in the same place. The car/trailer/boat, etc will need to be moved to a side street or across the street every 72-hours. The committee also discussed parallel parking everywhere in town except for angle-parking on Main Street and one block away from Main. Susan Swimley will be working on language edits to allow for these changes.

UNFINISHED BUSINESS

Wastewater Project

Dennis Nelson said we are still waiting on results from the Mixing Zone Study, although Kelly Smith had told him that the City is in receipt of an invoice from Great West Engineering for \$7,000.00 .

Water Project

There was no update and this item can be removed from future agendas!

PUBLIC COMMENTS/CONCERNS

There was no public present.

MAYOR & COUNCIL ANNOUNCEMENTS

Teri Whitesitt was happy to announce that that they have officially started a Firefighter's Auxiliary. She suggested running any donations to the Auxiliary through the Fire Relief Association since they are a non-profit until the Firefighters obtain their own. The main purpose is when there are large incidences - our district is 354 square miles, and when there is a large incident we will have a lot more than our 12 firefighters on scene. We have to think about how to get water to these firefighters, and food - or anything else they need. They will get a flyer with statistics put together so they can get that information out on the City website, as well as mailed to all city and rural district members.

There were no other Council announcements.

The Mayor gave kudos to the firefighters as he saw a haystack on fire one early morning and saw our firefighters out there already working to get the fire out. Susan Swimley added that the firefighters have been busy and successful this year.

The Mayor also reported that three of five Three Forks students were injured very badly in an accident this past weekend - two were minor injuries and two have been released from the hospital since. He asked everyone to keep the students in their thoughts and prayers.

Lastly, the Mayor announced that on September 17th the CTF will be 109 years old!

AGENDA ITEMS FOR NEXT COUNCIL MEETING: 9/12/2017

- E. Second reading of the ordinance amending Impact Fee Advisory Committee codes
- F. Possible first readings of two parking ordinances
- G. Helton-Peterson Park issues

ADJOURNMENT

Mayor Hamilton asked if there was any other item to come before the Council tonight and if not for a motion to adjourn. Councilwoman Whitesitt "so moved" to adjourn. Councilwoman Mickelberry seconded the motion. There was no public comment.

Motion Passed Unanimously. (8:14 P.M.)

Steven B. Hamilton, Mayor

Crystal Turner, City Clerk

SEPTEMBER 26TH, 2017, The Three Forks City Council met in session in 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 SEPTEMBER 2017.

PRESENT: Council members Deb Mickelberry, George Chancellor, Sharon Smith, Ed Tharp, and Dennis Nelson. Teri Whitesitt was absent. City Treasurer Kelly Smith and City Clerk Crystal Turner were also present.

The record reflects that 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. Reminder to the public that the meeting was being recorded.

GUESTS: Lavon Flynn, Gloria Howland, Asst. Fire Chief John Whitesitt, John Dalton, Chris McCrea, YaVonne Bechler, Matt and Kelly Bugland.

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

CONSENT AGENDA

- www) Approval of Claim paid due to Timeliness to US Bank in the Amount of \$410,616.66 to pay off Water Loan #9CTLKH1 WRF-10187 and Sewer Loan #93CTL65 SRF-08162R
- xxx) Approval of Claims per List(s)
- yyy) Approval of Fair Board Claims
- zzz) Approval of Meeting Minutes from September 12, 2017
- aaaa) Approval of Records Destruction Request #4 for RM88 files not Requiring Local Government Records Committee Approval
- bbbb) Approval of Library Services Agreement between the City of Three Forks and Gallatin County FY17/18

Councilwoman Smith moved to approve the consent agenda. Councilman Tharp seconded the motion. There was no public comment.

Motion Passed Unanimously.

PUBLIC HEARINGS

Helton-Peterson Park

The Mayor thanked Lavon Flynn for coming tonight and said she has done a lot of work in Helton-Peterson Park. The City staff misled Mrs. Flynn in order for her to attend the meeting tonight. The Mayor wanted to share a letter with Lavon, which he read into the record, of all the ways our community has noticed Lavon serving Three Forks: planting flowers or weeding flower beds along Main Street, tending to the parks and offering the language for the sign explaining how Helton-Peterson Park was named, as well as many other selfless acts of community service. He awarded her with the framed letter of recognition which he presented to Mrs. Flynn.

The Mayor believed he may have forgotten to call for **Public Comment not on the agenda**, and just in case he called for it again. There were no public comments on items on the agenda at this time.

Public Hearing and Decision on the Second Reading of an Ordinance Amending Title 3, Chapter 6, Section 7 to Remove the Specification of Seats on the Impact Fee Advisory Committee

Mayor Hamilton said that this ordinance was read into the record in its entirety at the last hearing and if there were no requests for it to be read again into the record, he would entertain a motion. There was no public comment or requests to read the ordinance into the record.

Councilman Nelson made a motion that we approve the second reading of Ordinance #375-2017, an ordinance amending Title 3, Chapter 6, Section 7

to remove the specification of seats on the Impact Fee Advisory Committee.
Councilwoman Smith seconded the motion. There was no public comment.

Motion Passed Unanimously.

Public Hearing and Decision on a First Reading of an Ordinance Amending Title 7 of the Three Forks Municipal Code Clarifying the Limitations of Parking Certain Vehicles on City Streets

The Mayor read the ordinance into the record in its entirety. Deb Mickelberry added that as one can tell by all the ordinance committee meeting dates, the Ordinance Committee has been working on this for quite some time trying to make a clear and understandable law.

Public Comment: John Dalton spoke regarding selling his house in the near future. He plans to remodel it first which may go through the winter. He purchased a travel-trailer with the intention to live in it at Ray Lau's lot while his home is being remodeled. He requested some sort of waiver or possibility of an extension allowing him to live in his travel-trailer during the winter at a minimum. Mrs. Mickelberry thought it would be best to have the hearings for this ordinance and then have Mr. Dalton approach the Council to ask for a waiver. (The ordinance as written does not allow for a waiver process.)

The Council members believed Ray Lau's to be a legal mobile home park. Upon discussion Kelly Smith corrected that Mr. Lau's property is not a legal travel-trailer park, nor a mobile home park recognized by the Department of Environmental Quality. George Chancellor asked if there was a way that Mr. Dalton could move his travel trailer onto his property while they remodeled his home. Matt Bugland asked what difference it would make if Mr. Dalton lived in a travel-trailer on his property or on Mr. Lau's property. Kelly Smith added that the way the ordinance is written provides the Sheriff Deputies more discretionary power to enforce and issue a ticket if he/she wishes based on circumstances. Mayor Hamilton encouraged the Council to take Mr. Dalton's comments under advisement. He will discuss this with Sgt. Peterson, and suggested Mr. Dalton do as well so that we can better understand this.

George Chancellor asked John Dalton if he had a contractor hired for his remodel. John said yes, but he also learned he has more permits to obtain prior to beginning the construction due to FEMA regulations (flood plain). He wished to have simply present his situation to the Council now so he can plan on where to move before winter. Mr. Dalton continued by telling the Council that his health is failing; he has been ill for quite some time and has no energy.

Mr. Chancellor said he would rather see Mr. Dalton living on his own property than on someone else's property. He believes, if the Council were to consider some sort of waiver in the near future, that it would be easier to grant when someone is residing on their own property during construction.

Matt Bugland spoke regarding the ordinance, and upon driving around town especially on Jefferson Street and Adams Street there is not enough room to have vehicles parking parallel to the street when there are so many vehicles for one home or a semi-truck parked in front of one home. It really eats up usable parking space by having to be parallel to the travelled direction of the road. The Mayor explained that in the spring the City will work towards widening those streets which will force vehicles to park closer to the boulevard (or where the boulevard should be for those that do not have one now). Mr. Bugland commented on parking perpendicular to his property and others who do similar parking along Adams Street and Jefferson Street. He asked with all the other parking issues, blind corners because of bushes/hedges being tall along property lines, how this became a priority. The Mayor responded that an accident occurred this past summer that triggered the change. Mr. Bugland argued that fences and bushes/hedges were a bigger issue.

Councilman Chancellor made a motion to approve Ordinance #376-2017, ordinance amending Title 7 of the Three Forks Municipal Code to clarify the limits of parking certain vehicles on city streets. Councilwoman Mickelberry seconded the motion. There was no further public comment.
Motion Passed Unanimously.

REPORT OF OFFICERS

Asst. Fire Chief Whitesitt reported on behalf of the Fire Department. He was asked by the Auxiliary to add the number of people responding to the calls to also appear on these reports so he will go through those tonight as well. He went through the call lists since March to current. March 2017: 7 motor vehicle accidents, 2 structure fires, 2 motor vehicle accidents with injuries, 1 vehicle fire, 1 commercial motor vehicle accident, 1 small grass fire, 1 traumatic injury, 1 sick person call, 1 back pain call, 1 gas odor, and 1 breathing problem call for a total of 19 calls and 62 man hours, 45 minutes and 6 seconds. The average number of volunteer responders per call was 3.57.

In April there were 4 motor vehicle accidents, 3 gas odor calls, 2 structure fires, 2 service calls (one being a dog rescue from a culvert), 1 gas leak, and 1 outside fire for a total of 14 calls and 54 man hours 44 minutes and 12 seconds. The average responders per call were 3.9 firefighters.

May's calls were 3 motor vehicle accidents, 2 small grass fires, 1 commercial alarm (which Asst. Chief Whitesitt said got the volunteers pretty excited but ended up being a false alarm), 1 commercial structure fire, 1 residential structure fire, 1 vehicle fire, and 1 service call for a total of 10 calls and 44 man hours, 53 minutes and 30 seconds. The average responders per call were 4.3.

June had 2 vehicle fires, 1 small grass fire, 1 residential alarm, 3 motor vehicle accidents, 1 water unknown (which ended up being someone had driven into the Madison River), 1 motor vehicle injury, and 1 commercial alarm for a total of 10 calls and 98 man hours, 31 minutes and 13 seconds. There were many more responders in June so each call had an average of 7.2 volunteers on scene, which drove the man hours up.

There are a total of 14 active volunteers right now, and 2 are recruits, and hopefully one more will be approved tonight by the Council.

Asst. Chief Whitesitt continued his report saying that July had 2 residential alarms, 4 motor vehicle injuries, 1 unknown fire (because of the 4th of July there was a dumpster that caught fire with all the hot fireworks being dumped together), 1 structure fire, 1 breathing problems, 3 large grass fires, 5 small grass fires, 4 motor vehicle accidents, 1 commercial structure fire, 1 vehicle fire, 1 unknown water, 1 service call, and 1 electrical hazard for a total of 27 calls, and 53 man hours, 5 minutes and 57 seconds. The average responders per call were 1.44 volunteers.

August's calls were 2 unknown fires, 2 service calls, 1 large grass fire, 2 motor vehicle accidents, 2 small grass fires, and 1 structure fire for a total of 10 calls, and 65 man hours, 22 minutes and 32 seconds. The average responders per call were 5 volunteers.

Year to date the Fire Department has had 108 calls with only 14 firefighters. We have maintained consistent training. Asst. Chief Whitesitt said the Department is currently training 5 recruits from the Clarkston Fire Department. He believes they chose to come to train with Three Forks because he believes Battalion Chief Charles Eastty is doing an

excellent job. He encouraged the Council to praise Mr. Eastty when they see him.

City Treasurer Kelly Smith did not have a report.

City Clerk Crystal Turner reported that Precision Concrete would be in Three Forks next week to perform Phase 2 of the sidewalk trip hazard trimming. They have said that as long as we have a good continued participation rate, they will continue to perform inventory for free for us.

REPORT OF COUNCIL COMMITTEES

George Chancellor reported on Zoning & Planning meeting being a little contentious. Their discussions proved that there are needed changes to the family housing definitions and asked the Ordinance Committee to review that section. Kelly Smith said she believed any changes would start with the Zoning & Planning Board for recommendations to change the ordinances. Kelly will check with Ralph Johnson tomorrow.

Mayor Hamilton reported that the Streets & Alley Committee met a couple weeks ago and discussed parking on Adams Street, paving, and public requests/inquiries and to better process them. Wendell Ewan drafted a form for public inquiries.

UNFINISHED BUSINESS

Wastewater Project

a) WRDA Draw #9 in the Amount of \$12,176.81

b) SRF Draw #29 in the Amount of \$6,591.00

Dennis Nelson reported that Kelly Smith, Crystal Turner and he discussed last week that Great West Engineering charges fees to the City around \$600/month on grant administration. He does not believe that administration can be much during the current status of our project. He would like to suggest that the pressure remain on Great West Engineering to complete the mixing zone study so that we can close the books on this project by the end of this year. Kelly Smith added that there is only one more aspect of the project that we can borrow WRDA money on and after that we should close it.

Councilwoman Smith moved to approve the Mayor's signature on WRDA Draw #9 in the amount of \$12,176.81 and also the SRF Draw #29 in the amount of \$6,591.00. Councilman Tharp seconded the motion.

Public Comment: John Dalton asked what exactly those payments were for. Crystal Turner answered that this particular draw is paying invoices to our attorney, the DEQ permit modification fee, and to Great West Engineering. Kelly Smith added that Steve Johnston and Bill Wilson also removed all the weeds growing on the lagoon covers, even a small tree, and there were no safety incidents.

Motion Passed Unanimously.

Update on Capital Improvement Project Ideas

Deb Mickelberry recapped her and Teri Whitesitt's ideas on what the City could utilize Capital Improvement Funds for. One is a new street sweeper, ours is older but still has enough life in it that the City could sell it and get a little money back on it. Also the Fire Department has mentioned structural evaluation of the fire hall, or full replacement, as well as men's and women's bathrooms. Crystal Turner had provided Teri and Deb with the idea of a structural review of City Hall as well. They also submitted continuing with curbs, sidewalks and paving throughout the City.

George Chancellor reported that he and Sharon Smith met and submitted paving Milwaukee Street and Railway Avenue as their two projects.

Dennis Nelson and Ed Tharp submitted paving Railway as well. Dennis said that the street paving of Railway would be around \$700,000. A lot of the prep work could be done by City employees. He added that this would be a major undertaking regarding how to finance it - would the residents of that area pay for an SID, would the entire community pay for an SID, or other ideas. Dennis also added that there are three wells by the rodeo grounds. One is unused and the other two are good producers but have contaminants that require blending so we cannot get the full gallons per minute that the wells could be producing. Randy Johnston approached him regarding a reverse-osmosis system. Dennis has no idea what it would take financially, but he believes it would be a major project that would require the City to utilize our reserved water rights before we lose them.

Dennis also suggested to Asst. Chief Whitesitt about new radios that the City of Bozeman is converting to and if that would be a requirement (and then a CIP idea) for the Fire Department as well.

Mayor Hamilton submitted projects: paving of Railway, and returning equipment to our parks. The City has removed playground equipment over the years and we just started replacing some equipment this year. He

would like to see the City continue that. He also believes reroofing the gazebo in Stevenson's Park may be needed in the future.

Deb Mickelberry added that regarding paving on Railway, with the 35 mph speed limit coming off of Hwy 2, Railway is a straight shot to the Post Office and the market and a major thoroughfare. She also attended the Streets and Alley Committee and learned you cannot just put a stop sign in to slow traffic down. She does not know what the solution is, but we need to think of some other way to reduce the speed of traffic, especially if the City paves this road. There was discussion regarding traffic calming, narrowing the road rather than speed bumps.

Asst. Chief Whitesitt asked the Council to not just write off the idea of a new Fire Hall. He said if you walked into the office area/kitchen/training room/bathroom areas, you may change your mind on this space not being adequate for all the uses it provides. He said with the size of the lot, combined with the old City Shop on the next lot, it could be a two story building which could be combined with City Hall, City Court, community meeting rooms available for the public, the Fire Hall, and others. There are many emergencies that occur when everyone needs to be in one location. The City is constantly talking about the flood plain and if there were a real major flood disaster, this location could be a central location for all City departments. He encouraged the City Council not to be scared of the money factor to simply cross this project off the list. He added that the Fire Department is the largest department of the City - they have 14 employees. He stressed that the existing building falls short of current requirements for ADA accessibility, and other commercial codes. There was discussion regarding a hub for the City and drawing people into one location which may help promote education of what is going on in the various City departments as well as involvement and perhaps even encouraging volunteers to the Fire Department or boards.

NEW BUSINESS

Approval of Request by the Fire Department Hiring Committee to Place Hunter Olson to the Position of Probationary Firefighter

Councilman Nelson moved that we approve Hunter Olson's application that has been approved by the Fire Department's Hiring Committee to be a probationary firefighter. Councilman Tharp seconded the motion. The Mayor pointed out that he thought it was interesting that Hunter Olson put a Fire chief on his application for references.

Motion Passed Unanimously.

Presentation of Fire Relief Association Actuary Study

Kelly Smith reported that the City thought that we would be fully funded by the end of 2017, but due to the recent change in the GASB rule we fall under we learned that we will be short by \$30,000. There will be at least one more year before we will be fully funded. We currently pay around \$15,000 a year in benefits to retirees.

PUBLIC COMMENTS/CONCERNS

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

MAYOR & COUNCIL ANNOUNCEMENTS

There was no Council, nor Mayor comments.

AGENDA ITEMS FOR NEXT COUNCIL MEETING: 10/10/2017

- H. Second Reading of the Ordinance Amending Title 7 to Clarify Limitations on Parking
- I. CUP for Kim Welch (owners Greg Messel & Anita DeClue) to operate a dog grooming home business at 320 2nd Avenue East
- J. CUP for C. Jane Roedel to operate a bed and breakfast style home business at 120 E. Birch Street
- K. CUP for Front Street, LLC (Mickie Imberi) for a multi-family duplex at 122 and 118 W. Front Street

ADJOURNMENT

Mayor Hamilton asked if there was any other item to come before the Council tonight and if not for a motion to adjourn. Councilman Chancellor "so moved" to adjourn. Councilwoman Mickelberry seconded the motion. There was no public comment.

Motion Passed Unanimously. (8:40 P.M.)

Steven B. Hamilton, Mayor

Crystal Turner, City Clerk

OCTOBER 10TH, 2017, The Three Forks City Council met in session in 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 OCTOBER 2017.

PRESENT: Council members Teri Whitesitt, Sharon Smith, George Chancellor, Ed Tharp (who had laryngitis so he will vote via a hand approval or denial), and Dennis Nelson. Deb Mickelberry was absent. City Attorney Susan Swimley, City Treasurer Kelly Smith, City Clerk Crystal Turner and Library Director Melissa Christoffersen were also present, as well as Gallatin County Sheriff Sgt. Peterson and Deputy McDonough.

The record reflects that 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. Reminder to the public that the meeting was being recorded.

GUESTS: Phyllis Norman, Jim Sitton, Kim Welch, Ron & Mickie Imberi, Bud & Sally Griffin, Matt & Kelly Bugland, Tony & Jackie Sorensen, Jane Roedel, Jay & Beth McCurry, Gloria Howland, Colleen Gibbs, Jax Huelle, John Dalton, Fawn Venzor, J.J. Norris, James Hegar and Richard Robinson.

Mayor Hamilton asked if there were any **PUBLIC COMMENTS/CONCERNS** that were not on the agenda. Colleen Gibbs spoke regarding speeding along 2nd Avenue East. She does not believe it is cost effective to have a deputy sit at the intersection all day, because people will not speed by if an officer is parked there. However, she stated there are speeders of all ages and the speed is posted twice, (in this block by the school) the speed limit is 15 mph. She stated this is blatant disregard for the law. She believes Whitehall has removable speed bumps, but is unsure if a speed study needs to be done in order to install speed bumps. The Mayor replied the City has looked into doing the little grooves on the road which cause noise, similar to those outside of the Rockin' the Rivers location but you have to leave 4-feet from the sidewalk clear for pedestrian traffic. This would actually be more unsafe because typically drivers just drive around the "traffic calming" grooves and head closer to pedestrian traffic. Colleen said it is unsafe and very bad. She worries that a child will get

hit and if it happens to be one of her children she will say, "This is the City's fault."

The Mayor introduced the **CONSENT AGENDA**.

CONSENT AGENDA

- a) Approval of Claim to Mail Utility Billing
in the Amount of \$160.23
- b) Approval of Claims per List
- c) Approval of Fair Board Claims per List
- d) Approval of Meeting Minutes from September 26, 2017
- e) Approval of Pledged Securities through September 30, 2017

Councilman Nelson moved to approve the consent agenda. Councilwoman Smith seconded the motion. There was no public comment.

Motion Passed Unanimously.

PUBLIC HEARINGS

Public Hearing and Decision on the Second Reading of an Ordinance Amending Title 7 of the Three Forks Municipal Code Clarifying the Limitations of Parking Certain Vehicles on City Streets

The Mayor stated he would not be reading this ordinance into the record a second time unless there was a request for him to do so. Councilman Nelson said that he would prefer the ordinance read again as there were a lot of public present and many of them may not have read it yet completely.

The Mayor read Ordinance #376-2017 into the record in its entirety.

Public Comment: Jane Roedel questioned the running of a commercial truck engine for more than 12-hours and requested clarification regarding the language. (This means that a commercial truck is allowed to idle if the temperatures are above 10-degrees Fahrenheit for 30-minutes in a 12-hour period. When temperatures drop below 10-degrees Fahrenheit, the truck may idle constantly to prevent damage from frozen fuel.) James Hegar asked about living in a private camper on a residential property and if that meant having to adhere to the "not living in campers" during the winter. "Could the City wait to enforce this at a later time, perhaps in the spring," he asked. John Dalton agreed with Mr. Hegar's comments and asked if a vehicle is not licensed and operable would it then be allowed? Mr. Hegar said he does not see how living in a camper on his own property

hurts anybody. Jay McCurry spoke in regards to having two utility trailers, which he uses to keep his property in compliance with other city ordinances. He needs a place to park his trailers, both are licensed, both are well marked so they can be seen at night. He parks them at the back end of his lot so they are not on a corner blocking the view for drivers. Mrs. Swimley explained that the ordinance simply states that one can park a trailer on the street for 72-hours and then it will need to be moved to another location. Beth McCurry spoke in frustration regarding campers parked on the streets but she does not feel frustrated about trailers parked on the streets. Melissa Christoffersen questioned being gone for more than three days and provided an example of being vacation when all family members leave from one location, leaving vehicles at one home. James Hegar spoke again that he does not see how practical it will be to move a trailer every 72-hours. Bud Griffin commented on the City allowing 18-wheel tractor-trailers in the residential area. He asked, "Are the City streets supportive enough and engineered to hold 18-wheelers?" Jane Roedel asked what the original intent was in drafting this ordinance.

Ordinance Committee chair, Teri Whitesitt, spoke regarding the committee's initial intent. The ordinance on the "books" was not being enforced often so the Council asked law enforcement not to enforce it for one year as a trial period to see what would happen. After a few months the public started to complain about this or that not being moved and asked the Council to start enforcing the parking regulation ordinance. Susan Swimley added the old way this ordinance was written allowed someone to move the trailer/vehicle mere inches and then say, "I moved it." This language makes it clearer when law enforcement sees something parked in the same location for multiple days. Sgt. Peterson spoke regarding the McCurry's use of their trailer and keeping their property nice because of that use. He added, "There are a ton of boats parked on the streets all winter when people do not use them. The ordinance was hard to enforce. The Council agreed to let it go for one year and see how it went. After the one year he informed the Council that parking was a mess on each block in the City. This ordinance is easily written black and white so that law enforcement can enforce easily using their own discretion - some people will be a victim of the others around them because of this. The City has been trying to come up with a way to make parking violations easily enforced. If we allow one to do it, we must allow everyone to do it." Sgt. Peterson also spoke to Mr. Hegar regarding already violating a zoning ordinance - although not a criminal violation Mr. Hegar is violating a civil law. There was a brief debate regarding the camper he is living in being hooked up to city water - not a line but a hose. Mr. Hegar said

that the city is taking his home away by enacting this ordinance. Kelly Smith reported the City receives a lot of complaints about people living in campers throughout town.

Mrs. Swimley added that campers are not built the same way as mobile homes; they have different safety regulations because they are considered temporary residences. They are designed and built differently for what is acceptable and safe for residential, long-term living. From a legal standpoint, the building standards are the fundamental difference between a camper, a trailer, and a house. Beth McCurry suggested changing the verbiage to "living quarters" and not trailers/campers. What if she has family come and she needs to have her family use the bed in the camper? Sgt. Peterson said that is similar to what Melissa Christoffersen asked earlier. He requested the Council make the ordinance black and white and then gave the example of someone speeding through a stop sign and him being able to stop the person, and give them a warning or a ticket. He asked the Council to allow officer discretion rather than a permitting system. He understands family comes and visits; he understands that we have a lot of visitors over rodeo weekend. He spoke regarding the gentleman (who spoke earlier and has left already) living in his camper for a couple months, some have been living in their campers for over three years.

Kelly Bugland spoke that she loves this ordinance. She has campers and trailers and knows it will be a pain to move them every 72-hours. As a property manager she also states in her lease that there is no parking these extra vehicles on the streets for storage. Regarding living in campers she believes it is highly unsafe. As an emergency responder, she feels it unsafe when she is responding to an ambulance call and cannot find the address and sees a camper in this vicinity. It becomes a safety concern for her and she will not go into the camper without law enforcement. She thanked the Council for their hard work on this ordinance. The Mayor encouraged everyone to address their comments to the Council as this is their decision. He only votes if there is a tie, and with five Council members present tonight that probably will not happen.

Sgt. Peterson spoke regarding comments he has received, some signed and some unsigned, regarding the complaints the Sheriff's Office receives for them not enforcing this ordinance. Matt Bugland spoke in support of this ordinance. He commended law enforcement for their understanding of having a black and white law and being able to see the gray. There was discussion regarding kid sleep outs in tents in the back yard now

essentially being banned. However, Sgt. Peterson said that is where the law enforcement's discretion comes into play.

Tony Sorensen asked regarding recreational vehicles in an alley. Everyone uses the alley as a main thoroughfare to the post office from Front Street. He questioned about the loading/unloading of a vehicle blocking the through traffic. Sgt. Peterson said loading/unloading will typically be gone by the time law enforcement gets dispatched to a complaint call if someone is blocking the road. Loading and unloading usually takes little time. Jay McCurry stated his alley does not have the 20-foot right-of-way because his neighboring property encroaches into the alley with all their items stored there and weeds.

Councilman Chancellor moved to approve Ordinance #376-2017, an ordinance amending Title 7 of the Three Forks Municipal Code Clarifying the Limitation of Parking Certain Vehicles on City Streets. Councilman Whitesitt seconded the motion. Public Comment: Jane Roedel spoke regarding the title of the ordinance not stating "and properties". Kelly Bugland argued that she attended ordinance training and the title of the law is not the "meat" of it. John Dalton again asked the Council to please not enforce this until spring time. There were no further comments.

Motion Passed Unanimously. This ordinance will take effect in 30-days.

Public Hearing and Decision on a Request by Kim Welch (Gregg Messel) for a Conditional Use Permit for Property Located at Block 23, Lot 5 of the Original Plat (commonly known as 320 2nd Avenue East) to Operate a Dog Grooming Business in the Garage of the Property

The Mayor explained the hearing process to the public of Staff Report, Applicant Presentation, Board Questions, Public Comment, Applicant Rebuttal, and finally Board Discussion/Decision. He turned the presentation over to Zoning & Planning Board Chairman George Chancellor.

George Chancellor explained this was brought to the Zoning & Planning Board three weeks ago and passed Planner Ralph Johnson's 12-point test. He read the recommendation in Mr. Johnson's staff report into the record, "Public comment must be considered, however, assuming no significant comments as to the contrary staff recommends approval of the Kim Welch request for a Conditional Use Permit to operate a Dog Grooming Home Occupation at 320 2nd Ave. East, Three Forks, MT."

Applicant Presentation: Kim Welch spoke regarding her business being low volume, only operating 3 days a week. It is a drop-off situation of up to six dogs a day as that is all she can handle. She will not be open on Sundays.

Public Comment: The Mayor read Mickie Imberi's public comment at the Zoning meeting in support of having a local dog groomer. Jay McCurry spoke regarding being a neighboring property to this application and questioned the access to the garage. He worried that a customer may park in the alley to hurry pick-up or drop-off. Kim Welch said that she would talk to each customer and tell them that parking will be required in the three spaces provided. Sally Griffin spoke regarding her being the former City Clerk for Belgrade. Belgrade also allowed a home occupation of a dog groomer years ago. As the clerk she heard many noise complaints, but as a customer of the groomer she understood that at times there may be four dogs at one time which may cause barking. She sympathized with the complainants during her time as City Clerk though.

The Mayor closed Public Comment.

Applicant Rebuttal: Kim Welch spoke regarding holding short days and usually being finished for the day by the time her kids are out of school. There will not be a lot of caged dogs and multiple holdovers for her clients. Teri Whitesitt asked if Kim would be caging dogs inside if there was a need to cage them. Mrs. Welch answered yes they would be inside. She added she works closely with her clients to ensure the dog's happiness. She continued she has done this profession for 20 years and she also does not want to be around barking dogs all day.

Councilman Smith moved to approve for Kim Welch this dog grooming business at 320 2nd Avenue E. Councilman Chancellor seconded the motion. There were no further comments.

Motion Passed Unanimously.

Public Hearing and Decision on a Request by Jane Roedel for a Conditional Use Permit for Property Located at Block 7, Lots 5 & 6 of the Original Plat (commonly known as 120 E. Birch Street) to Operate a Bed & Breakfast-style Rental of Two Rooms within the Home via Advertisements like "Air B&B"

The Mayor turned the presentation over to Zoning & Planning Board Chairman George Chancellor. George read the recommendation of Ralph Johnson's staff report as well as two letters of support from Kristen Schillinger, and Bill & Laurie Mack. The staff report stated, "Public comment must be

considered, however, assuming no significant comments as to the contrary staff recommends approval of the Jane Roedel request for a conditional use permit to operate a bed and breakfast home at 120 East Birch St, Three Forks, MT."

There was no applicant presentation.

There were no Council comments.

Public Comment: Mayor Hamilton read supportive comments which were stated at the Zoning & Planning meeting on 9/21/2017 by Phyllis Norman, Kelly Bugland, and Mickie Imberi. There was no new public comment.

Councilman Chancellor moved to approve the Conditional Use Permit for Jane Roedel for 120 E. Birch Street with the conditions that she follow all state laws and get a city business license. Councilman Nelson seconded the motion. There was no public comment.

Motion Passed Unanimously.

Public Hearing and Decision on a Conditional Use Permit for Front Street Home, LLC (Mickie Imberi) for a Conditional Use Permit for Property Located at Block 3, Lots 5 & 6 Buttelman Addition, (commonly known as 122 & 118 W. Front Street) to Build a Multi-family Residence

The Mayor turned the presentation over to Zoning & Planning Board Chairman George Chancellor. George read the recommendation of Ralph Johnson's staff report into the record, "Public comment must be considered, however, assuming no significant comments as to the contrary staff recommends approval of the Mickie Imberi application for a conditional use permit to convert a single family residence into a multi-family duplex (two family) residence at 118 West Front, Three Forks, MT." He added Mrs. Swimley's suggested conditions that off-street parking be made available at all times, and have no separate titles so that the properties cannot be transferred separately. George explained that there was considerable conversation at the Zoning meeting regarding the porch being able to support the breezeway, not having a 2-car garage, decreased property values, property not kept up, a garage which is never used, double-parking on the street was mentioned several times. Mickie Imberi rebutted at that meeting the breezeway is not structural and parking is not her responsibility. There was also concern that this is not a traditional duplex and how the porch is going to be fastened to the new mobile home. Ultimately, the Zoning & Planning Board did not provide a recommendation to the City Council.

Applicant Presentation: Mickie Imberi stated that according to the 12-point test of the State she has met all the intents of the zoning ordinance. She has no problem agreeing to not sell the property separately. She corrected this is not a duplex; it falls under the City ordinance of a multi-family home. The porch Mr. Chancellor referred to is not structural. She brought pictures because she heard several comments at the Zoning meeting, "Are trailer houses really where we want Three Forks to go?" She counted 15 mobile homes on the stretch of Front Street and adjoining half block of Adams Street. She passed pictures to the Council to review noting the owner names she found on Cadastral, with tenants or owner-occupied if she knew them. She said she may have some errors but wanted to respond to those comments. She did not believe there were any ordinances regarding properties being owner-occupied. She said the comments of the property not being kept up is a false statement and were offensive to her and her tenants. She has never received a city violation on the property's maintenance. Regarding the parking violations she has documented any parking complaints to her tenant when she saw them. Jax Huelle, the tenant at 122 Front Street, was not aware of any of these issues the neighbors had. No neighbor ever expressed these concerns to him. He is the one who lives here and requested the neighbors contact him if they have any issues. He has taken action on any complaints that were relayed to him and hoped he did the work according to his neighbor's satisfaction.

Councilman Nelson said he drove past this property twice today and did not see any violations or ill-repair. Mr. Huelle said if there were issues he would definitely take care of them after work hours, so it would take place in the evenings once he was aware of neighbor's concerns. Sgt. Peterson spoke regarding Crystal relaying the double-parking issue after it was reported at the Zoning & Planning meeting. He was never aware of the parking issue upon patrolling through town. He sent the news went out to all of the west-end deputies and none of them have ever had any complaints submitted to law enforcement. Fawn Venzor spoke that she lives down the street and has witnessed a double-parking issue only once. Colleen Gibbs spoke that she cleans Mickie's properties after renters move out. She testified that Mickie is a high energy person and would take care of any issues once alerted of the issue(s). Matt Bugland said we are talking about "letter of the law," understanding that one buys a home built over the lot makes the extra lot pretty cheap because it is unbuildable. Jackie Sorensen spoke regarding since the last meeting she has not witnessed any double-parking. She does not have issues with a rental, or taking the old out and putting two new things in, or building a stick-built multi-family dwelling. However, she does have a problem with

two trailers and a structure in between to call it multi-family housing. This is her neighbor's property rights, but she feels it devalues her home. Kelly Bugland spoke regarding her previous similar application, although it was two stick-built structures. She was voted down because of neighbors' opposition unless she built two two-car garages for the tenants to park in. She asked Kelly Smith to research for her how many applications had come to the Board for multi-family dwellings and how many were approved, denied or approved with conditions. Kelly Smith replied that she does not know how many had conditions on their approval to construct garages. However, two recent applications (Ian Taylor and Brian Koelzer) provided garages in their applications without a condition. Kelly Bugland also stated she believes the City has already set precedent to construct garages. Jim Sitton spoke regarding his property neighboring this application and explained his background (City boards, building inspector). He said this application for a 39-year old trailer being attached to a 10-year old trailer connected by a breezeway, is just a patio in between two trailers. He said he and his wife (not present) were both opposed to this application.

The Mayor added other comments heard at the Zoning & Planning meeting who did not also speak tonight were from Amber Hargrove in support but with questions regarding floodplain requirements, and Tony Sorensen regarding kept up properties and safety issues with the double-parking.

Applicant Rebuttal: Mickie Imberi said it may be a 1978 trailer but it has been resided and looks in better condition. The trailer to be added is two years old, not ten years old. In response to Jim Sitton's comments at the Zoning meeting when he stated he had not been in the property - Mr. Sitton was the home inspector for this property when she purchased it and he did not cite anything that needed replaced/repared in his inspection report. She commented regarding two parking spaces being required, but the ordinances do not state they have to be within a garage.

The Mayor added one public comment he missed previously from Dean Folkvord urging, "The Council to make a decision based on quality, progressive and value adding properties that will enhance the value of Montana's Favorite Small Town."

Susan Swimley asked the Council to consider 11-12-4 which says, "The City Council may make the granting of a conditional use permit subject to reasonable limitations or conditions as it may deem necessary to enhance the appearance of the property, to reduce any adverse effects on nearby

property or residences, to preserve the character of the area or to make it more acceptable in other ways."

Dennis Nelson asked if the Zoning & Planning were asked to justify why they did not make a motion. Susan Swimley replied yes; those comments are Findings [of Fact and Order] as to why members did not make a motion. Dennis Nelson asked Jackie Sorensen to confirm that her main concern is now the aesthetics of this project. She agreed. Mickie Imberi said that the current home is brown and tan as is the other one, and both are vinyl sided. The current home has a metal roof where the new home has a shingled roof.

Dennis Nelson added that he went and looked at the new mobile homes today in Belgrade and would disagree with Mrs. Imberi's statement that the colors match. Teri Whitesitt asked what Mrs. Imberi could do to appease the Sorensen's concerns. Mrs. Sorensen, being on the spot she did not have something specific, but felt it was a band-aided way to put a proposal together. She feels there are ways to do things right and wrong, and this is a way to do it wrong. She does not have problems with mobile homes, she lives in one as well. Tony Sorensen asked Mickie Imberi if she planned on building a second garage. Susan Swimley answered the plan shows off-street parking, some of which are in the garage, some not in a garage.

Dennis Nelson is very concerned about the negative input from the neighbors, the various reasons listed, and that seven Zoning & Planning members (all after sitting through a long hearing) came up with a number of negative reasons they could not send a recommendation. He has come up with three negative public protests, then three more of the members' concerns of the public, four existing structural concerns, and four "lack of plans" concerns. He assumes that goes to the blueprints drawn and structural integrity, colors and siding. He is concerned with the lack of a housing all over the valley, based on his concern for the fit for the neighborhood. He would propose we not grant the conditional use permit at this time. If the applicant would like to come back with architectural plans, engineering plans, and obviously floodplain will need to be addressed, in a way that this can fit better to match the surrounding community he would not be against relooking at this project. Mrs. Swimley asked Dennis if he felt he had enough information to form conditions that would enhance this property. He stated he could come up with color schemes, but he has a concern with the floodplain. He asked if the property is in the floodplain. Ron Imberi replied yes, but they have an elevation certificate. Kelly Smith explained that the old trailer would need certified as well once they are joined together. Dennis asked about

the old one having to be jacked up if it is required to be brought 2-feet above Base Flood Elevation. Susan asked if it would be better to table this and have the applicant provide more information. Dennis said he would not be comfortable approving this permit tonight. Mr. Imberi asked what other negativity exists, specifically directing his comments to Mrs. Sorensen. There was discussion regarding two separate buildings and a breezeway.

Susan Swimley commented that Ralph Johnson has agreed by constructing this breezeway he would find it to be one structure. She asked the Council again if they feel they can grant the CUP or add conditions to reduce the adverse effects on nearby properties. If they cannot impose conditions then the Council is saying no. The Council owes it to the applicant to explain "Yes, it meets it" or "No, but it would with these conditions," or "No, it does not."

George Chancellor spoke regarding the application passing the 12-point test, but barely by the way the plan is to fasten this together. He does not see a way to attach these with structural integrity at this point. He also feels it does not meet the definition of a duplex. George stated he does not like the way it looks, nor would he like it in his neighborhood and feels if it were in their neighborhood the applicant would also not like this next to them. He previously suggested to the applicant that they remove the overlapping structure and then the new structure on its own lot will work. Susan Swimley said the option to remove the overlapping structure is not a condition the Council could place for a conditional approval tonight.

For the record, Ed Tharp whispered in agreement with George's comments.

Teri Whitesitt spoke she sees two separate buildings that do not match. The only thing she can think of which could help her approve this, would be to have the exact same siding, same windows, and same roofing materials. Susan clarified under the category of "reducing the adverse effects on nearby property or residences" and improve the character of the neighborhood, could Teri propose a condition to have uniformity in both structures? Susan Swimley asked the other Council members for their input. Sharon Smith said she agrees with both George and Teri's statements, but to have a "mis-match" she would not want that in her neighborhood either.

The Mayor asked Mickie if she could agree to identical siding, windows and roofing. Mickie questioned about property being measured 1-foot inside

the sidewalk many years ago and the possibility of the structure may or may not overlap 1-foot into the other (vacant) lot? Kelly Smith said that a survey would be required in order to prove that. Mickie continued her questioning regarding if the existing structure is just 1-foot over the property line could she modify the structure to be in compliance right on the property line? Mrs. Swimley said that would most likely bring the existing structure into compliance, but she was unsure if the 10-foot setback for the new structure would need to be modified. Jim Sitton said that he did a boundary realignment for the same scenario years ago in order to meet the 10-foot setback between the two homes. Kelly Bugland corrected that according to the application, it states that the structure is over the property line by 2-feet. The Mayor reiterated that a survey would answer that.

Susan returned to Mickie asking her to Teri's question about a condition to unify the two buildings. Mickie said she would hate to think that she would have to re-side both units when both are in good condition. Ron Imberi added that the colors are very similar browns, even painting seems excessive. Mickie added this would cause a lot of heartburn. Susan clarified if the Council can apply a condition that would enhance the neighborhood, even understanding the applicant does not want to spend the money, it may be what the Council needs in order to approve this application. Dennis Nelson stated he still has a hard time with the front elevation, even if both units aesthetically matched. It still does not lend to an appealing project in his opinion unless there is something which can be done with the center roofline. George Chancellor said the public's input weighs heavily on his mind, adding Items #9 and #10 on the 12-point list do not pass the public's approval. Susan questioned Mr. Chancellor, "You mean it does not pass your approval?" He replied, "Actually not, I represent the public." Teri Whitesitt asked if this could be tabled until the applicant gets a survey done if that is where they want to go. Mrs. Swimley said the Council may table it and ask for more information.

Councilwoman Whitesitt moved that we table this and get more information, whether it's a survey or what you are willing to do with the condition to make it more appealing. And I do agree with the roofline, it looks piece-mealed together and the thing that makes me (interruption by Mr. Imberi and the Mayor and Attorney interjected this is not a public debate anymore) if I were to drive by this without anything matching and different roofing materials I would not think it was an appealing property. But if it had matching windows, matching siding, matching roofing, and even down here you have brick drawn and then some kind of

other siding, if that was all the same. So my motion is to table it and get more info from Mickie and what she would be willing, what she is willing to do, I think a survey would help. Motion died for lack of a second.

Councilman Chancellor moved that we do not approve this conditional use permit for Mickie Imberi at 118 E. Front Street. Councilman Tharp seconded the motion via a hand raise. There were no other comments by the public or Council.

Motion Passed Unanimously.

Crystal Turner explained to the public that the recording is not the official record. The Council has never adopted the recordings as a way of keeping our records; they are used to aid the clerks in completing a written copy of the meeting as the record.

REPORT OF OFFICERS

There was a disruption as many left the room, and Librarian Christoffersen ensured everyone she had showered. Those present erupted in laughter. Library Director Melissa Christoffersen asked those present what building in Three Forks has the most stories? The library, or course! She shared that Board chair, and vice-chair, Fawn Venzor and Sally Griffin are also present tonight. The Library Director reported that the Library offers an annual report: 87 children finished the summer reading program, which is up by about 80 children the previous year! The Library had 347 visitors attend the eclipse party. 48 kids attended a life-size Candyland game. We did have a lot of participants attend the Trails & Books program utilizing the local trail system to host at "Story Trail". Library cards are up over 12%, patronage is up 22% and we think it is because if we plan it they will come. "We have amazing customers," Melissa added.

This year the Library received a grant to start a "things" library. Those with a library card will be able to borrow outdoor equipment. Melissa reported she has very helpful staff which help come up with innovative ideas, and board members who help volunteer time and help us raise money. She continued by thanking the patrons, the Friends of the Three Forks Library who hold an annual book sales, the Council for giving us more money this year (she profusely thanked the Council for budgeting extra money to the Library this year) and the volunteers and staff at City Hall for providing advice.

The Mayor added the Library staff and the Board have done a tremendous job.

Fawn Venzor thanked the City for allowing her to work part-time this past summer to learn the flipside of the library and what employees see as needs from the Library patrons.

City Treasurer Kelly Smith reported that she met with one member of the School board, the Superintendent, Principals, and the architects last night at the School Board building committee meeting. They had not taken into account the floodplain yet in their project proposal. It was a good meeting. It opened their eyes to think about how their proposal will work within the floodplain guidelines. It will be recapped at the next School Board meeting. Mr. Dobell asked her to relay that this will be the first of many meetings between the School and the City.

She also offered more ideas for the CIP projects: bleachers for the Fairgrounds (the Board is going to meet 11/6/17 at 7PM to discuss bleachers specifically), a crane for Randy's truck so he does not manually lift sewer manhole covers, and rehabilitation of the outfall line through Old Town.

City Clerk Crystal Turner reported Great West Engineering informed her they will be presenting at the 2018 Rural Water School on our wastewater improvement project. Great West has suggested if any of the Water/Sewer Committee members wish to present with them, they are welcome. Let Crystal know of any interest and she will get this information to Great West.

City Attorney Susan Swimley did not have a report.

Sgt. Peterson did not have a report.

REPORT OF COUNCIL COMMITTEES

There were no Council committee reports.

NEW BUSINESS

There was no new business tonight.

UNFINISHED BUSINESS

Wastewater Project

Dennis Nelson reported on the Mixing Zone Study status. Great West Engineering will prepare a draft for DEQ and then they will have sixty days to review it before we have their recommended changes.

Also Wendell reported to him that the winter heater issues have returned at the Headworks Building. He will get a hold of Titan today and find out about warranty work.

Kelly Smith added that we did receive a quote for the new heating source from Empire Heating and Cooling Co. for the Headworks Building in the amount of \$20,080.00. We only need Steven to sign the quote and then we can close out the project.

Dennis updated regarding the Water Main Extension project - Ash Street is the only street incomplete at this time. The fire hydrant still needs set on the corner of Ash and 7th Avenue E. They hope to complete it next week. Then asphalt will be completed over the new water line, as well as the Fire Hall sidewalks to be removed and asphalted.

The Mayor asked for permission to sign off on the heating system quote for the wastewater project. Councilman Tharp "so moved." Councilwoman Whitesitt seconded the motion. There was no public comment.

Motion Passed Unanimously.

PUBLIC COMMENTS/CONCERNS

Kelly Bugland said since Colleen Gibbs brought up the speeding on 2nd Avenue E, she wanted to bring up the speeding on Jefferson Street which she had previously brought up to the Mayor and to Law Enforcement. What does it take to get a stop sign, or a speed bump? Jefferson Street is an area proposed for another trail of the Headwaters Trail System. There was discussion regarding stop signs - Sgt. Peterson said usually a speed study comes from accidents occurring. Mrs. Gibbs said what will happen if someone gets hits, if that is what it takes to trigger a speed study, she will sue the City if it is her child.

Teri Whitesitt asked how many speeding tickets the Sheriff Office has written in the past month. Sgt. Peterson responded, "Probably less than 5." People see police cars and do not speed in front of them. "We go to the place where all these complaints are made and can sit there for two hours and not witness a single violation." The public suggested Law Enforcement hiding. Susan Swimley stated that would be entrapment. Sgt.

Peterson said that 90% of their jobs are not speeding violations, they are criminal violations. There was quite a discussion regarding speeding or stop sign violators. Matt Bugland asked if the City could invest in one of those flashing signs that shows your speed - typically people's self realization may cause them to slow down, the guy behind you speeding sees your speed so also reduces his speed, and it progresses. Sgt. Peterson said they had a flashing sign and it lasted about six months it was expensive, and the computers out in the cold end up dying. The Mayor will look into it just in case there is something viable for the cold weather. He ended with, "We aren't ignoring you; we'll keep looking."

Fawn Venzor suggested a clever verbiage sign that would take a different approach than the negative norm.

Gloria Howland commented how nice it is to have people attending the City Council meeting and providing comments for a change.

MAYOR & COUNCIL ANNOUNCEMENTS

There was no Council announcement.

The Mayor said with Ms. Roedel's application tonight he wondered if the City needed to have the Ordinance Committee address "Air B&B" style buildings. He also complimented Mickie Imberi on the shirts she made for Gavin Foth #GStrong. He read the letter of appreciation to the Council, and those present, from Lavon Flynn on the recognition she was given at the last meeting.

AGENDA ITEMS FOR NEXT COUNCIL MEETING: 10/22/2017

There are no items scheduled for the next agenda.

ADJOURNMENT

Mayor Hamilton asked if there was any other item to come before the Council tonight and if not for a motion to adjourn. Councilman Chancellor "so moved" to adjourn. Councilman Nelson seconded the motion. There was no public comment.

Motion Passed Unanimously. (9:50 P.M.)

NOVEMBER 14TH, 2017, The Three Forks City Council met in session in 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 NOVEMBER 2017.

PRESENT: Council members George Chancellor, Deb Mickelberry, Teri Whitesitt, Sharon Smith, Ed Tharp and Dennis Nelson. City Treasurer Kelly Smith and City Clerk Crystal Turner were also present.

The record reflects that 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. Reminder to the public that the meeting was being recorded.

GUESTS: Gloria Howland, Barbara Mutter.

Mayor Hamilton asked if there were any **PUBLIC COMMENTS/CONCERNS** that were not on the agenda. Seeing none, the Mayor introduced the **CONSENT AGENDA**.

CONSENT AGENDA

- a) Approval of Claims Paid due to Timeliness
in the Amount of \$172,180.57
- b) Approval of Claim to Mail Utility Billing in the Amount of \$159.46
- c) Approval of Claims per List
- d) Approval of Fair Board Claims Paid due to Timeliness in the Amount
of \$1,340.50
- e) Approval of Fair Board Claims per List
- f) Approval of Meeting Minutes from October 10, 2017
- g) Approval of the Board Appointment Policy

Dennis Nelson segregated one claim #142979, to Ferguson Waterworks in the amount of \$9,990.00. It brings up a purchasing policy issue. Dennis asked the Mayor if Randy Johnston had followed the Purchasing Policy or requested permission from the Mayor or any other Councilperson prior to the ordering the meters on this bill. He believes this order stretches

well beyond an "emergency need". He feels the Council needs to make every department, and specifically the Water Department, aware this violates the City Purchasing Policy. This could have very well been budgeted for last year, but it was not ever brought up as a need to the Budget Committee. He believes the Mayor needs to discuss this with the Water Department.

Teri Whitesitt agreed, and said the City has policies in place for a reason and she would like the Mayor to reiterate the policies to the employees. Mrs. Whitesitt also asked if Christina Kamps gets a \$400/month stipend. Crystal Turner said yes, as per her contract with the Board.

Councilwoman Whitesitt moved we approve the consent agenda. Councilman Nelson seconded the motion. There was no public comment.

Motion Passed Unanimously.

PUBLIC HEARINGS

There were no scheduled public hearings.

REPORT OF OFFICERS

City Treasurer Kelly Smith reported the Northern Rocky Mountain Economic Development District is hosting coffee and cinnamon rolls at 10AM on Tuesday 11/28/17 at the Iron Horse to discuss a "downtown development project in Three Forks". Anyone interest, please send RSVPs to Kelly.

City Clerk Crystal Turner asked for Kelly Smith to "tag team" her report with her. Crystal began by reporting that Great West Engineering has invited everyone to their Holiday Open House, on December 1st from 4-8PM. Let her know if you would like to attend. Crystal also mentioned that she had proposed the City offering credit card payments online via Pay.Gov. Mrs. Swimley has not recommended using Pay.Gov in the past because they are not registered with the Montana Secretary of State as a business. However, the City has received calls saying people setup their payment online "via our website" yet still received a late notice so they questioned the payment being received by the City. They explained they paid with a credit card on our website, which Crystal informed the callers that the City does not offer. Kelly Smith added that Pay.Gov is used my multiple cities and town in Montana and they are not a new company. George Chancellor asked what the City liability would be in retaining people's personal banking information. Crystal replied that the City would not have it at all; it would be similar to our credit card batch reports showing the last four of a credit card, the utility billing

account and the amount. Kelly added that the user would have to pay a service fee, which is usually a percentage of the total bill. Deb Mickelberry asked if there was any cost to the City to use Pay.Gov. Crystal said no, just to the user.

Crystal also reminded the Council that about six months ago she and Kelly asked the Council how they wished to set the sewer rate since there are nine connections at the Three Forks RV Campground. At the time the City set the sewer rate at the minimum usage rate, pending a review of water usage. There was discussion that water usage is low but that it is unknown what RVs arrive full of water and use none from the RV campground, or how many arrive full of sewer and dump in the sewage dump. There was discussion regarding the impact to the sewer treatment facility if all nine RV spaces all dump their roughly 20-gallons tanks, worst case scenario could be 1,350-cubic-feet dumped each day. Crystal reminded the Council that RV dump stations are not in the sewer rate ordinance so perhaps the Ordinance Committee would like to amend the ordinance and set a base fee, or the Water and Sewer Committee could make the determination. Teri Whitesitt said that the Lamb's have informed her that they keep a spot open for dumping, but if someone wanted to camp they would fill that space. Typically there is one open space though for dumping. The fee is \$10 to RV dump. Crystal said that the monthly sewer fee to the RV campground is only \$54.25. Kelly suggested an ordinance could be written for an initial RV hookup and perhaps a lesser fee for each additional hookup.

Crystal relayed the discontent of Adam Owens, who called to question the new parking and no living in camper ordinance (#376-2017).

Last, Crystal distributed a draft resolution of the projects submitted so far for the update to the Capital Improvement Plan. She asked the Council to reorganize the projects in the list they felt were highest to lowest priority, and then include their own ideas of how to fund each project. Roughly ten years ago Great West Engineering did all the work on the Capital Improvement Project report. She and Kelly are unsure if this report needs to be completed by an engineer or if they could update the document, or simply define the project list within the resolution which will be adopted once the CIP plan is complete. Kelly Smith added that the City paid Great West Engineering over \$9,000 to prepare the report ten years ago.

REPORT OF COUNCIL COMMITTEES

Dennis Nelson - Report on Fair Board's Request to Fund Bleacher Replacements

The Mayor stated he and Dennis Nelson attended the Fair Board meeting the first week of November. He turned the discussion over to Dennis. Dennis added that Crystal and Kelly also attended the meeting, where Chuck Wambeke and Christina Kamps presented a couple quotes on bleacher replacements. At the end of the meeting, the Fair Board asked if the City would support them to research funding or help fund this project.

Tutt Construction presented a \$700,000 quote for replacement of all bleachers and adding about 1,000 more seats. Bleachers International sent a quote at \$335,000 for similar seating with a couple upgrade options to have risers so that foot traffic in front of the bleachers would not block those sitting in the first rows. The specification the Fair Board has discussed is to increase seating from 1,700 to 2,500-3,000. The seating arrangement has to fall in the present footprint. ADA seating, designated handrails and aisle ways for all individuals, and a covering from weather were also discussed.

Chuck visited the College of Great Falls who will be replacing their indoor roll-out bleachers. They seat 1,200 and are still made of wood like our current bleachers, would need handrails installed and cement footings or foundation built. Chuck estimated a cost of \$100,000 for all this and it still would not meet the current seating demands.

Dennis said the rodeo grounds are a City department. This department has replaced wood for bleachers and maintained them as best as possible. Ultimately the City is responsible if anything were to happen. After much discussion at the Fair Board meeting those present put a price to spend on this project at \$400,000. Dennis explained the Fair Board's current liability payment on the building (a \$4,000/year payment), which he prefers be paid off early. They have around \$140,000 in the bank. They would like to keep \$40,000 for reserves.

Dennis would like to ask the Fair Board straight up, "Can you afford the payment on a loan?" He turned the presentation over to Kelly who has done a lot of research regarding financing options and grants available.

Kelly distributed an estimate of financing options. She spoke with InterCap and without a larger general fund, InterCap will only allow a loan for 10-years. Kelly based these numbers on the payment amount of \$20,000 that Chuck believed the Board could afford annually towards a loan. She also estimated a payment of \$24,000/year because she was unsure

if Chuck was considering paying off the existing InterCap loan which has a \$4,000/year payment. Kelly explained a CD loan and its process. Dennis asked Deb Mickelberry to further explain this to the Council. Deb said that the drawback would be the Fair Board has to decide the payment they could afford. The interest on the CD may increase, which is great, but that would also increase the loan payment as the interest rate increases on the payment. She worried that the Fair Board may get into a situation as the interest rate increases, where they could not make the payment.

Kelly also explained that the Fair Board could get a traditional loan from a local bank, she would not recommend over 15 years, and at 2.99% they would be maxed out borrowing \$242,000 based on their payment of \$20,000/year. This type of financing would require the City to pledge tax receivable monies. Kelly stated the estimate in all of these financing options is based on the Bleacher Internationals' quote. She suggested using the \$50,000 the City has set aside in a park capital improvement fund (CIF). She suggested the Council could tell the Fair Board the City would offer something like "for every \$1 they raise the City would match \$0.50." The City has not put any money into the rodeo grounds for over 20 years - this is City property and the City has a liability. Kelly added that the City has a CIF account setup for Parks with no designated plan for using it. The Mayor interrupted that this was the first he had heard of this plan and that the suggestion would not follow the intention of replacing park equipment.

Teri Whitesitt suggested a GoFundMe site might generate some money. Gloria Howland asked if the Board had considered the National Rodeo Association. Dennis replied they had spoke with the NRA.

Mayor Hamilton also stated that the other two options presented involve a level of risk. "I do not know how hard the Board has looked at grants and other alternative funding. I believe Kelly has done more research over the past week than the Board has ever done." Kelly stated it was just her outside-the-box idea that would place ownership back on the Fair Board to raise money so the City would not have to pledge tax money. She also called the Department of Commerce regarding possible grants, and has reached out to Rural Development. Rural Development has used most of their money to First Responders already this year, but that is another possibility in the future.

Dennis has a hard time "earmarking" the state entitlement funds to back a loan. He knows we have been able to bring our Fire Relief Association current, we have been able to put some to the Library and to Streets.

Wisely budgeting State Entitlement funds is one of the reasons that the City has been able to continue with a balanced budget.

George Chancellor stated, in his opinion, that the Board has informed the Council of a need to replace bleachers and last year they had something used they were considering buying and having transferred here. As a contractor he knows you have no idea what nuts and bolts will be missing when disassembled and then reassembled. If you are not present at the take down time, you can have a lot of issues when rebuilding. He feels that Board has not brought a solid idea to the Council until last week with these new bleachers. George added that this could not happen by the next rodeo. Dennis informed him at the Fair Board meeting the members felt this needed to be done by the 2018 rodeo.

Crystal recapped her discussion with Brent Miller. Mr. Miller suggested the Board must first define a detailed site plan and needs list for the project. Then you must decide one of three options: if you want the project to go to bid (and the Board manages the project), or Requests for Proposals (RFP), or a construction manager at risk. We need to know if wages paid on this project would need to be Davis-Bacon if the project is defined as heavy civil or highway construction, if a State building permit would be required, a structural engineer's stamp on the plans, etc...

Deb asked if there is a defined plan and if the Board is only asking the Council to decide how to finance it. Dennis did not believe they have a defined plan at this moment, so we do not know what the total project budget would be in order to make a financing decision. Deb suggested going back to the Board and asking them to come up with a defined plan and then come back to the Council for a decision on backing their financing.

Barb Mutter asked how many people attend the rodeos now. This year they said just under 2,500 on Friday night and Saturday was a little higher than 2,500.

At the meeting we discussed what the demand for an additional 1,000 people in town would do to the police, parking, housing, camping, motels, volunteers, cleanup, port-a-potties, feeding the visitors, etc.

The Mayor was leaning at the high end of the InterCap loan borrowing \$217,000 for the base option of bleachers (option A on Kelly's handout).

Dennis echoed we have heard about this need for the last couple years, but only in little snippets - not a complete plan. He thinks that waiting

until November to present a real plan and wanting it to be complete in July 2018 is too rushed and that the Board has not done enough planning/fundraising. George suggested putting the ball back in their court to finalize the project plan. Dennis said during the Board meeting we discussed not doing the side wings in the first phase. These are estimated costing \$100/seat and each wing seating 600 people. Removing one wing would reduce the overall cost by approximately \$60,000. Dennis asked each Council member to consider these options over the next two weeks and be prepared to come back on 11/28/17, with suggestions in order to make a decision. He feels the rodeo brings a lot of good to the City, to the Chamber and businesses, and said it is a fun weekend.

NEW BUSINESS

Request by Three Forks Chamber to Utilize City-Paid Electricity (Street Light Improvement District) on the Main Street Lampposts (Street Light Improvement

Crystal Turner read an email sent by Chamber Vice President Kari Hansen requesting to place rope lights on every lamppost on Main Street, and have the City pay for the electric bill. There was discussion regarding how long the lights will be up and if timers would be used. Kelly Smith reminded the Council that all Christmas decorations need to be removed by President's Day as the Veterans do not like having Santa Claus higher than the American Flag.

Councilman Nelson made a motion that we allow the Chamber of Commerce to use the plug-in concept, for a time period to be at the decision of the Chamber, but must be down by the 10th of January. Councilwoman Smith seconded the motion. There was no public comment.

Motion Passed Unanimously.

Decision on Resolution #276-2017 to Adopt the Revised Zoning Map per Section 11-1-3-D of the Three Forks Zoning Code

Mayor Hamilton read the resolution into the record in its entirety.

Councilwoman Smith motioned to approve Resolution #276-2017, a resolution to adopt the revised zoning map per Section 11-1-3-D of the Three Forks Zoning Code. Councilwoman Whitesitt seconded the motion. There was no public comment.

Motion Passed Unanimously.

(Kelly Bugland arrived 8:17)

Decision on Resolution #277-2017 Providing for Appointment of Gallatin County Sheriff Deputies to be Cross Deputized to Enforce Three Forks Municipal Ordinances

Mayor Hamilton read the resolution into the record in its entirety.

Councilwoman Whitesitt moved to approve Resolution #277-2017 providing for the appointment of Gallatin County Sheriff Deputies to be cross deputized. Councilwoman Smith seconded the motion. There was no public comment.

Motion Passed Unanimously.

Decision on Resolution #278-2017 Amending the City of Three Forks Subdivision Regulations to Include a Preliminary Plat Extension Fee

Mayor Hamilton read the resolution into the record in its entirety.

Councilman Chancellor made a motion that we approve Resolution #278-2017, a resolution of the Three Forks City Council amending the City of Three Forks Subdivision Regulations to include a preliminary plat extension fee. Councilwoman Mickelberry seconded the motion. Kelly Bugland asked if all the other fees regarding subdividing have already been before the public for decision. Crystal Turner replied yes, those fees are already in the regulations.

Motion Passed Unanimously.

Board Appointment

Three Forks Ambulance Service District

The Mayor read the board appointment memo into the record, noting that Bill Frank has withdrawn his application.

Councilman Nelson made a motion to appoint Barb Mutter to the Three Forks Ambulance District. Councilwomen Whitesitt and Smith both seconded the motion. Kelly Bugland apologized for being tardy. She said Three Forks Fire, Willow Creek Fire and Three Forks Ambulance toured the old hospital for safety reasons tonight so that is why she was late. She would be thrilled to have either applicant on this board but is appreciative of having someone with a medical background. There was no other public comment.

Motion Passed Unanimously.

Proclamation Declaring November 12-18, 2017 Fred F. Willson Week

Mayor Hamilton read the proclamation into the record completely. He added this was requested of him by Robin Sorenson and the Three Forks Historical Society. This week would have been Mr. Willson's 140th birthday.

Councilman Nelson moved we approve the proclamation. Councilman Tharp seconded the motion. There was no public comment.

Motion Passed Unanimously.

UNFINISHED BUSINESS

Wastewater Project

a) SRF Draw #30 in the Amount of \$6,775

b) WRDA Draw #10 in the Amount of \$27,100.54

Mayor Hamilton reported he spoke with Craig Pozega of Great West Engineering today, and they will be meeting with DEQ next week to review the model of the mixing zone study. Great West wants to know all DEQs questions prior to submitting the report. Their plan is to submit a couple weeks after the meeting with DEQ.

The permit location change is also in DEQ's hand, but we probably will not hear anything until DEQ requests public comment. Great West does not anticipate any negative feedback.

Dennis Nelson added that the backup heating unit will be installed late this week or next week. The freezing foggy morning we had froze up all the intakes in the building. Randy Johnston had to knock ice off all intakes and filters before starting the system back up. Kelly Smith added that the gauge was set to natural gas, and not propane which is what we use. Dennis noted the last sentence in the Progress Report says the project is "complete" and he was happy to read that.

Councilwoman Smith moved to approve the Mayor's signature on SRF Draw #30 in the amount of \$6,775 and the WRDA Draw #10 in the amount of \$27,100.54.

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

Motion Passed Unanimously.

PUBLIC COMMENTS/CONCERNS

Kelly Bugland said she had a couple tenants asking her about the City plowing the roads. She added driving the ambulance is pretty difficult on the rough roads. She asked if the City has the capability to plow the roads. (Matt Bugland arrived at 8:37)

The Mayor said he sat down with Wendell Ewan and Steve Johnston today to come up with a plan. The guys informed him they believe they can do them all. The first step was to configure a vital route for the community. This would be the school, along Front Street to the Post Office, back

towards Main Street and across to plow in front of the Senior Center, then over to Date Street to clear in front of the Fire Station. After that route is plowed, they will work on plowing the other streets. The guys are going to try this out any times we have 3-inches or more. Deb Mickelberry asked if they are looking to remove the snow or just plowing next to driveways. The Mayor said we will notify all "snow route" sections to move their cars any time there is more than 3-inches of snow. A person may have to shovel out their driveway. Snow will be piled up near the intersections essentially creating a traffic calming area. The Mayor added there have been no complaints on speeding now, so the snow has resolved that issue. Matt Bugland said that there is no lack of slow drivers along Jefferson - a stop sign was taken out and he witnesses people doing "fun" slides around corners and then getting stuck in the ditch.

MAYOR & COUNCIL ANNOUNCEMENTS

Teri Whitesitt congratulated the Mayor on his new term. She asked if there were any write-ins. Crystal explained there are write-ins and County Election Administrator Charlotte Mills is still finalizing the counts and verifying if the write-in candidates are interested.

Sharon Smith thanked Steven, and then congratulated him on his next term as well.

The Mayor reported safety training has been implemented this month. He is also going to direct the Ordinance Committee to come up with wording regarding plowing and shoveling. We may have issues with plowing to the edge of the street and then people shoveling it right back into the street.

AGENDA ITEMS FOR NEXT COUNCIL MEETING: 11/28/2017

ADJOURNMENT

Mayor Hamilton asked if there was any other item to come before the Council tonight and if not for a motion to adjourn. Councilman Nelson "so moved" to adjourn. Councilwoman Whitesitt seconded the motion. There was no public comment.

Motion Passed Unanimously. (8:45 P.M.)

Steven B. Hamilton, Mayor

Crystal Turner, City Clerk

NOVEMBER 28TH, 2017, The Three Forks City Council met in session in 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 NOVEMBER 2017.

PRESENT: Council members George Chancellor, Deb Mickelberry, Teri Whitesitt, Sharon Smith, Ed Tharp and Dennis Nelson. City Treasurer Kelly Smith and City Clerk Crystal Turner were also present.

The record reflects that 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. Reminder to the public that the meeting was being recorded.

GUESTS: Chuck Wambeke, Jared Brown, Tony & Jackie Sorensen, Matt & Kelly Bugland, Pam LeBlanc, Allen & Vicki Veltkamp, and Brigitte Schulze.

Mayor Hamilton asked if there were any **PUBLIC COMMENTS/CONCERNS** that were not on the agenda. Matt Bugland commented that there was a great demonstration for a traffic calming need today (there had been a high speed police chase earlier in the day). The Mayor introduced the **CONSENT AGENDA**.

CONSENT AGENDA

- cccc) Approval of Claims per List
- dddd) Approval of Zoning & Planning Board Minutes from September 21, 2017
- eeee) Approval of Meeting Minutes from November 14, 2017

Councilwoman Smith moved we approve the consent agenda. Councilman Chancellor and Councilwoman Whitesitt seconded the motion in unison. There was no public comment.

Motion Passed Unanimously.

PUBLIC HEARINGS

Public Hearing and Decision on a First Reading of an Ordinance Amending Title 12, Chapter 1, Section 7 to Implement an After-the-Fact Floodplain Permit Fee

The Mayor introduced the ordinance and read it into the record in its entirety. Kelly Smith explained that while reading meters the guys may notice something built and inform the office of the violation. There is a lot more work on our end than would be if someone applied for the permit up front.

Teri Whitesitt asked if a fee doubling the permit is sufficient to cover the work these permits require. Crystal Turner replied sometimes it would cover all the work required, and sometimes it will not. There are added expenses to utilize the City Attorney to issue "cease and desist" orders, additional trips on site, and advertising.

Councilman Chancellor made a motion that we approve Ordinance #377-2017, an ordinance amending Title 12, Chapter 1, Section 7 to implement an after-the-fact floodplain permit fee. Councilwoman Smith seconded the motion. There was no public comment.

Motion Passed Unanimously.

Public Hearing and Decision on a First Reading of an Ordinance Amending Title 11, Chapter 20, Section 2 to Implement and After-the-Fact Zoning Permit Fee

The Mayor introduced the ordinance and read it into the record in its entirety.

Kelly Smith asked if we had removed the third "whereas" during draft stages. Crystal explained that she had originally drafted these two ordinances read tonight as one, so that paragraph applied to both changes. However, you can only amend one section of the ordinance codes at one time. She agreed this paragraph does not pertain to this change in the zoning code, but did not feel it would affect the outcome of the law for Title 11, Chapter 20.

Councilman Nelson made a motion to approve Ordinance #378-2017, amending Title 11, Chapter 20, Section 2 to implement an after-the-fact zoning permit fee. Councilman Tharp seconded the motion. Matt Bugland commented he thought this was a great idea. It sounds like a lot of manpower wasted catching up on these issues.

Motion Passed Unanimously.

Public Hearing and Decision on a Conditional Use Permit Request by Kelly Cooper Bugland for Property at Lot 5, Block 15 of Buttelman's Addition, Commonly Known as 125 W. Jefferson Street to Administer Three Home Businesses: Bookkeeping of "KTB Property Management", Bookkeeping and Tool Storage for "Class VI Renovation", and Long-arm Quilting and Embroidery Services of "Knot What it Seams"

Zoning & Planning Chairman George Chancellor noted that the State's 12-point test came out in the "positive" or "no effect". He recapped the Staff Report provided by City Planner Ralph Johnson. Mr. Johnson recommended the following, "Public comment must be considered, however, assuming no significant comments as to the contrary staff recommends approval of the Kelly Cooper Bugland request for a Conditional Use Permit to operate a Home Occupation at 125 W. Jefferson St., Three Forks, Montana."

Applicant Presentation: Kelly Cooper Bugland testified that the customers will be met at Main Street Office and not at the location of 125 W. Jefferson Street. There will not be any traffic increase at this address.

There was neither public comment nor applicant rebuttal.

Councilman Chancellor moved that we approve the application for the conditional use permit for Kelly Cooper Bugland at 125 W. Jefferson Street. Councilman Nelson seconded the motion. There was no public comment.

Motion Passed Unanimously.

Public Hearing and Decision on a Conditional Use Permit Request by Brigitte Schulze for Property at Lot 11, Block 17 of Three Forks Original Townsite, Commonly Known as 215 S. Main Street to Convert an Existing Commercial Apartment into a Residential Rental Apartment

Zoning & Planning Chairman George Chancellor noted that the State's 12-point test came out "yes" or "no effect". He recapped the Staff Report provided by City Planner Ralph Johnson. Mr. Johnson recommended the following, "Public comment must be considered, however, assuming no significant comments as to the adverse effects of the proposed Conditional

Use Permit staff recommends approval of a Conditional Use Permit for a one-family dwelling located on the second floor of the existing structure location at 215 S. Main Street with the condition that the resident conform to the Uniform Residential Code and the emergency egress requirements."

Applicant Presentation: Brigitte Schulze only added to the staff report that there is a dire need for housing in Three Forks.

Board questions: Dennis Nelson asked if the apartment currently met the Uniform Residential Code. Ms. Schulze said that it does and explained the ingress and egress for the apartment. She made comment to correct the draft Zoning & Planning minutes regarding damage to the roof. She had responded that it was only a detached gutter which she had already scheduled to be reattached.

Public Comment: Allen Veltkamp realizes how short the housing is in this town and he really recommends it. Chuck Wambeke spoke in support of the application.

Councilman Chancellor made a motion that we approve the Conditional Use Permit to a place a one family dwelling above the building in the Central Business District located at 215 S. Main Street. Councilwoman Mickelberry seconded the motion. There was no public comment.

Motion Passed Unanimously.

REPORT OF OFFICERS

City Treasurer Kelly Smith did not have a report.

City Clerk Crystal Turner informed the Council that there have been a few complaints regarding the newly adopted parking ordinance and no living in campers. Shortly after the ordinance became in effect, she saw what she believed to be an abandoned vehicle outside her house. She filed a complaint which triggered the 72-hour start time. The City received its second complaint for another vehicle today, and upon delivering it to law enforcement, was told they do not have time to enforce it. The Sheriff Deputies have also not done anything to those living in campers yet. Mrs. Whitesitt said it was on her list to ask what was going on regarding enforcing this ordinance. She asked if we even have a sergeant in charge in our town at this time because of Sgt. Peterson's promotion. Crystal said yes, we have the same number of deputies - Dep. McDonough is filling Sgt. Peterson's shift for the time being. Both McDonough and another

deputy have, or will be, applying for the Sergeant position after completing their exams. Upon appointment, Sheriff Gootkin said he would come to the Council and introduce the replacement Sergeant. George Chancellor asked how hard it is to drive by and issue a citation. Kelly Smith informed the Council that the 72-hours is not a citation - it is a 72-hour violation and then posted as abandoned for 5 days after that. The camping is a citation. Crystal added that if one wished to be a "jerk" she could literally park her car some place for 3 days, let it get marked, use the officer's time and Susan's time to create the abandonment notice, have the clerk post it for 5 days and then the owner of the vehicle could just move it at the last minute and be in "compliance" wasting everyone's time. Teri Whitesitt asked what happened to the part-time code enforcement officer the City was supposed to have. Crystal and Kelly were unsure - only knowing that person plastered letters of the upcoming parking/camping ordinance around town. The clerks were unaware of any other enforcement going on by the part-time deputy.

The Mayor said he and the clerks were looking for direction. Does the Council want this to be complaint based, do they want staff to write complaint forms as we notice them, etc.? Teri Whitesitt asked if it was time to go back to Marshalls? George Chancellor replied "no". Teri asked if the Sheriff Deputy in violation of what they said they would do? Crystal explained the contract does state they will enforce City ordinances, but it does not state a time frame. The Mayor offered to sit contact the Sheriff or meet with him personally. He asked if the Council wanted him to include Susan Swimley. The Council agreed. Dennis Nelson asked if the City had been tagging the Sheriff when these observances come up, correct? Crystal said yes, she has emailed Sheriff Gootkin of any of the complaints verbalized in the Council meetings (like response time to the old hospital, time response to an accident outside the Iron Horse). Dennis added these are good things to include in our conversation when we negotiate the contract. Kelly Smith stated the Court averages less than 2 tickets per month, many months none.

Matt Bugland said that Sgt. Peterson said at the meeting that they do not have time to go around marking parked vehicles. Unless someone brought up a safety violation or filed a complaint because of witnessing excessive time parked, it probably will not be addressed by driving by. There was no grey area for the living in campers part of that discussion though. Maybe someone on the Council needs to drive around and look at the many citations they may note.

REPORT OF COUNCIL COMMITTEES

Dennis Nelson reported he attended the Northern Rocky Mountain Economic Development Council, along with the City of Bozeman's business district, and Blake Christensen from MSU. They all met at the Iron Horse this morning. The main discussion involved the improvements made in a business tax district. Kelly Bugland also attended the meeting and she liked to hear what Ennis has done with their district. Matt Bugland agreed and thought Ennis may be two steps ahead of Three Forks and thought the City of Three Forks may want to discuss with Ennis officials how they felt it has improved their community. Dennis added he felt he would want to ask Ennis officials what their role was in setting up a downtown business district.

NEW BUSINESS

Decision on Appeal of Impact Fee Determination Received from Jared Brown for Project at 34 Railway Avenue, per Section 3-6-17-D of the Three Forks City Code

The Mayor provided a short explanation that these buildings essentially one sewer hookup and one water hookup with just one meter. The impact to the system is minimal, at best.

Applicant Presentation: Jared Brown of BBG Contractors, who bid the project and includes all their fees in their bid, but the City came back and with "it is mixed use and requires two impact fees." He said logically the impact is very minimal. There is one meter, one connection to the water main and one to the sewer main. They will have a total of 1.5 bathrooms and 1 kitchen. This is a minimal impact.

The Mayor agreed this is a minimal impact.

Kelly Smith agreed this is a minimal impact based on the connection, but the ordinance reads one way and she does not have the authority to waive one impact fee. She also feels that this being in the General Industrial zone there are a limited number of lots available for mixed use to occur. She would not think that the Council would be setting a precedent down the road for more appeals.

Ed Tharp agreed it is a minimal impact.

Teri Whitesitt said the only thing she could think is that down the road the use of the commercial building could change and the number of employees could grow and then may impact the system more down the road.

George Chancellor asked if Kelly Smith was reasonably certain the Council would not be setting a precedent. Kelly agreed. She added that one kitchen and 1.5 bathrooms is smaller than most residential units and the City charges one fee for a residential unit.

Dennis Nelson agreed with Jared Brown's comment that this use does not impact the system at 100% capacity.

Public Comment: Matt Bugland believed the Council already set the precedent by their approval of what the initial application stated would be mixed use.

Applicant Rebuttal: Tony Sorensen addressed Councilwoman Whitesitt's comment by stating he does not wish to grow and have more employees. He is gone off site 10 hours a day, and not using the bathroom [in this building] all day. He does not want to hire more employees - no offense to other business owners present like Jared Brown or Chuck Wambeke which are growing. He would prefer using this money for landscaping and making the property nice.

Councilwoman Mickelberry said "I don't have a problem with one impact fee, it's one line and one connection." The Mayor asked if that was a motion. Councilwoman Mickelberry said, "Yes, that's a motion." Councilman Nelson seconded the motion. There was no further discussion, comments or questions.

Motion Passed Unanimously.

Discussion, Review and Possible Decision on a Bleacher Replacement Project on Behalf of the Three Forks Rodeo Grounds Board, Including Funding/Financing Options

Kelly Smith explained she found another local option and a grant. She distributed a breakdown of this to all present. She explained several options of loans from Rural Development depicting how much the annual payment would be. On the legal-sized sheet of paper she handed out are three options of the project: full 3,506 seating with both wings, or main section with one wing, or just the main section.

Teri Whitesitt asked if this is still talking about a 2019 completion date. Kelly said she has not spoken with Rural Development to know how fast the loan process moves. There are no other applicants in at this time. She would expect it would be best to get engineering and the construction process more defined prior to making that decision. She has

worked more on the financial side of the project, while Crystal has worked more on the construction aspects, but she would expect to not be done by July 2018.

Chuck Wambeke agreed it would most likely not be feasible to be complete for the 2018 rodeo. It is a significant project and needs to be well planned. With all the logistics of funding and engineer planning, it would be wise not to rush it.

The Mayor gave kudos to Kelly Smith on reaching out to her former contacts to find alternate funding in the way of grants and loans. Great job on presenting these options.

Chuck thanked the Council for providing the Board with a letter of direction. The Board will meet next Monday to review this, and they really were just hoping for Council support that they would help find funding/financing. This allows the Board to promote the bleacher project at this year's rodeo. The Council suggested having a model so folks could see the potential project, next to a bleacher donation fund. The cook shack volunteers already donate all their tips to the bleacher fund, and some suggested the beer garden also donate their tips to this fund.

Tony Sorensen asked how many people the current bleachers seat. Chuck replied "about 2,000 when we rent a portable set of bleachers." Kelly Smith asked if the Council wished for her to move forward with finding out the timeline of this grant and the application process.

Teri said, "Jump in with both feet - if nobody else has applied we could be in front." The Council suggested Kelly Smith start at the high end on the application, and dial it back if need be. Kelly Bugland said, as a Fair Board member, that her concern is that if we do not do anything soon, there is already liability there. Chuck appreciated the Council's support, as well as Kelly and Crystal's efforts.

Proclamation Declaring the Week of November 27 through December 3, 2017 in Memoriam of MHP Trooper David J. DeLaittre #269

The Mayor read the proclamation into the record in its entirety. He added that he has spoken with Dennis DeLaittre - this Friday, December 1st, they will be at DeLaittre Park to turn on the Christmas Lights and all are welcome. Dennis Nelson added that on the 6 o'clock news tonight there was an honor cross that an artist welds for all fallen in blue, being brought to DeLaittre Park for display.

The Mayor asked, "Is there a motion to approve Proclamation #2017-04?"
Councilman Tharp, "So moved." Councilman Nelson seconded the motion.
There were no other comments.

Motion Passed Unanimously.

UNFINISHED BUSINESS

Wastewater Project

Mayor Hamilton visited on the phone with Craig Pozega at Great West today. Their meeting with DEQ went as "well as expected" per Craig. DEQ gave him the impression that our permit modification application looks good as submitted. He anticipated several technical questions from DEQ but nothing unexpected.

PUBLIC COMMENTS/CONCERNS

Kelly Bugland reported that Three Forks Ambulance got their new, bigger ambulance today. This was all funded by a grant.

MAYOR & COUNCIL ANNOUNCEMENTS

Teri Whitesitt thanked Sharon Smith for her service, as this will probably be her last meeting. The Mayor questioned if Sharon would not be attending the first meeting in December. She replied, "Probably not."

The Mayor will be attending the State Debate and Speech and Drama this weekend.

Ed Tharp reminded all the Three Forks Christmas Stroll is Friday from 5:30-8PM. The gingerbread house competition will be setup at the Library this year.

AGENDA ITEMS FOR NEXT COUNCIL MEETING: 12/12/2017

- Public Hearing and Decision on a Second Reading of an Ordinance Amending Title 12, Chapter 1, Section 7 to Implement an After-the-Fact Floodplain Permit Fee
- Public Hearing and Decision on a Second Reading of an Ordinance Amending Title 11, Chapter 20, Section 2 to Implement an After-the-Fact Zoning Permit Fee
- Decision to Close City Offices on December 26, 2017
- Capital Improvement Plan Discussion/Decision

ADJOURNMENT

Mayor Hamilton asked if there was any other item to come before the Council tonight and if not for a motion to adjourn. Councilman Nelson "so moved" to adjourn. Councilman Tharp seconded the motion. There was no public comment.

Motion Passed Unanimously. (8:20 P.M.)

Steven B. Hamilton, Mayor

Crystal Turner, City Clerk

DECEMBER 12TH, 2017, The Three Forks City Council met in session in 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 DECEMBER 2017.

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

The record reflects that 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. Reminder to the public that the meeting was being recorded.

GUESTS: Gloria Howland, Greg Travis

Mayor Hamilton asked if there were any **PUBLIC COMMENTS/CONCERNS** that were not on the agenda. Seeing none, the Mayor introduced the **CONSENT AGENDA.**

CONSENT AGENDA

- ffff) Approval of Claim Paid Due to Timeliness to Mail Utility Bills in the Amount of \$158.67
- gggg) Approval of Claims per List
- hhhh) Approval of Fair Board Claims
- iiii) Approval of Meeting Minutes from November 28, 2017

Councilwoman Smith moved we approve the consent agenda. Councilman Tharp seconded the motion in unison. There was no public comment nor Council discussion.

Motion Passed Unanimously.

PUBLIC HEARINGS

Prior to introducing the public hearings, Mayor Hamilton will pull item D in "NEW BUSINESS" as he feels it is important to have a full Council present for that discussion.

Public Hearing and Decision on a Second Reading of an Ordinance Amending Title 12, Chapter 1, Section 7 to Implement an After-the-Fact Floodplain Permit Fee

The Mayor asked if there was anyone present who wished for this ordinance to be read into the record again, as it was already read entirely at the last hearing. No one requested an additional reading.

Councilman Nelson made a motion that we approve Ordinance #377-2017, an ordinance amending Title 12, Chapter 1, Section 7 to implement an after-the-fact floodplain permit fee. Councilwoman Smith seconded the motion. There was no public comment nor Council discussion.

Motion Passed Unanimously.

Public Hearing and Decision on a Second Reading of an Ordinance Amending Title 11, Chapter 20, Section 2 to Implement and After-the-Fact Zoning Permit Fee

The Mayor asked if there was anyone present who wished for this ordinance to be read into the record again, as it was already read entirely at the last hearing. No one requested an additional reading.

Councilwoman Mickelberry moved to approve Ordinance #378-2017, an ordinance amending Title 11, Chapter 20, Section 2 to implement an after-the-fact zoning permit fee. Councilman Nelson seconded the motion. There was no public comment nor Council discussion.

Motion Passed Unanimously.

Public Hearing and Decision on a First Reading of an Ordinance Amending Title 11, Chapter 12, Section 3 to Update Conditional Use Submittal Requirements

The Mayor read the ordinance into the record in its entirety.

There was discussion regarding a typo of one quote noting a foot rather than an inch in Part B (3)a. Also discussed were amendments to Part B (2)c. to include "percentage of" so that it reads, "Site Statistics including site square footage, front, side and rear yard setbacks, percentage of site coverage (building and parking)." The same to be included in Part B (3) e. first bullet, and again in Part B (4)c.

Councilwoman Smith motioned to approve that Ordinance #379-2017, an ordinance of the Three Forks City Council providing in depth submittal requirements for Conditional Use Permits in Title 11, Chapter 12, Section 3 of the Three Forks code as amended. Councilwoman Mickelberry seconded the motion. There was no public comment nor Council discussion.

Motion Passed Unanimously.

The Mayor plans on this ordinance being read for a second reading on January 9th, 2018 (assuming no 12/26 meeting).

Public Hearing and Decision on a First Reading of an Ordinance Amending Title 11, Chapter 2, Section 2 to add a Definition of Building Residential

The Mayor read the ordinance into the record in its entirety.

The Mayor explained that this came up during the conditional use permit process and so this adds clarity. Dennis Nelson asked if this is a definition of a duplex then? The Mayor replied this is inserting "Building Residential." Susan Swimley added that when you get an application for a "duplex" this will require that those buildings are connected via a foundation.

Councilman Nelson made a motion we approve the first reading of Ordinance #380-2017 an ordinance of the City of Three Forks adding a definition of building residential Title 11, Chapter 2, Section 2 of the Three Forks Code. Councilman Tharp seconded the motion. There was no public comment nor Council discussion.

Motion Passed Unanimously.

Again, the Mayor stated he plans on this ordinance being read for a second reading on January 9th, 2018.

Resolution Providing for the Amending of Fiscal Year 2016/2017 Budget to Correct Resolution #269-2017

The Mayor read the resolution into the record completely.

Kelly Smith explained this was interest but it was already put into a different account. The CIF's need to accrue interest so this correction was to place interest within their appropriate accounts. We are essentially transferring interest, but this is a record keeping clarification.

Councilman Nelson made a motion that we adopt Resolution #271-2017, a resolution of the TFCC providing for the amendment of the fiscal year 2016-2017 budget to correct Resolution #269-2017, as listed below.

Councilman Tharp seconded the motion. There was no public comment nor Council discussion.

Motion Passed Unanimously.

REPORT OF OFFICERS

City Treasurer Kelly Smith reported she misstated at the last meeting when she said the contract with the Sheriff will terminate and not automatically renew. She reviewed the contract and reported the contract does say it will renew unless either party gives 60-days written notice to terminate but does not include a contract price. Crystal asked if Kelly wanted to inform the Council that the auditors will be here on site tomorrow. Kelly added this to her report.

City Clerk Crystal Turner did not have anything to add.

Susan Swimley did not have an officer report, but extended her thanks to Sharon Smith for being on the Council and for her dedication to the City of Three Forks. "You will be missed," she added.

REPORT OF COUNCIL COMMITTEES

Ordinance Committee - handout regarding where to push snow. Susan Swimley added the Council needs to be thinking about if they want it to be civil penalty or a criminal penalty.

UNFINISHED BUSINESS

Wastewater Project

There is nothing new to report.

NEW BUSINESS

Arbor Day Proclamation

The Mayor read the Arbor Day Proclamation into the record. He added that this is the second year as a Tree City USA which makes us eligible for a \$750.00 grant rather than a \$300.00 grant.

Councilwoman Smith moved to approve the Mayor to sign off on this Arbor Day grant. Councilman Nelson seconded the motion. The Mayor added that one of the additional trees to be purchased this year with the larger grant will be in memoriam of Hank Hecker.

Motion Passed Unanimously.

Approval of Fire Department's Recommendation of Probationary Volunteers

The Mayor informed the Council they each had a copy of both applications in their packets as well as Asst. Chief Whitesitt's letter of recommendation. With the Council's approval the City can begin background checks and the hiring process.

Councilman Nelson made a motion that we follow the Three Forks Fire Department hiring recommendation and assign Audrey Newman and Patrick Morey, Jr. as probationary firefighter at this time. Councilwoman Smith seconded the motion. There was neither public comment nor Council discussion.

Motion Passed Unanimously.

Resolution to Close City Offices all Day on Tuesday, December 26, 2017, and Tuesday, January 2, 2018

Mayor Hamilton read the resolution into the record, noting if passed it would be #280-2017. The Mayor added that there was several positive comments on the City's Facebook post requesting opinions on this issue. Crystal Turner read comments of support from Tim Adams, Kristy Zoe Harrison Thompson and Michelle Reed Rogers.

Councilman Nelson made a motion that we approve Resolution #280-2017, closing city departments all day on Tuesday, December 26th, 2017, and Tuesday, January 2, 2018. Councilwoman Smith seconded the motion. There was no public comment nor Council discussion.

Motion Passed Unanimously.

**Discussion and Decision on a Resolution of the Three Forks City Council
Adopting the Capital Improvement Plan for 2017**

This item will be continued until the next Council meeting.

PUBLIC COMMENTS/CONCERNS

There were no public comments or concerns for items not the agenda.

MAYOR & COUNCIL ANNOUNCEMENTS

Sharon Smith wished everyone a Merry Christmas. Everyone wished each other a Merry Christmas. Deb Mickelberry added that we will miss Sharon. The Mayor asked how long Sharon served the City prior to her four years as a Councilmember. She replied 38 years adding that, "It was an honor to be able to serve the City." The Mayor thanked her for also attending tonight so that we had a quorum tonight.

AGENDA ITEMS FOR NEXT COUNCIL MEETING: 1/9/2018

- 6:30PM Joint Meeting with the Three Forks Rural Fire District to Review Interlocal Agreement
- Approval of the Revised Fair Board Bylaws
- Decision on a Resolution of the Three Forks City Council Adopting a Combined Fee Schedule
- Second Reading of an Ordinance Amending Title 11, Chapter 12, Section 2 to Updated Conditional Use Submittal Requirements
- Second Reading of an Ordinance Amending Title 11, Chapter 2, Section 2 to add a Definition of "Building Residential"
- Resolution of the Three Forks City Council Adopting the Capital Improvement Plan of 2017

ADJOURNMENT

Mayor Hamilton asked if there was any other item to come before the Council tonight and if not for a motion to adjourn. Councilman Nelson "so moved" to adjourn. Councilman Tharp seconded the motion. There was no public comment.

Motion Passed Unanimously. (7:47 P.M.)

Steven B. Hamilton, Mayor

Crystal Turner, City Clerk