

**** Page 1 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF THREE FORKS, MONTANA, FOR ALL OF 2016.**

JANUARY 12, 2016, The Three Forks City Council met in session in the Methodist Church Annex at 116 E. Cedar 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 2016 and the Annual Meeting with the Rural Fire District Board members.

PRESENT: Mayor Steven B. Hamilton, Council members George Chancellor, Teri Whitesitt, Sharon Smith, Ed Tharp, and Dennis Nelson. Deb Mickelberry was excused. Also present were staff members Crystal Turner and Kelly Smith, City Attorney Susan Swimley and Associate Kellie Cahill.

Rural Fire District Board Members Present: Dale Kober, Dave Hargrove, Roger Nerlin and Gene Townsend. Bruce Felz was excused.

The record reflects that a quorum was present, with the attendance of five (5) council members and four (4) fire district members, and the joint 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, Battalion Chief Charles Eastty, Fire Chief Keith Aune, Assistant Fire Chief John (Dave) Whitesitt, Catherine Dinwiddie, Daryl Sather, Chuck Wambeke, Fire Department Secretary Christine Pastrama, Barb Mutter and Michael Tucker (Belgrade News).

JOINT PUBLIC MEETING WITH THE THREE FORKS RURAL FIRE DISTRICT

Mayor Hamilton said we do not have any set agenda items, but this is a required meeting to have annually. He asked if there was anything the Rural board wished to discuss. Dave Hargrove said that replacement of the Self Contained Breathing Apparatus (SCBA's) is the only thing on their horizon that needs to occur for major expenditures. Dennis Nelson added that the training center still needs to be addressed. Susan Swimley agreed that this is still on her list.

Mayor Hamilton asked for the Council's permission to amend the agenda and listen to the Fire Department's Quarterly Report. The Council agreed.

NEW BUSINESS

Three Forks Fire Department Quarterly Report

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John (Dave) Whitesitt began his report with a request for status of the media policy after receiving Susan Swimley's email to Charles Eastty regarding the Facebook page. (Susan Swimley replied that they had a draft version and did not realize the City had not seen it yet. She will email it.) Mr. Whitesitt continued with, "A website is a tool used for recruiting," adding that, "we are putting this back in the City's court to recruit until we're able to on a social media outlet." He encouraged the City Council to think about creating a website for the Fire Department, which would have links for the application packet. He also encouraged the Council to take a more active role in recruiting members [since they cannot recruit on social media]. Mr. Whitesitt would like to hear any ideas the Council comes up with in the next couple months. He also brought up the employee handbook, noting that the Fire Department also has its own handbook more specific to firefighters. He asked if they, since they are considered employees, fall under one or both of the handbooks.

Dennis Nelson said those are good points to bring up and the Public Safety committee should investigate and discuss these, and will come back with some possibilities for recruitment and hopefully some answers after covering with legal counsel about the handbooks.

Mr. Whitesitt reported on the number of calls the firefighters attended in the last two months: 28 emergency calls totaling 102 man hours (which does not include training hours). Of those 28 calls, 16 were motor vehicle accidents, 1 working structure fire, 1 cardiac arrest, 2 service calls, 1 smoke alarm, and 2 controlled burns. 2 other structure fires were called in, but cancelled in route. 1 of the motor vehicle accidents included an extraction (use of the "jaws of life"). The structure fire called for which they arrived, they could find no sign of fire.

Mayor Hamilton thanked the firefighters for their service. Teri Whitesitt also thanked them.

Mr. Whitesitt asked about the social media site, mentioning that this has been their main source of recruitment. Mayor Hamilton offered to help re-word some of what is stated on their current Facebook site, in order to help them adhere to the differentiation of being City vs. their own entity.

Kelly Smith questioned how many of the calls were within the City limits and how many outside of City limits. Mr. Whitesitt replied that he did not break down the numbers that way, but he believed most would be considered "Rural" calls.

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Barb Mutter asked how many active firefighters were on the department. Mr. Whitesitt said they have 14 (MCA allows for 28 volunteers). Barb stated that 14 people are putting in those 102 man hours. She also asked how many firefighters are needed to attend to a working structure fire. Charles Eastty replied that they need 3 people per group, times 4 groups to continue battling an active fire. They have an average of 5-6 firefighters respond. Keith Aune said, "102 man hours is from about 6-8 people who respond - not all 14 respond every time."

Mayor Hamilton went on to **NEW BUSINESS** item c) **Resolution Establishing the Fire Chief and Secretary for FY2015/2016.**

Mayor Hamilton read the resolution into the record in its entirety. He asked if there was any discussion by the Council. There was none. The Rural Fire Board echoed that they did not have any comments.

Councilman Smith motioned to approve Resolution #252,2016, a resolution establishing the Fire Chief and Secretary Salaries for FY2015/2016.

Councilman Tharp seconded the motion. There was no public comment. Motion passed 5:0.

Presentation and Donation of Monetary Gift to the Three Forks Fire Department

Katherine Dinwiddie introduced herself and said that of course, any donation is awesome and always appreciated, but she was astonished at the size of this donation of \$30,000. She was asked by Kasting, Kauffman & Mersen, P.C. to read their donation letter. Ms. Dinwiddie read their letter into the record and added, "Todd [Rummel] made an impact and he was greatly appreciated." She handed the donation check to Keith Aune, who then gave it to Kelly Smith. Chief Aune added that, "This money will greatly improve the safety [of the department]," and thanked the law firm of Kasting, Kauffman & Mersen, P.C. and he asked Ms. Dinwiddie to relay that to them.

Chief Aune said the Department is looking into purchasing twelve SCBA's with spare bottles which costs \$84,468. This \$30,000 will all go towards that purchase. That leaves \$54,000 roughly to be split between the City and Rural budgets. He asked the Council, when new SCBA's become outdated (10-15 year life), how they planned to replace them without large donations. He proposed needing to plan for the future replacements always.

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Dennis Nelson said that he spoke with Chief Aune the previous night about getting quotes for the SCBA's. The current SCBA's and tanks will be outdated in roughly 60-days and would need to be recertified. So the timing of this donation and replacement purchase is very timely.

Dave Hargrove also thanked Kasting, Kauffman & Mersen, P.C. The Rural has set aside money the last two years to replace the SCBA's, including the Cascade tanks and they are ready to make the purchase.

Dennis Nelson also thanked Kasting, Kauffman & Mersen, and asked Ms. Dinwiddie to relay his thanks to them.

Mayor Hamilton said he loves the idea of planning for replacement of the SCBA's in the future. He also asked Ms. Dinwiddie to relay the City's gratitude.

Since there were no further items to be discussed jointly, Mayor Hamilton closed the joint public hearing. There was a short recess. (During the recess, the Fire Department presented Barbara Mutter with a newly created "Todd Rummel Service Award" for excellent service. This is not an award to be achieved by someone annually, but in extreme circumstances will be granted.)

REGULAR COUNCIL MEETING

Mayor Hamilton reconvened the Council meeting. He asked with the Council's permission to continue on with **NEW BUSINESS** and hear the Headwaters Fairgrounds/Rodeo Board Annual Status Report. The Council agreed.

Headwaters Fairgrounds/Rodeo Board Annual Status Report

Chuck Wambeke, Chairman of the Board, recapped all that occurred in 2015. They had \$103,000 revenue, and \$74,000 in expenses, which was a 17% increase over 2014. The Board still owes \$21,000 on the loan for the building - which will be paid off in a few years. In 2015 the Board completed a lot of maintenance projects. They rebuilt gates, creating a better roping chute, installed an irrigation system and other minor repairs.

In 2016, the goals are to continue maintenance projects, work on the "Crow's Nest" (windows need replaced, stairs are wobbly, electrical upgrades are needed). For capital projects, the arrow pens for calf sorting needs to be revitalized and will work great for those in the July

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roping events. They will continue to plant more trees this year, and continue on around the north end of the property.

The Board consists of Doug Pickering, Gene Townsend, Mike Lane, Rich Moyenkens, Nate Carr and Matt Hussung, and Christina Kamps serves as secretary/treasurer. Doug takes lead on the single events, Gene takes lead on the cook shack/food, Mike takes the lead on all the maintenance, and everyone else falls to helping everywhere else. The members have split up for the two main rodeos held annually (High School Rodeo and Adult Rodeo) and include some volunteers not on the board with rodeo experience.

In 2015, they added junior high participants to the annual High School Rodeo event. The Chamber handled all the rewards and the ticket taking which was a real help. Adding junior high increased their revenue, but made for long days for the volunteers. This past Annual Adult Rodeo had awesome weather, and with lots of trial and error of the years, the Board has a good system for effective execution. Chuck almost felt bored because everything went so well, he really did not have to do much. He received lots of positive comments that it was the best rodeo yet. Once again, Three Forks was the recipient of the Annual National Rodeo Association "Golden Rodeo Award". This is our second time receiving this award and it shows we are doing a great job.

Upcoming dates:

- February 4, 2016 at 6PM is the Volunteer Appreciation Dinner at the Stockyards
- April 30 and May 1, 2016 is the Junior and High School Rodeo
- July 15th & 16th, 2016 will be the annual Adult Rodeo

The Board is still thinking about bleacher replacements. They did a lot of maintenance and replacement of boards this past year but we need something safer, and more permanent. Funding it will be a challenge, but they are looking at option.

Teri Whitesitt thanked Chuck and the board for all they do.

CONSENT AGENDA

Mayor Hamilton introduced the consent agenda.

Approval of Claim paid due to timeliness on 12/22/2015 in the amount of \$465,017.30 to Smith Contracting

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Approval of Claims paid due to timeliness and due before 12/31, mailed on 12/23/2015 totaling \$172,090.77

Approval of Claim paid due to timeliness to mail utility bills on 12/30/2015 in the amount of \$161.76

Approval of Claims per List(s)

Approval of Meeting Minutes from December 8, 2015

Approval of Meeting Minutes from December 8, 2015

Approval of Service Agreement with Morrison-Maierle for offsite data backup services for FY2015-2016 at \$60/month

Quarterly Pledged Security Report

Dennis Nelson pulled Claim #141736 to ask questions. He was supportive of paying for the water reservation portion of the invoice, but questioned the letter regarding the City's [water/sewer] capacity for the Three Forks Market campground project, totaling \$473.50. Should the City be responsible to pay for this, or should the Three Forks Market be responsible as the requesting entity? There was discussion from Crystal Turner and Susan Swimley, regarding the City not having an engineer on retainer anymore so they would charge for us for work done on the City's behalf. Susan agreed and said that the City was responsible for providing capacity letter signed by the City's engineer, when requested.

Councilwoman Smith moved to approve the Consent Agenda. Councilman Nelson seconded the motion. There was neither discussion nor public comment.

Motion Passed 5:0.

PUBLIC HEARINGS

Second Reading of Ordinance #362-2015 Amending Ordinance #359-2015 Regarding Title 6, Chapter 4A Regarding Dog Licensing Requirements

Mayor Hamilton said this ordinance was read into the record in full at the December 8, 2015 meeting, and if there were no objections he would not read it again in its entirety. No one objected.

Councilman Nelson motioned to approve the second reading of Ordinance #362-2015, amending Ordinance #359-2015 regarding Title 6, Chapter 4A regarding dog licensing requirements. Councilwoman Whitesitt seconded the motion. There was neither discussion nor public comment.

Motion Passed 5:0.

REPORT OF OFFICERS

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City Treasurer Kelly Smith reported on the requirement needed by our Auditors to enhance the Actuarial Study would cost an additional \$200.00 - \$300.00. The Council nodded in agreement to paying this.

City Clerk Crystal Turner did not have a report.

City Attorney Susan Swimley did not have report.

REPORTS OF COUNCIL COMMITTEES

Budget Committee - Dennis Nelson reported that they will meet at 4:30PM on January 20, 2016 at City Hall to review Quarter 2.

Water/Sewer Committee - Dennis Nelson reported that they will meet at 6:00PM on January 20, 2016 at City Hall to review the Change Order request.

Ordinance Committee - Teri Whitesitt reported that they will meet to discuss the first draft of the Business Licensing on January 19, 2016 at 6:30PM at City Hall. She also reported that Mr. Dobell has posted in the newsletters that go home to elementary parents, that 4th Ave E is for drop off/pick up only, and that Sgt. Peterson has parked over there the last couple weeks too and not seen any new violations. Teri also stated that she would like to draft an ordinance to address how inventory is displayed in the business zoning district. Crystal Turner offered to help.

Streets/Alley Committee - Sharon Smith reported they met at 6:00PM tonight to discuss how to address sidewalks needing repairs. Wendell Ewan and Susan Swimley attended and provided the Committee with good direction.

UNFINISHED BUSINESS

Wastewater Project

SRF Draw #10 Request in the Amount of \$57,689.00

Mayor Hamilton introduced the draw.

Councilwoman Smith moved to approve the SRF Draw #10 in the requested amount of \$57,689.00 and for your [Mayor] signature. Councilman Tharp seconded the motion. There was neither discussion nor public comment.
Motion Passed 5:0.

TSEP Draw #13 Request in the Amount of \$963.50 (This was labeled #13, but our previous draw numbers were off, and the last TSEP was labeled 13 as

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well. This will be sent into Great West and Valerie Short as labeled, and is now correct as our thirteenth draw.)

Mayor Hamilton introduced the draw.

Councilwoman Whitesitt moved that we approve the TSEP Draw #13 in the amount of \$963.50. Councilwoman Smith seconded the motion. There was neither discussion nor public comment.

Motion Passed 5:0.

NEW BUSINESS

Mayor Hamilton brought the meeting back to the Regular Agenda - New Business, Item E. **Election of Council Chairman/woman**

Councilman Nelson nominated Ed for Chairman. Councilwoman Whitesitt seconded the motion. Ed Tharp stated he was willing to do it again. There was neither discussion nor public comment.

Motion Passed 5:0.

Appointment of Council Liaison to the Zoning & Planning Board

Dennis Nelson stated he was over it. He has served on this board for over ten years, serving before he was even on Council. He has been the liaison ever since he's been on the Council. Crystal Turner suggested George Chancellor. George agreed that he would be interested in serving.

Councilwoman Whitesitt moved to appoint George Chancellor as a liaison to the Zoning & Planning board. Councilwoman Smith seconded the motion. There was neither discussion nor public comment.

Motion Passed 5:0.

PUBLIC COMMENTS/CONCERNS

Daryl Sather, introduced himself and said he recently moved here from Havre. He said in the paper he read an article regarding "what our kids need to see to be model citizens" but then he goes down Main Street and sees many violations. He offered to help address ordinance violations he sees throughout town. His intent is to show our community that we can follow the laws and still get along. He sees the Sheriff's office suffering in some of the violations having tickets written. He would like to write these violations down and submit them to City. He believes we are perpetuating a community mentality that endorses "doing the wrong thing" just because a policeman doesn't catch you in the act. He believes this sends the wrong message to our youth. He feels that if more people

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are issued citations for their wrongdoing, that people will start to think about continuing bad behavior and change that behavior to one that sets a good example to our community. Mr. Sather comes from a law enforcement family (his grandfather was a Chief of Police of Glasgow, his uncle was the head of Montana Highway Patrol). He also has some background in law enforcement at Yosemite National Park, he is a veteran and has served a volunteer firefighter.

Chuck Wambeke asked what the City's position is on that - would Mr. Sather be a code enforcement officer. Susan Swimley said the he could file complaint letters, which would go to her, and if he documented the time and date of a violation (including license plate number if it is a traffic violation), and he is comfortable standing as a witness to the violation, she would address those just as any other. Mayor Hamilton wanted to make sure the City did not need to put Mr. Sather on workman's comp for doing this. Susan disagreed as he would be filing a "citizen complaint form" and not acting as a representative of the City.

MAYOR & COUNCIL ANNOUNCEMENTS

Ed Tharp reminded the public to get sidewalks shoveled. There are a lot of folks around town that do not shovel/plow their sidewalks which when begins to melt causing slush, then freezes at night, and creates ice and a dangerous situation.

Mayor Hamilton informed the Council of the Montana Cardiac Ready Communities grassroots effort to keep all members of a community aware of signs of cardiac arrest, and teach as many as possible how to use a difibulator when necessary. The first meeting will be held on January 26, 2016 at 5:30PM at City Hall.

Mayor Hamilton added that he wanted to "brag" about his debators too that won this past weekend: Maggie Kosevich won the Lincoln-Douglas, Zack Story and Kyle Stone won the Policy Debate.

AGENDA ITEMS FOR NEXT COUNCIL MEETING:

- Possible business license ordinance
- Eagle Scout project presentation by Colin Whitesitt
- Cascade/SCBA Quotes
- Budget Update

ADJOURNMENT

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

Motion passed unanimously (8:30PM) .

Steven B. Hamilton, Mayor

Crystal Turner, City Clerk

JANUARY 26, 2016, 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 SECOND meeting of January 2016.

PRESENT: Mayor Steven B. Hamilton, Council members George Chancellor, Deb Mickelberry, Teri Whitesitt, Sharon Smith, Ed Tharp, and Dennis Nelson. Also present were staff members Crystal Turner and Kelly Smith.

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, Saryna Smith, Collin Whitesitt, Richard & Catherine Owen, and Gloria Howland.

Mayor Hamilton asked if there were any **PUBLIC COMMENTS/CONCERNS**. Seeing none, he introduced the Consent Agenda.

CONSENT AGENDA

Mayor Hamilton introduced the consent agenda.

Approval of Claims per List(s)

Approval of Meeting Minutes of January 12, 2016

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Approval to Purchase Self Contained Breathing Apparatus' (SCBA) replacements from Big Sky Fire in the amount of \$68,436, and for Cascade tank refills from Heiman Fire in the amount of \$4,460

Councilwoman Smith moved to approve the consent agenda. Councilman Tharp seconded the motion. There was no public comment. Councilwoman Whitesitt asked about the Tear It Up, LLC invoice regarding shredding services, and if the Clerks could do in-house shredding which could be thrown away weekly in our normal recycling, rather than piling it up in a recycle bin to have Tear It Up shred it. "Just a suggestion to save a little money," she added. Crystal Turner replied that the most recent Tear It Up invoice was for 24 banker's boxes of old records, which was approved by the Council for destruction via request #3 this past summer. This is not a normal weekly amount of papers to be shredded, this was years of stored documents being disposed

Councilman Nelson stated that the total for SCBA's is \$72,896, which will be split with the Rural Fire District, and our portion (\$20,638) will be paid out of impact fees.

Motion passed unanimously.

PUBLIC HEARINGS

There were no public hearings.

REPORT OF OFFICERS

City Treasurer Kelly Smith did not have a report.

City Clerk Crystal Turner did not have a report.

REPORTS OF COUNCIL COMMITTEES

Water & Sewer Committee - Ed Tharp reported that they met last week with Great West Engineering and City Attorney Susan Swimley to review the roughly \$240,000 change order request. Great West has drafted a response letter to Smith Contracting denying all the requested changes except for roughly \$6,000 requested for leak testing valve which was not specified in the plans. Another change order for \$1,000 for a telescoping valve is also expected and will be recommended for approval.

Budget Committee - Dennis Nelson reported he, Ed Tharp, Mayor Hamilton, and Clerks Kelly and Crystal met last week to review expenditures through Quarter 2. One issue is with the Library, and the committee passed on its suggestions for austerity to Mayor Hamilton, who serves on the Library

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Board, to rein in spending since the Library is over budget and Debbi Kramer has announced her retirement effective July 1, 2016. The Library will face a vacation/sick buyout that was not budgeted. The committee will meet again after March. Dennis encouraged the Library Board to meet and address these budget concerns as soon as possible in order to implement the changes.

Public Safety - Dennis Nelson reported this committee met last week regarding the SCBA purchase, and the website questions the Fire Department posed to the Council at the meeting on January 12, 2016. Mayor Hamilton will contact Dave Whitesitt and Keith Aune to find out the parameters requested for a website and/or social media needs. Dennis added that the Fire Department also requested an update on employee handbooks, and if the volunteers needed both City employee handbooks and the firefighter's job-specific handbook. Teri Whitesitt added that she believed there needed to be continuity between the two handbooks, since the firefighters are employees and still need to adhere to many of the policies outlined in the employee handbook.

Ordinance Committee - Teri Whitesitt said they met last week to review the draft business license ordinance. The committee reviewed both clerk's comments and incorporated suggested changes. They also drafted a generic business district ordinance that would prohibit inventory being freely displayed overnight. The committee sent their suggestions of no more than three items left out during the day which would come in every night, and if the business wanted something like a bench or table/chairs out overnight it would have to apply for a permit to be allowed to do that.

Teri Whitesitt also said that she has confirmed with Republic Services that they have plugged all the holes in dumpsters available to the Three Forks area. If we find any dumpsters leaking, alert Republic Services and they will replace them as soon as possible.

UNFINISHED BUSINESS

There were no items in the category on the agenda.

NEW BUSINESS

Collin Whitesitt Eagle Scout Project Request

Collin Whitesitt introduced himself and distributed a map to the Council members of his proposed Eagle Scout project. He has been a Boy Scout for ten years. He informed the Council of some statistics of the Boy Scouts:

there are 2.2 million youth involved in Boy Scouts and 1 million adult volunteers helping the program across the world. The program is used to teach youth and adolescents about logical decisions and to provide them with the tools needed to transition into the working world.

Collin stated that Eagle Scout is the highest rank which can be attained by a Boy Scouts. Of the 2.2 million youth enrolled, only about 56,000 complete the program through the Eagle badge. He was surprised to learn that so few complete the program.

Collin's proposed project is to install a barbeque, to be set in stone and laid in cement at the gazebo located at the Three Forks ponds/park. He will need to solicit donations (monetary and in-kind) for help with the installation of roughly \$150.00 for the barbeque. He is unsure of the cost of the cement at this time, but would need to solicit donations for that as well. He believes the gazebo would be used more often it had more amenities and a charcoal barbeque would a nice addition in hopes of this area of the park being used more.

The Council asked Collin more specifics on what type of barbeque he would be installing, as well as what the final construction would look like. Debra Mickelberry asked if it would look like a fire pit with a grate. Collin replied it would be similar to the ones that exist in the park area closer to Talc Road already. There are two now, and he believes there were six in years' past. Dennis Nelson asked Collin what his timeframe would be. Collin replied that he wished to finish planning soon and start when the ground is thawed. Dennis Nelson congratulated Collin on working to finish his Eagle Scout rank.

Councilman Tharp made a motion to let Collin build his barbeque out there by the ponds. Councilman Nelson seconded the motion. There was no public comment or discussion.

Motion passed unanimously.

Kennel License Application from Richard & Cathy Owen, 220 E. Elm

Mayor Hamilton explained that Mr. & Mrs. Owen applied for a kennel license on January 7, 2016, and Sgt. Peterson visited the site on January 21, 2016. Sgt. Peterson's write-up will be considered the staff report. Mayor Hamilton stated that he would not be reading the staff report into the record unless requested by the public. No one requested it be read aloud. He turned it over to Mr. & Mrs. Owen for presentation/comments.

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Mr. Owen stated they have participated in "Tiny Tails" foster care program for rescued dogs. He said, "Sometimes it's hard to let foster kids go." He apologized for one of the animals being a little aggressive toward Sgt. Peterson during his visit. They took this animal to the vet later, who was not concerned and stated the animal is just a little over protective.

Public Comment: Gloria Howland stated that she has chickens larger than these dogs and thought the Council should approve it.

Dennis Nelson stated he did not have a problem with them having a kennel license, as long as the Owen's kept their animal total to no more than five animals (which is the existing number of dogs). Ed Tharp stated he preferred that when the eldest dog passes on that the Owen's do not replace her, thus reducing their number of dogs to four.

Councilwoman Whitesitt moved to approve their kennel license for their four dogs, with the point that once one passes (or goes up for adoption) that they keep it to no more than four dogs. Councilman Chancellor seconded the motion. There was no further discussion, nor public comment.
Motion passed unanimously.

PUBLIC COMMENTS/CONCERNS

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

MAYOR & COUNCIL ANNOUNCEMENTS

There were no Council announcements.

Mayor Hamilton reported that he is seeking judges for the Science Fair if anyone is interested.

AGENDA ITEMS FOR NEXT COUNCIL MEETING:

- Possibly the lagoon mixing study

ADJOURNMENT

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

Motion passed unanimously (7:36PM).

Steven B. Hamilton, Mayor

Crystal Turner, City Clerk

FEBRUARY 9, 2016, 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 2016.

PRESENT: Mayor Steven B. Hamilton, Council members George Chancellor, Deb Mickelberry, Teri Whitesitt, Sharon Smith, and Dennis Nelson. (Ed Tharp called and said he would be late.) Also present were staff members Crystal Turner and Kelly Smith, and City Attorney Susan Swimley.

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, Destiny Geer, and Gregory Overman.

Mayor Hamilton asked if there were any **PUBLIC COMMENTS/CONCERNS**. Seeing none, he introduced the Consent Agenda.

CONSENT AGENDA

- a) Approval of Claim paid due to timeliness to mail Utility Bills in the amount of \$163.04
- b) Approval of Claims per List(s)
- c) Approval of Meeting Minutes of January 26, 2016
- d) Approval to allow Great West Engineering to Perform Mixing Zone Study
- e) Request for Record Destruction Request #3

Mayor Hamilton pulled "Approval to allow Great West Engineering to Perform Mixing Zone Study". The City has received information from Morrison-

Maierle who is also interested in quoting/performing the mixing zone study. Crystal Turner asked if the City opens this to Morrison-Maierle, would the City also have to open it to all other engineering firms who originally submitted proposals for the overall project. Dennis Nelson asked if the mixing zone study would be an additional budget item (not already in the overall price) and be covered with our current funding sources. Susan Swimley believed that the funding source (grants or loans) would pay for this but has not reviewed those contracts to verify the cost would be covered by our existing funding sources.

(Ed Tharp arrived at 7:05PM.) Councilwoman Smith started to make a motion but was interrupted. Teri Whitesitt was not sure when to bring up her question, because she is unsure when the proper time to speak would be. However, she questioned a claim on a previous consent agenda when a phone was purchased with carrier case and charger totaling \$765.00. She saw the claims tonight for reimbursement of home internet and wondered about redundancy in paying for smart phones and data service, data service on tablets, and reimbursed for home internet service. She wondered if all needed smart phones, as we already provide them home internet too. She understands it is for SCADA use but questioned if the City was overpaying by having phones, tablets and home internet. Susan Swimley stated that in the Four Corners Water & Sewer District the operators can adjust the levels of the system using their phones. Crystal Turner said that she believed the phones were used for alarms from the system, and then the operator would have to make any adjustments via the tablet or home computer, or at the site. She did not believe the SCADA screen would work well on a small smart phone screen. Teri Whitesitt reviewed the Verizon bill and saw that the data limit is 1GB and only .053 were used. She thought that maybe the operators are not using the tablets as a main tool. Mayor Hamilton said they could be hooked on to the wi-fi when using the tablets in a building like City hall. Susan Swimley asked if phones were in the budget prior to just purchasing them. Kelly Smith answered no, they had not been mentioned as a need at budget time. Teri asked the Mayor if he would find out more by speaking with the operators and see if there was overlapping coverage. Mayor Hamilton urged the Council to talk to the operators themselves if they have questions.

Councilwoman Smith moved to approve the consent agenda with item "d" being pulled, and looking at the data and phones. Councilman Tharp seconded the motion. Gloria Howland asked if the employees actually have phone calls directly or computers sounding audible alarms. Crystal Turner answered that the SCADA system can have phone numbers preset to send alarms to

paggers, cell phones, home phones, whatever the user chooses, in the form of text.

Motion passed unanimously.

Mayor Hamilton requested to move item **NEW BUSINESS "B" Recognition of Three Forks High School Speech & Drama Team's State Championship** from the New Business section to be heard now. The Council did not object.

Mr. Overman introduced himself and said Three Forks is a very special place, and he has worked here four years. He realizes how awesome the town, the parents, the students and all those of Three Forks are and that really holds him here. He is very excited to be with Three Forks School and thanked the Council for acknowledging the State Championship recently won by the High School speech and debate team. He introduced Destiny Geer. Destiny informed the Council she has been on the Speech and Debate team for the past four years, and noted it is an eclectic group of students - noting Councilwoman Whitesitt's son Collin, her longtime team member Jamie Dundas, "weird freshman" (which created an uproar of laughter by all present), and sarcastic seniors like herself on the team. She thanked the City for their support.

Mayor Hamilton said that Mr. Overman was recently the recipient of KTVM Gold Star award. He thanked Mr. Overman and Miss Geer to coming tonight.

PUBLIC HEARINGS

There were no public hearings.

REPORT OF OFFICERS

City Treasurer Kelly Smith did not have a report.

City Clerk Crystal Turner reported on a few items: The City office has received a few inquiries on a lot for sale by owner that currently does not have any service lines to it. She encouraged the Council to be thinking about how it would want budget to get service to this property, as well as the existing homes which still do not have water service. (The Water & Sewer committee said it will address after the GIS mapping is complete.) The City has also received a few verbal complaints on generators running for several hours and the disturbance they cause to the neighborhood. The Clerks researched the ordinance regarding the semi-trucks running, which includes attached generators. There was much deliberation between those owning semi-trucks and the neighbors of those

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driving semi-trucks a few years ago to come up with the best compromise between the two parties. The generator running that is receiving complaints, since it is not attached to a motorized vehicle, does not apply to this ordinance. Crystal requested the Ordinance Committee review and come up with a suggested ordinance, or amendment to the semi-truck ordinance regarding generators, to include those attached to and not attached to licensed motor vehicles.

Crystal reiterated Susan Swimley's memo provided to all Council members last year warning them of personal email use. She knows the City's current website/email is at capacity and some Council members are looking for other avenues such as Google accounts to increase the capacity of saved emails. The City has the option to pay for more memory/storage. We could also use thumb drives to archive old emails, thus allowing more space. The City has put a request for proposals out for an update to our website, and we can include the need for more email storage in that scope of work. Crystal will keep the Council apprised on any news, quotes received, and possible charges for increased email storage. (The proposals will be opened and reviewed on March 8, 2016.)

City Attorney Susan Swimley has been working with the Water & Sewer Committee on the most recent change order request, a couple of criminal cases with the Court, property owner complaints, worked with Kellie Cahill regarding a rough idea for the Business District Ordinance requested by the Ordinance Committee, and some direction/definitions for the Sidewalk inventory which the Committee will discuss tonight.

REPORTS OF COUNCIL COMMITTEES

Streets & Alley Committee - Sharon Smith distributed a proposal that Wendell Ewan drafted for inventorying the sidewalks. She still wants direction on the root issues before moving forward.

Kelly Smith added that she spoke with Rural Development, who has loans (with City matching 30%) available to help the City/property owners fund repairs or replacement of sidewalks. She is still waiting to hear from the State level on the Community Transportation Enhancement Program.

UNFINISHED BUSINESS

SRF Draw #11 in the amount of \$134,907.00

Mayor Hamilton introduced the draw.

Dennis Nelson pointed out that on the last page of the Great West Engineering progress report, it states there are 38 days remaining of contract time for construction activities, and that 64% of the budget has been spent. He wants to ensure this is accurate since the 210 days of construction work in the original contract passed us by in November 2015.

George Chancellor asked about the previous paragraph regarding two weeks to work after April 18, 2016, then shutdown again for ten weeks while LEMNA is manufactured, two weeks to install once delivered - seems like almost 28 days right there and agreed that it is "cutting it very close" for the budget remaining. Dennis agrees and wants to verify this is accurate and do-able with Great West Engineering.

Councilwoman Smith moved to approve your signature on Draw #11 for the \$134,907.00 Councilman Chancellor seconded the motion. There were no public or Council comments.

Motion passed unanimously.

NEW BUSINESS

Discussion/Decision on Direction regarding a Business District Ordinance

Teri Whitesitt explained the Ordinance Committee reported last meeting that they wished to mitigate retail items being displayed. Kellie Cahill requested more direction from the rest of the Council because it is a bigger deal to regulate than the Committee hoped. Susan Swimley posed the following questions to the Council to consider:

- What area does the Council envision this ordinance affecting (Main Street only, all of the businesses in town, just the Central Business District, etc.)?
- How many items are allowed outside of the business?
- Are items left outside permanently?

Susan said there are already violations of the current ordinances. Tables and chairs, sandwich boards, newspaper display bins and garbage cans already clutter the sidewalks and are not enforced. If an ordinance is drafted it would need to be enforced uniformly. Dennis questioned if the City was stepping on personal property rights by doing something like this. Susan did not think so as long as the rules are rational for all the businesses, and to promote public health and safety.

Teri Whitesitt said she just keeps thinking about making an ordinance that allows three things outside to be displayed which are to be brought in nightly, as long as the business leaves room to walk by. If a business

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wants to leave something out more permanently they would have to apply for a no-fee permit and request permission and state at a Council meeting for approval of what those things to be left out are. Dennis thought it should only be down Main Street and not the entire Central Business District. Susan reminded the Council that there were complaints, businesses saying that the kind of display the thrift store had was detrimental to all other business in Three Forks because it deterred people wanting to stop here in town. Teri hoped to include the Neighborhood Highway District as well because although not "Main Street" it is a main thoroughfare into town. Dennis Nelson urged keeping it to Main Street and one block from Main Street. There were a lot of comments on where this ordinance would overlay. Susan suggested talking to the Market to learn the timeline for merchandise they display outdoors (seasonal items). This will help the City draft a baseline for discussion.

Susan said she is hearing basically the CBD, permits for items on sidewalks, limiting display of sale/resale/trade without a permit fee, which would be taken in every night. Susan asked if the Council wanted her to include seasonal items (items that are available for a seasonal time frame, not festive seasonal items to be displayed all year). Steven asked if the "Rodeo Dayz" would need to be addressed. It was discussed that as a Chamber-sponsored event, and with Main Street closed during that type of event, none of that inventory would be displayed past the event and would have to be moved once the street had to be re-opened.

PUBLIC COMMENTS/CONCERNS

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

MAYOR & COUNCIL ANNOUNCEMENTS

Teri Whitesitt asked Susan Swimley if she was working on known businesses operating without a license or conditional use permit. Susan replied she is aware of them and answered no, they have not been addressed yet.

Mayor Hamilton reported that he may miss the next Council meeting due to the Science Fair. He also shared with the Council that February 25th at the Land of Magic in Logan will be the Chamber's Annual Dinner. RSVPs are required by February 20th.

AGENDA ITEMS FOR NEXT COUNCIL MEETING:

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- Possibly the lagoon mixing study or RFP
- FY14/15 Audit Report

ADJOURNMENT

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

Motion passed unanimously (8:39PM) .

Steven B. Hamilton, Mayor

Crystal Turner, City Clerk

MARCH 8, 2016, 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 2016.

PRESENT: Mayor Steven B. Hamilton, Council members George Chancellor, Deb Mickelberry, Teri Whitesitt, Sharon Smith, Ed Tharp and Dennis Nelson. Also present were staff members Crystal Turner and Kelly Smith, Street Superintendent Wendell Ewan, 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: Chuck Wambeke, Dale Hilton, Robert DoBell, Dep. Colter Metcalf, Dep. Randy Schott, Battalion Charles Eastty, Julie Kostelecky, Dane Hancock, Christine Pastrama and Michael Tucker.

Mayor Hamilton asked if there were any **PUBLIC COMMENTS/CONCERNS.**

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Three Forks Schools Superintendent, Robert DoBell presented a copy of the informational packet for the proposed mill levy for both the elementary and high schools. He encouraged everyone with any questions to contact him.

Dennis Nelson asked for clarification on the \$2.41/month stated in the handout and if that is based on a \$100,000 home, or a market value of \$100,000. Mr. DoBell answered that it is based on the market value.

Dale Hilton, who works part-time as the school psychologist, spoke that he has worked in four different states with schools similar in size to Three Forks. He is not here to encourage anyone on the mill levy, but wanted to let the City know that in his 35 years of tenure, he has always been impressed on how this school is run (from the custodial staff all the way to administrations). "You have something incredibly magical in this school system, and it is truly a wonderful situation."

Chuck Wambeke, Three Forks Rodeo Board, spoke regarding the bleacher system being in a "rough state" and although it has been maintained for several years he believes it is time for replacement. The Board is in good financial state currently, but does not have enough in reserves to fund the full purchase. They found some used bleachers with 2,500 seats which have an asking price around \$125,000. The Board is going to try to put a project together on how to fund or finance that purchase. The Council was supportive for Chuck and the Board to start the process. Dennis Nelson agreed, but stated that as chairman of the budget committee he knows there are a lot of requests from various departments now, as well as schools and county, and warned that it will be difficult to fund them all.

With no other public comment, Mayor Hamilton introduced the Consent Agenda.

CONSENT AGENDA

- f) Approval of Claims paid due to timeliness in the amount of \$45,489.59
- g) Approval of Claim paid due to timeliness to mail Utility Bills in the amount of \$160.20
- h) Approval of Claims per List(s)
- i) Approval of Meeting Minutes of February 9, 2016
- j) Acknowledgement of Change Order #5 signed on 2/23/2016 with Smith Contracting, Inc. for the Wastewater Project in the Amount of \$7,312.17 and increasing the project timeline by 10 days.

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

Motion passed unanimously.

PUBLIC HEARINGS

Presentation by Rudd & Company of the FY2014/2015 Audit Report

Julie Kostelecky presented the Audit Report, highlighting the Independent Auditors' Report, the Management Discussion & Analysis (MD&A), page 10 of the report showing the Statement of Net Position (basically the City's profit and loss statement). "If the City were to close and sell everything it would be able to return \$10,000,000 back to the taxpayers, although no longer offer any services."

Julie noted that a big chunk of the report involves the Fire Relief Association. Page 24 covers the Summary of Significant Accounting Policies; pages 45-53 covers all the PERS funding requirements. Montana is 80% funded, which is fairly good. (Idaho is 99% funded, but many states are only 10% funded.) Julie summarized the audit findings starting on page 86. The first two are continued findings of the Headwaters Fair Board from previous years. Finding #2015-3 discusses that the Council should be seeing the Fair Board's minutes and approving them here at the Council meetings. Finding #2015-4 covers water and sewer invoices for charges incurred in June, but not invoiced until July should be closed out in the month of June. Finding #2015-5 is in regards to the Fire Department Pension Fund. Julie added that the City knew of this finding and the potential for Rudd & Co. to write up a new one saying they had not verified the underfunded liability in some years, but the City did complete an Actuarial Study this past year which shows the City should have that retirement fund fully funded by 2019. Julie complimented the City on completing this study in the past fiscal year.

Councilman Nelson made a motion to approve the draft audit report for FY2014-2015. Councilwoman Smith seconded the motion. There was no public comment.

Motion passed unanimously.

Opening of Request for Proposals for City Attorney Services

Mayor Hamilton stated that one proposal, from Swimley Law, has been received, with the same terms as currently agreed to: Attorney regular services will be \$175/hour, Paralegal/Secretarial services will be

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\$65/hour, travel time to be billed at half time (\$87.50/hour), with a budget limit at \$53,000/year. No other proposals have been received.

Dennis Nelson asked if it was capped for any overages of the budget would not be charged. Mrs. Swimley agreed.

Councilwoman Whitesitt moved to approve to accept Susan's proposal, with a cap. Councilman Chancellor seconded the motion. Mrs. Whitesitt asked if Kellie Cahill passed the bar exam. Mrs. Swimley stated that she took the exam, but they will not know the results until April. Mrs. Whitesitt said that she hoped she did well, and stated that they have missed her. There was no public comment.

Motion passed unanimously.

Opening of Request for Proposals for Website Enhancements

Crystal Turner reported that there were seven proposals received. She and Susan Swimley distributed copies that were received this afternoon.

Proposals were received from:

- Revize for \$1,800 to build/train, and a 3-year contract for supporting the system at \$1,800/year.
- Keenan Payne for \$3,650
- Northwest Media for \$5,625
- Bittermoose for \$3,600
- LSH Technologies for \$6,000
- Affcom for \$1,750
- Webgrain for \$3,495

Crystal Turner stated that she has read all the proposals and asked each for clarifications if she needed more information. Some of these will also include hosting our emails accounts which will allow for more storage. These proposals will be taken into account with the Budget Committee for consideration in next fiscal year's budget. (No meeting date set as of this point.)

Opening of Request for Proposals for Engineering Firm to Perform Mixing Zone Study

Mayor Hamilton read the proposals into the record received from:

- Great West Engineering for \$18,000
- Morrison-Maierle for \$18,500

Street Superintendent Wendell Ewan stated that Morrison-Maierle currently handles our Net DMR reporting and so it would be beneficial to him to stay

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with the company who is most familiar with working with us and helping to complete and file our reports to DEQ.

Kelly Smith reminded the Council that there is \$100,000 in the project from the Army Corps of Engineers to fund anything related to the mixing zone study. Any unforeseen costs associated with the mixing zone study would be covered with that grant. Anything unused for mixing zone study would be waived in the remainder of that grant. Wendell added that in the original plan was a pipe to discharge into the river, but that was held off on that part of the project until after whatever conclusions come out of the study.

This will be discussed at the Water/Sewer Committee on Monday the 14th, and decided upon at the March 22, 2016 City Council agenda.

REPORT OF OFFICERS

City Treasurer Kelly Smith reported on the training she will be attending next week for floodplain education at Fairmont, and the PERS training both she and Crystal will be attending in Bozeman. The Zoning & Planning board will meet March 17th. This will be George Chancellor's first meeting as the Council liaison, and the board currently has two applications for review.

City Clerk Crystal Turner reported that the Elected Officials' annual training in Billings is now open for registration, and that Northwestern Energy and Gallatin County DES will be holding a free training at the Bozeman GranTree regarding a large simulation if a dam were to break, and how Gallatin County would handle it.

Street Superintendent Wendell Ewan stated that he has a proposed chip-seal project for Front Street, 5th, 6th and 7th Avenues East (from Oak Street to Talc Road), and Talc Road. He provided a rough estimate of \$180,000 to complete this phase. This would be for next budget year, and would go out for bid. TD&H will be preparing the packets and handling the bidding information, as always.

City Attorney Susan Swimley did not have a report.

REPORTS OF COUNCIL COMMITTEES

Water/Sewer Committee - Ed Tharp reported that the work on the wastewater project is doing well.

Budget Committee - Dennis Nelson reported the Committee met last week with the Sheriff Brian Gootkin, who had requested to open negotiations in the current 5-year contract. Ed added that a plus-side is a 4th officer has been added to this end of the valley. Dennis added that the budget committee will meet again and review all the department's standings at the end of the 3rd quarter in the next few weeks. Dennis also said that there are a lot of requests right now for tax dollars (County, School, etc.) and he encouraged the Council to consider a long serious look on how we plan to spend the budget in FY2016/2017. There are a lot of projects going on right now: sidewalks, a possible water main line expansion, the rodeo grounds needs new bleachers and closed with, "So please be ready to have ideas, or how to implement phases to accomplish all these."

Ordinance Committee - Teri Whitesitt reported that they met on the business licenses again and just has one final question for Susan Swimley later tonight. They then hope to have a final draft very soon.

UNFINISHED BUSINESS

Wastewater Project

TSEP Draw #14 in the amount of \$423.00

SRF Draw #12 in the amount of \$6,551.00

Mayor Hamilton introduced both draws.

Councilwoman Smith motioned to approve the Mayor's signature on TSEP Draw #14 in the amount of \$423.00 and also the SRF Draw #12 in the amount of \$6,551.00. Councilman Tharp seconded the motion. There was no public comment.

Motion passed unanimously.

NEW BUSINESS

Adoption of Safety Policy, as amended in February 2016

Crystal Turner stated that the City of Three Forks was audited by the Department of Labor & Industry last fall and was cited on a handful of items to correct. Thanks to Wendell Ewan, all of the safety violations have been repaired. She was embarrassed to report thought, that the audit was the first time she was even aware of a safety policy, and read it afterward. Crystal and Wendell worked hard to update the policy, then asked for Mayor Hamilton's review, and then Crystal met with the Safety Committee to go over about twenty questions both she and Wendell still

had. After another draft, the Committee is ready to reveal the amended Safety Policy. Crystal added that after adoption, she and Wendell will work to coordinate a full staff safety meeting to go over all the changes and refresh ourselves on our policy.

Councilman Nelson moved to adopt the Safety Policy as effective or amended February 2016. Councilwoman Whitesitt seconded the motion. There was no public comment.

Motion passed unanimously.

Presentation of Proposed Chip Seal Project for FY2016/2017

(Discussed previously in Officer Reports.)

Approval of Fire Department's Recommendation for Probationary Status of Volunteers

Battalion Chief Charles Eastty said that they have had two applications pending approval since last fall. The Fire Department realizes that it requested background checks, but with the hiring policy still being in draft mode, they do not want to deter volunteers nor wait any longer. They requested that the two applicants from last fall be appointed at probationary status while we continue to work on finalizing the hiring policy. Mr. Eastty said that if these applications had been received last summer these guys would already be on our team, "We would have asked for them to be approved six months prior without knowing any background information so we are requesting the old process be done now."

Councilwoman Whitesitt moved that we approve the two applicants Peter Nealen and Daniel Taylor, under our current policy, as probationary firefighters. Councilman Chancellor seconded the motion. There was no public comment.

Motion passed unanimously.

Crystal Turner will contact the applicants tomorrow to let them know their status.

Approval of Smoke Curtain purchase for the Fire Department in the amount of \$680.00

Dennis Nelson reported that he pulled this bill from the regular bills when it first came to the City Office so that he could find out more information. He did not know what a smoke curtain was and it is a fairly new technology. It is a fiberglass impregnated curtain that can be installed (spring loaded) into the door or window opening, which would block the oxygen in the other room to reduce chance of back draft. When

he was on the Fire Department years ago the concept was to bust open the roof and break all the windows and then jump in and fight fires. Now we operate very differently. Another reason Dennis pulled this claim from the original submittal, was because he wanted to know why this cost was not planned to be split with the Rural Fire Department who normally shares equipment. Chief Aune informed Dennis that this would be a "small tool" in their budget and be retained on the City truck. He planned to propose to the Rural Board a similar purchase for the Rural truck. Dennis would like to recommend approval of this purchase, but wanted to bring it (and any other purchases we had not originally planned for) to the Council's attention.

Teri Whitesitt asked if this curtain would be split or not with the Rural Board. Battalion Chief Eastty said they do plan to approach the Rural Board in hopes of them purchasing their own smoke curtain for the rural truck. Ed Tharp asked if the curtain is movable - can a firefighter go through it without taking it down? Battalion Chief Eastty answered yes, and included that it saves having to have an additional firefighter to feed the hose through a partially closed door. He added that in Germany they have purchased a smoke curtain for every brigade because of their efficiency.

Councilman Chancellor moved that we purchase a smoke curtain for the Fire Department in the amount of \$680.00. Councilwoman Smith seconded the motion. There was no public comment.

Motion passed unanimously.

Acceptance of Streets & Alley Committee recommendation on performing sidewalk inventory throughout town, requiring repair or replacement, and possible funding help for A.D.A. corner requirements

Sharon Smith asked Wendell Ewan to explain his inventory criteria. He stated that he is still seeking answers from the committee on how to handle A.D.A. and how they propose to handle tree roots. He also questioned Susan Swimley if they replaced a middle section of the block, how close to the corner can repairs be before the owner has to replace the corner and become A.D.A. compliant? She said not right at that time (if repairs were taking place in the middle of the lot) but it would be part of the inventorying and planning on how to replace. Susan said there are options of using a diamond edge saw and cutting the lip of the raised edged, cutting the root and replacing that portion of the sidewalk, going around the sidewalk into the boulevard or homeowner's land, etc. She suggested performing the inventory and then solving the problems with the most cost effective and reasonable means. Kelly Smith has done some

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research of financing/grant options for A.D.A. repairs, as well as utilizing SID money.

Dennis Nelson suggested a 5-year plan, something like 1st Avenue done in the first year and all the inventory and what needs repaired/replaced, financing options, address tree issues, etc. George Chancellor asked if the City had a place to stash the old concrete. Wendell Ewan said if it was free of rebar and any metal the City could store it in the old yard to alleviate the cost burden to the homeowner removing old concrete. This plan would include inventory and how to go about remediation.

Councilman Chancellor moved to approve the sidewalk inspection criteria, set forth in this document. Councilwoman Whitesitt seconded the motion. Michael Tucker asked when the plan to start the inventory would take place. No one had a real answer and simply responded "soon."

Motion passed unanimously.

PUBLIC COMMENTS/CONCERNS

Michael Tucker stated that he wished that when the paper was created and named the Belgrade News it had instead been called something more like the "Gallatin Valley News" as they cover much more than just the City of Belgrade. He reminded everyone that the opinion page is there for anyone who is interested in getting their opinion, or the City's word, out.

MAYOR & COUNCIL ANNOUNCEMENTS

There were no Council announcements.

Mayor Hamilton reported that the kids at school did great at the State Science Fair. Also, in an effort to resolve issues on the Library Board he resigned his seat on the board. His term was up in June 2016. Academic Olympics take place next week in Bozeman.

Teri Whitesitt reported that she also turned in her resignation to the Library Board since they realized they were not in compliance with MCA of the "governing body".

AGENDA ITEMS FOR NEXT COUNCIL MEETING:

- Decision on Proposal for the Engineering Firm to Perform the Mixing Zone Study
- Library Director Report

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- Three Forks Community Library Board of Directors Appointments

ADJOURNMENT

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

Motion passed unanimously (8:40PM)

Steven B. Hamilton, Mayor

Crystal Turner, City Clerk

MARCH 22, 2016, 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 SECOND meeting of MARCH 2016.

PRESENT: Mayor Steven B. Hamilton, Council members George Chancellor, Deb Mickelberry, Teri Whitesitt, Sharon Smith, Ed Tharp and Dennis Nelson. Also present was staff member 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: Gloria Howland, Ron and Tammy Biorn.

Mayor Hamilton asked if there were any **PUBLIC COMMENTS/CONCERNS**. Seeing none, he introduced the Consent Agenda.

CONSENT AGENDA

- k) Approval of Claims per List(s)
- l) Approval of Meeting Minutes of March 8, 2016

m) Approval of the January 11, 2016 Fair Board (Three Forks Rodeo
Grounds Board) Meeting Minutes

Councilwoman Smith motioned that we approve the Consent Agenda.

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

Motion passed unanimously.

PUBLIC HEARINGS

**Decision on Conditional Use Permit Application for Ronnie Biorn for a
small engine repair business on his property at 407 2nd Ave E.**

Mayor Hamilton introduced the CUP application and turned the
recommendation over to George Chancellor.

George Chancellor, new liaison to the Zoning & Planning Board, reported
that the Board met last Thursday March 17th and after City Planner Ralph
Johnson's 12-point test report gave a recommendation for approval. George
recapped Mr. Johnson's responses from his staff report into the record.
There were three conditions given in the motion to recommend approval:

1. The maximum area of a sign located in the front yard shall be two (2)
square feet.
2. The maximum area of a sign located on the garage doors shall be two
(2) square feet.
3. Fire Department inspection for safety.

Mr. Chancellor stated there were two letters of support received at the
Zoning & Planning Board from James Kunesh and Todd Green. Crystal Turner
added that one more letter of support from James Jacob was also received
yesterday and is included in the Council's packet.

Mr. Biorn stated that he believes Three Forks could use a small engine
repair shop. He wishes to start small before incurring a lot of debt by
finding a location up town. If all goes well within a couple years he may
open a shop on Main Street. Mr. Biorn also stated that he will not create
a junk yard for any items that are not repairable. Mayor Hamilton asked
if Mr. Biorn would also be doing tune-ups. Mr. Biorn said he would. He
added that for oil changes and tune-ups he will be taking the used oil to
the dump where it will be properly disposed. Deb Mickelberry asked if he
would be doing repairs on motorcycles. Mr. Biorn did not intend to as his
space is limited but offered to come to people's houses and check out any
small engines.

Councilwoman Whitesitt moved that we approve his conditional use permit with the three conditions. Councilman Tharp seconded the motion. There was no further public comment or discussion.

Motion passed unanimously.

REPORT OF OFFICERS

City Clerk Crystal Turner reported that with the meter replacements Randy Johnston and Steve Johnston have been replacing around town, it is really speeding up the time it takes to read meters. Randy told her that he would be counting the remaining meters to be converted to radios and put those replacements into next year's budget.

REPORTS OF COUNCIL COMMITTEES

Streets & Alleys Committee - Sharon Smith stated they met tonight regarding sidewalks and will start inventory on Main Street and head to 1st Avenue East, via all the side streets from Neal to Ivy. They will report back on the next steps after that inventory is complete.

Water/Sewer Committee - Dennis Nelson reported that the City went out to bid on the replacement or repair of the existing concrete water tank during the water project a couple years ago. No bids were received at all for this portion of the water project. Mark Moore, a representative from DN Tanks, came to provide a demonstration of how they could rehabilitate the old water tank. The Committee asked Joel Pilcher if it would be necessary again to go back out to bid and he did not believe so, but the question is going to Susan Swimley and Great West Engineering would do some additional research to see if there are other companies who would be able to perform this work. If all goes well, they would like to start to request bids/quotes late this summer and build in the fall.

Also, the committee discussed the mixing zone study. Great West Engineering bid \$18,000 and Morrison-Maierle bid \$18,500. Randy Johnston and Wendell Ewan both had good points about awarding the bid to Morrison-Maierle as our current engineer for reporting to DEQ on wastewater discharge, however Great West Engineering has been involved in the entire process of upgrading the project. The Committee is recommending to the Council to award the contract to Great West Engineering.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

There will not be a Library Director report tonight.

Mayor Hamilton reported that the Library Board has made a recommendation to replace Mrs. Kramer, who is retiring on March 31, 2016. They have recommended hiring Melissa Christoffersen to the position of Library Director, effective April 1, 2016. There is currently a Library Assistant position open to replace Melissa.

Board Appointment: Three Forks Library Board

Mayor Hamilton has reviewed all the applications and he recommends Lana Torrence and T.K. Gibson to be appointed to these vacancies.

Councilwoman Smith motioned to approve your recommendation to appoint Lana Torrence and T.K. Gibson. Councilman Tharp seconded the motion. There was no public comment.

Motion passed unanimously.

PUBLIC COMMENTS/CONCERNS

There were no public comments or concerns.

MAYOR & COUNCIL ANNOUNCEMENTS

Dennis Nelson reported that he would like to schedule a Budget Committee meeting early April, or as soon as possible with the bills input into the system.

Ed Tharp wished everyone a Happy Easter.

Mayor Hamilton reported that the students did great at the State Science Fair. He is happy the meeting is short tonight as he just got off the bus from Missoula from the State Science Fair.

AGENDA ITEMS FOR NEXT COUNCIL MEETING:

- Approval of Contract with Great West Engineering to Perform the Mixing Zone Study for the Wastewater Project
- Possibly the Approval of the Hiring Policy
- Possibly a First Reading of the re-written Business License Ordinance
- Service Agreement with Copier Doctors for the copy machine.

ADJOURNMENT

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

Motion passed unanimously (7:32PM)

Steven B. Hamilton, Mayor

Crystal Turner, City Clerk

APRIL 12, 2016, 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 APRIL 2016.

PRESENT: Mayor Steven B. Hamilton, Council members Deb Mickelberry, Teri Whitesitt, Sharon Smith, Ed Tharp and Dennis Nelson. George Chancellor was excused. Also present were staff members Kelly Smith and City Attorney Susan Swimley. (Crystal Turner was excused due to illness.)

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, John Whitesitt, Michael Tucker and Gloria Howland.

Mayor Hamilton asked if there were any **PUBLIC COMMENTS/CONCERNS**.

Asst. Fire Chief John Whitesitt reported on the calls and man hours over the last four months. For December 2015: 11 vehicle collisions (2 Christmas Day so a big "thank you" to the Fire Department for responding to those calls), 1 vehicle fire, and 2 structure fires both of which were out of district and required mutual aid. Total number of 11 calls

resulting in 40 hours and 33 minutes man hours. January 2016: 6 vehicle collisions, and 2 vehicle fires, for a total of 8 calls with 24 hours and 2 minutes of man hours. February 2016: 3 vehicle collisions, 3 fires, 1 electrical hazard, and 1 staging for law enforcement. This brings a total of 10 calls resulting in 16 hours and 21 minutes. March 2016: 1 vehicle collision, 1 gas odor, 1 gas leak, 1 service call and 1 grass fire. This was a total of 5 calls, resulting in 8 hours and 37 minutes of man hours.

Lavon Flynn asked why there were so many vehicle fires. Mr. Whitesitt replied mainly due to our proximity to two highways.

Seeing no other public comment, Mayor Hamilton introduced the Consent Agenda.

CONSENT AGENDA

- n) Approval of Claim paid due to timeliness to mail Utility bills in the amount of \$161.58
- o) Approval of Claims per List(s)
- p) Approval of Meeting Minutes of March 22, 2016
- q) Approval of ACH Agreement with Manhattan State Bank
- r) Approval of Contract Amendment #6 with Great West Engineering in order to perform or furnish the additional services for completion of a mixing zone study, increasing the contract amount by \$18,000

Councilwoman Smith motioned that we approve the Consent Agenda.

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

Motion passed unanimously. 5-0

PUBLIC HEARINGS

Public Hearing and Decision on a First Reading of an Amendment to the Business License Ordinance, Section 4-1-1 of the Three Forks City Code Ordinance 364-2016

Mayor Hamilton read the Ordinance into the record in its entirety. Councilman Whitesitt stated that the Ordinance Committee has met several times to review this ordinance. She highlighted that one of the changes is that if you have 3 or more rental properties, you will now be required to obtain a business license. Mrs. Whitesitt stated that the City Attorney added all the definitions which really helped clear things up. Mrs. Swimley said they also clarified that if one is under the age of 18 you will not be required to obtain a business license, as well as non-

profits are now specifically listed as not needing a license. She added that there were a lot of seasonal/temporary business which occurs in Three Forks, like removing snow or mowing lawns, which are now specifically addressed. Mr. Nelson asked if you can run more than one business under one license, even if they are not related. It was answered that yes, multiple businesses by one owner would only require one license. Mrs. Swimley highlighted on page 4, Article IV, which Kelly Smith noted reads "shall not" be required to obtain a business license really should read "shall" be required. Mrs. Whitesitt stated that they worked really hard in committee and with the legal advice to make a clear ordinance which is easy to interpret for the staff in the City Office, as well as the public. Kelly Smith stated that she and Crystal Turner had a couple suggestions: the "Definitions" be alphabetized; that home occupation may need to reference a conditional use permit requirement (the answer was no because it already states that in the zoning ordinance); on page 6 a "special business license" is referenced but not in the definitions; the numbering is off and lists Article VII twice, and then continues off numbered; clarification needed on the two business licenses for two seasonal businesses versus just purchasing an annual license. It will be clarified in the revised draft to define that only one seasonal license per person would be granted (thought being that if you operate multiple seasonal businesses the owner would be operating year-long which is a \$50 permit fee). Teri Whitesitt added that numbering/lettering combination for the application criteria is all mis-numbered. Kelly stated that on VII.F. has a blank on where the funds will be deposited; she suggested just inserting "General Fund". She also requested clarification that there will no longer be a discount if someone were to purchase a business license after April 1st. The committee agreed they removed that.

Susan Swimley stated this draft will be edited and come back for a first reading. There was no vote and this will be scheduled for the April 26, 2016 agenda.

REPORT OF OFFICERS

City Treasurer Kelly Smith spoke about today being Arbor Day. She also mentioned an upcoming Disaster & Emergency Services FEMA procurement training in Billings. If any Council members are interested she has the registration information.

City Attorney Susan Swimley spoke regarding working to complete the Hiring Policy and updates to the Personnel Policy. She also worked on getting a form letter to Crystal and Kelly for zoning violations. Dennis Nelson

asked if Susan got in touch with George Reich, who was the only contact he knew of for the Willow Creek Fire District regarding the Interlocal agreement for the training center. Susan stated she had not gotten in touch with Mr. Reich yet. There was discussion if there was even a need to continue the Interlocal agreement since the training center is on our property, and we cover it for insurance. Dennis added that there is a \$6,000 joint account that was to help fund the center.

Kelly spoke again for City Clerk Crystal Turner on the Local Government Luncheon. Dennis Nelson explained that he hopes of these being resurrected with the Gallatin County Commissioners and all Councils from the Cities/Towns within Gallatin County meet again. The County suggested some dates and Three Forks will host the first one: April 29, May 4 or May 6. The Council opted for April 29, 2016. Kelly will inform Crystal so she and Glenda Howze (County Commission office) to coordinate.

REPORTS OF COUNCIL COMMITTEES

Streets & Alleys Committee - Councilwoman Smith spoke about sidewalks, asking if people removed their sidewalks would the City pick up the cement and dispose of it? Mrs. Flynn wanted to know what the City would do for citizens that will have financial issues with the fixing of the sidewalks. The City will not tear out the sidewalks but does have a place to store the old concrete.

Budget Committee - Councilman Nelson spoke regarding the Budget committee meeting. Most departments are coming in under budget. Spoke on the Library budget overages. Dennis will attend the Library Board meeting tomorrow and touch base with them on steps to rein in any other purchases that would further put them in "the red". If they just pay utilities and payroll they appear to be roughly \$6,000 short at the end of this fiscal year.

UNFINISHED BUSINESS

SRF Draw #13 in the Amount of \$60,194.00

Mayor Hamilton introduced the draw. Kelly Smith explained that the unscheduled employment of the engineer cost is being charged at a higher rate to the City than what Smith Contracting is being charged. She spoke with Great West Engineering and we will be receiving a credit on our next invoice.

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Councilwoman Smith motioned to approve SRF Draw #13 for \$60,194 with a credit on the next one. Councilman Nelson seconded the motion. There was no public comment.

Motion passed unanimously 5-0

Dennis Nelson asked if there was an update from Joel Pilcher, of Great West Engineering, regarding the water project. Kelly replied that we have not heard back from him yet. Dennis asked Kelly to follow up.

NEW BUSINESS

Decision to Accept a new Annual Maintenance Agreement with Copier Doctors for 30,000 copies at \$477.00/year, or 40,000 copies at \$636.00/year

Mayor Hamilton stated that he did some math on this today, and there does not seem to be a benefit by electing the larger contract.

Councilman Nelson motioned that we approve the 30,000 copies at \$477.00/year. Councilwoman Smith seconded the motion. There was no public comment.

Motion passed unanimously 5-0

Decision to Adopt the Three Forks Hiring Policy

Mayor Hamilton explained this policy is so that we do hiring consistently and the same process is followed every time.

Councilwoman Smith motioned that we adopt the Three Forks Hiring Policy. Councilman Tharp seconded the motion. There was no public comment.

Motion passed unanimously 5-0

Decision to Adopt the Revised Personnel Policy dated 2016

Susan Swimley had some comments: they removed all the new hire forms and put that in a separate packet. The City has a 12 month probationary period. The State of Montana defaults at a 6 month probation period, however with so many duties being seasonal it is nice to have a 12 month period if the Council chooses to continue with that time of probationary status. They have added a Social Media Policy within the Personnel Policy. On page 14, she added that "No employee may bring firearms into the work place" and Crystal Turner had emailed her an example of working late, alone in the County courthouse and was granted permission by the Sheriff to carry even though they also had a no weapon policy in the courthouse. She encouraged the Council to further discuss this. Susan highlighted the benefit portion on page 26 and noted that it is written as an equal dollar amount for employees to spend and pro-rated for part time

employees, or a portion paid to the employee if they opt out of the benefits plan. Kelly explained that the City has not operated as it is written, and pays 90% of the premium for the employee (and family if added to the plan). Susan suggested rewording the policy to be consistent with what we do, and then perform an annual review of the Personnel Policy while changing the yearly salary resolution to have the City determine the contribution. Kelly questioned about the "Expectations" on page 5 where employee needed to notify their supervisor if they cannot come to work, but it does not mention the Library employees who work for the Board. Susan responded that if they work for the Board then they should notify their supervisor (Board).

Dennis said he is adamant that we have a 12 months probationary period. Ed, Sharon, Teri and Deb also agree to keep the 12 month probationary period. Regarding weapons, Teri wants to allow concealed carry permit holders to be able to carry a weapon while on City property. Dennis and Ed agreed. Dennis asked if we could put a 12 month probationary period on it? Teri stated that to get a conceal carry permit you go through an extensive background check. Susan will make the change to allow those with conceal carry permits to carry weapons.

Councilman Nelson motioned that we approve the Personnel Policy manual as amended. Councilwoman Whitesitt seconded the motion. There was no public comment.

Motion passed unanimously 5-0

PUBLIC COMMENTS/CONCERNS

Gloria Howland question the increase of \$30,000 which the Sheriff's department budget. Dennis answered that the City has not received any numbers back from Sheriff Gootkin yet.

MAYOR & COUNCIL ANNOUNCEMENTS

Mayor Hamilton announced that the VFW American Legion has been doing work at Veteran's Park to install six new flagpoles, including tree trimming. One tree was overly trimmed, and they will be making a table top to install over the old stump. He also announced that the Arbor Day grant funds for tree planting will take place in Bertagnolli Park on April 20th. This will most likely take place during the day as he has student volunteers who have asked to participate and to receive community service credit for helping during the school hours. He will get a time to the Council members in the event they wish to participate. Mayor Hamilton

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also reported that we received an email from an account called "anonymous" and a hardcopy was also sent to City Hall. The hardcopy is signed but the signature is illegible. If anyone knows who the author is please have them contact the City so we can respond. The school academic teams were invited to Missoula (only the top 12 teams get invited) so he may miss part or all of the next Council meeting. Lastly, Andrea Lutz of the local Fox affiliate wants to do a positive news outreach for Three Forks the whole week of May 16-20th. On May 20th they will air the news live from Three Forks.

AGENDA ITEMS FOR NEXT COUNCIL MEETING:

- Public Hearing and Decision of an Application by Jared Brown/BBG Contractors for a 12-unit Apartment Building in the Transitional Zoning District
- First Reading of the Amendment to the Business License Ordinance 364-2016

ADJOURNMENT

Mayor Hamilton asked if there was a motion to adjourn. Councilman Tharp "so moved". Councilwoman Smith seconded the motion. There was no public comment.

Motion passed unanimously. (8:23 P.M.)

Steven B. Hamilton, Mayor

Kelly Smith, Deputy Clerk

APRIL 26, 2016, The Three Forks City Council met in session in City Hall at 206 Main Street, and was presided over by Council Chairman Ed Tharp. Chairman Tharp called the meeting to order at 7:00 P.M. for the SECOND meeting of APRIL 2016.

PRESENT: Council members Ed Tharp, George Chancellor, Deb Mickelberry, Teri Whitesitt, Sharon Smith, and Dennis Nelson. Also present were staff members Kelly Smith and Crystal Turner. Mayor Hamilton was excused.

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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 Chairman Tharp. Reminder to the public that the meeting was being recorded.

GUESTS: Bill Buhl, Brian Leland (candidate for Gallatin County Commission), Joe Diaz, Michael Tucker (Belgrade News), Lori Tribble, Rick Lamb, Gloria Howland, Daryl Sather.

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

Joe Diaz spoke regarding property he is interested in purchasing at 114 Main Street. Mr. Diaz currently owns a boxing gym down the street and many of his customers utilize all the parking along Main Street in this block. He helps a lot of his clients, whom he referred to as patients, not just with exercise but with health problems like asthma, diabetes, Alzheimer's. He wished to ask for a variance to the parking requirement if he were to open a new gym at 114 Main Street. Kelly Smith informed him that he would need to apply for a variance, which would be heard by the Board of Adjustment, not the City Council. Mr. Diaz will return tomorrow to complete the application.

Bill Buhl distributed a packet of pictures and notes he has taken regarding his neighbors at 323 2nd Avenue East, who had a lot of tree limbs cut down last fall and have been burning them in burn barrels outside in the yard ever since. He requested the Council to enforce the existing burn barrel ordinance and stated he cannot enjoy his yard at all due to the amount of smoke from the burning, wet wood. He would be happy to sign any complaint form, but he is here out of frustration because he verbally complained about this to the City staff eight months ago and "nothing has been done". With the amount of wood that still remains at this location, it could be an ongoing problem for a couple years. Kelly Smith disagreed that the City "did nothing" because she did inform the Sheriff's office and the City Attorney, who both determined that since burning twigs and limbs are allowed to be burned in a private yard that it would be safer to contain the fire in the barrels. Crystal Turner stated she knows the owners personally and would call them to inform them of the upcoming free dumpsters provided by Republic Services on May 14, 2016.

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Councilman Nelson suggested Mr. Buhl activate the Mayor to issue a burning ban specifically for this property. Councilwoman Whitesitt asked if the ordinance allowing a burn ban to be authorized by the Mayor would affect the whole city. Councilman Nelson said it would not matter, but it would expedite a resolution to clean this up if the entire town was affected.

Brian Leland, introduced himself as a Democratic candidate for Gallatin County Commission. Over half the residents in Gallatin County live within the cities and towns, and none of the current Commissioners live within any municipality. He is running to balance the Commissioners with the urban aspect of city residents. He encouraged anyone to contact him (he is listed in the Bozeman phone book), and has a Facebook page and candidate website.

With no further public comments, Chairman Tharp moved on to the Consent Agenda.

CONSENT AGENDA

- i. Approval of Claims per List(s)
- ii. Approval of Meeting Minutes of April 12, 2016
- iii. Pledged Securities Report through Quarter 1 2016
- iv. Approval of the following claims, pending SRF Draw #13 funds arriving:
 - a. Great West Engineering \$3,906.27
 - b. Smith Contracting \$55,509.28
 - c. Montana Department of Revenue 1% Contractor Withholding \$565.73
- v. Approval of the Fair Board March 7, 2016 meeting minutes
- vi. Approval of Zoning & Planning March 17, 2016 meeting minutes
- vii. Approval of Change Order #6 with Smith Contracting to startup Wastewater Project on May 2, 2016

Councilwoman Whitesitt moved that we approve the Consent Agenda.

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

Motion passed unanimously. 5-0

PUBLIC HEARINGS

**Public Hearing and Decision on a First Reading on an Amendment to the
Business License Ordinance Title 4, Chapter 1 of the Three Forks Municipal
Code (Ordinance #364-2016)**

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Councilwoman Whitesitt read the ordinance, not the exhibit, into the record. All council members stated they read the exhibit. Councilwoman Whitesitt spoke on behalf of the Ordinance Committee and was satisfied with this draft.

Chairman Tharp asked if there was any public comment. There was none.

Councilwoman Smith moved to approve the first reading of Ordinance #364-2016 amending the business license ordinance Title 4, Chapter 1 of the Three Forks Municipal Code. Councilwoman Mickelberry seconded the motion. There was no further discussion.

Motion passed unanimously. 5-0

Public Hearing and Decision on the Approval of an Application by Jared Brown/BBG Contractors for the 12-unit Apartment Building in the Transitional Zoning District

Councilman Chancellor reported on the Zoning & Planning Board meeting, held last Thursday. Some of the conditions would be that the Board recommended a waiver of the 15-foot rear yard setback to a 5-foot rear yard setback; that the applicant would address the parking lot area to include the required 18 parking spaces, a space to backup from the last parking space, and a screened area for garbage.

The applicant was not present to provide any testimony.

Councilman Nelson asked if there was a recommendation to have the applicant leave open the tree line fencing. Councilman Chancellor explained it was decided instead that Jared Brown would like to install a chain-link fence with slats in the chain for privacy like he has a BBG.

There was no public comment.

Councilman Chancellor made a motion to approve Jared Brown's 12 apartment complex, with the condition before he starts that we [Council] can approve a complete set of plans with the required changes in the Zoning & Planning meeting. Councilman Nelson seconded the motion. There was no other comment.

Motion passed unanimously. 5-0

REPORT OF OFFICERS

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Kelly Smith reported that the City has received its final benefit increase notice in the amount of 7.3% for the health insurance, not the 7.8% which was the preliminary amount issued.

Crystal Turner reported on a Disaster & Emergency Services meeting coming up on May 14 that all Council members are invited to attend, anyone from the public may attend if they wish. They are seeking a representative from the Three Forks area to serve and help out with the live demonstration of how we would handle a disaster. Crystal mentioned that Joel Pilcher has passed his busy grant-writing time and the Water & Sewer Committee can schedule a meeting with him now - just let her know when and she will contact Joel to confirm. Lastly, Wendell Ewan has completed the first round of sidewalk inventory on Main Street. She has drafted a letter (which Mr. Ewan has approved) to be sent to all those found with deficiencies, but she has not sent any out letters yet. The draft letter is educational of how this started, the dates of meetings, and encourages them to contact the City office to setup a meeting with Wendell to talk about how they can fix the sidewalks.

REPORTS OF COUNCIL COMMITTEES

Water/Sewer Committee - Dennis Nelson reminded everyone that he would setup a meeting mid-May to discuss the various water and sewer projects proposed in the next fiscal year.

Budget Committee - Dennis Nelson said that he would be scheduling a meeting in the next few weeks as well to plan out the budget for fiscal year 2016/2017.

UNFINISHED BUSINESS

Discussion and Decision Regarding Impact Fees for Rick & Valerie Lamb's Campground

Councilman Nelson stated that he had talked to Rick Lamb about his application outside this meeting and asked Rick to recap their discussion regarding his 4-inch main connecting to a 1-inch meter, rather than the 2-inch meter stated on his plan/application. Rick discussed this with Randy Johnston, Water Superintendent, who did not believe there would be any problems reducing this line size and wrote a letter to Rick Lamb supporting that the pressure would not be affected. Kelly Smith reported that for a 1-inch line the impact fee would be \$7,167.50 for water, wastewater and fire impact fees. The \$7,167.50 is a 50% reduction of the normal impact fees for a project this size because Mr. Lamb has a

condition to be open no more than six months annually. Mr. Lamb thanked Kelly Smith for all her hard work, and her patience with him, as he lost his patience throughout this project many times and she never did. Kelly Smith commented regarding independent units vs. dependent units, and the difference between the City's ordinance requirements and the Department of Public Health & Human Services requirements thus allowing Mr. Lamb to not have to have a service building. Mr. Lamb would like to keep his contractor from going to his next job, so was requesting permission to begin the dirt work. Kelly Smith has the floodplain permit to finish, but minimal paperwork remains. He would like to request having the contractor start excavating (roadways, retention pond, landscaping preparation) prior to the final permit approvals from the City or Public Health & Human Services. Kelly Smith added that Mr. Lamb already has obtained his DEQ approval. Dennis Nelson stated he did not have any problems with the Lamb's starting any dirt work, as the contractor will not be installing any sewer lines or manholes yet. Kelly Smith showed the Council the revised site plan. Debra Mickelberry agreed that she did not have any problem with the contractor starting early.

Chairman Tharp asked if there was any public comment. There was no public comment. He then stated he would entertain a motion to allow that dirt work only be allowed to begin.

Councilman Nelson made a motion that we approve the impact fee structured rate based on 50% six month opening of the present commercial water, sewer and fire impact fees, and then also include in that motion that we give Rick the initial permission to begin his rough dirt work, put in roads, setting the retention ponds and once he receives the health department permits he can continue with the rest of it. And we would also like to set that impact fee schedule up so that you [Kelly] can notify him and he can pay those impact fees before he starts. Councilwoman Smith seconded the motion.

Motion passed unanimously. 5-0

Decision on City Tearing Out, Removal and Hauling to Dispose of old Concrete Sidewalks as City's Contribution to the Project per Wendell Ewan's Request

Councilwoman Smith made a motion that the Council approve that the City to tear out, remove and dispose of old concrete sidewalks as the City's contribution to the [sidewalk] project as Wendell requests.

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Councilman Nelson and Councilwoman Whitesitt asked to talk about it first. Councilman Nelson questioned if the City would be doing all the demolition, hauling and storing? Kelly Smith spoke for Wendell that he informed her that he believed the City could do it cheaper than a contractor, with the Bobcat and storing the old concrete at the City's old dump site. Councilwoman Whitesitt questioned if Wendell also agreed to perform the demolition. Kelly replied yes, he does not have the chip seal project this summer so has time available to help out with this. There was a lot of discussion regarding the potential overtime, other costs the City may not be thinking of right now, and when the project is on the "back burner" are we committing City resources to something we may not be able to carry out in the future. There was discussion regarding A.D.A. requirements for this stage of the sidewalk repairs. However, the State completed all the A.D.A. corners along Main Street, which is a state highway, last year. We will not have to engineer anything in this phase for A.D.A. corners. Crystal Turner added that a contractor seeking the concrete jobs asked for a copy of our ordinance, and after reading it said that the code references standards from the 1980s or before. Crystal will inform Mrs. Swimley of this and they will work on an update to the ordinance. Crystal did not want to have "the cart before the horse" by sending letters out and encouraging people to fix sidewalks while the ordinance says to fix them in an outdated way.

Councilman Nelson seconded the motion.

Motion passed unanimously. 5-0

NEW BUSINESS

There was no new business.

PUBLIC COMMENTS/CONCERNS

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

MAYOR & COUNCIL ANNOUNCEMENTS

Chairman Tharp reminded the Council that the Local Government Luncheon will be held here in Three Forks, on Friday April 29th, 2016. This is a meeting to communicate

AGENDA ITEMS FOR NEXT COUNCIL MEETING:

- Second Reading of the Amendment to the Business License Ordinance #364-2016

ADJOURNMENT

Chairman Tharp asked if there was a motion to adjourn. Councilman Nelson "so moved". Councilwoman Whitesitt seconded the motion. There was no public comment.

Motion passed unanimously. (7:58 P.M.)

Edward Tharp, Council Chairman

Crystal Turner, City Clerk

MAY 10, 2016, 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 MAY 2016.

PRESENT: Council members George Chancellor, Deb Mickelberry, Teri Whitesitt, Sharon Smith, Ed Tharp and Dennis Nelson. Also present were City Attorney Susan Swimley, Sgt. Peterson and Dep. McDonough, 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: Diane Phillips, Gloria Howland, Richard Aune, Bill Buhl.

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

Bill Buhl - complaining about Rumelhart's burning of wood in their yard and how it affects the use of the Buhl's property. Dennis Nelson responded he drove by the evening after the last council meeting to view

the site, and agreed it was a mess. Mr. Buhl was very frustrated that Sgt. Peterson said the ordinance does prohibit burn barrels, but did not enforce the use in this instance. Sgt. Peterson stated that there is no definition of a burn barrel, and the ordinance also allows burning of limbs and no definition of the size. It is legal for people to burn outside of the burn barrel without any limitations. It was Sgt. Peterson's opinion that it was safer to have it contained in the barrel, than burn it outside in the yard in the open. Teri Whitesitt offered to review these definitions on the Ordinance Committee.

With no further public comments, Mayor Hamilton moved on to the Consent Agenda.

CONSENT AGENDA

- viii. Approval of two Claims paid on 4/29/16 to host Local Government Luncheon totaling \$210.00
- ix. Approval of Claim paid on 4/29/16 to mail Utility Bills totaling \$155.14
- x. Approval of Claims per List(s)
- xi. Approval of Change Order #6 with Smith Contracting for the Wastewater System Improvements Project, modifying the original start date that specified in Change Order #4, and noting the first day upon resuming project construction to be Day 212

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

Motion passed unanimously.

PUBLIC HEARINGS

Public Hearing and Decision on Request to Close Neal Street, from Main Street to 1st Ave E on June 18, 2016 for a Veteran's Park Flag Ceremony

Richard Aune distributed a copy of the flyer being advertised in three counties regarding the flag ceremony. This will be a dedication of the new military flags on the new flag poles and will have some speakers there. The military branch recruiters will be present to fly their flag as well as their military division will have their own song during the time their flag is raised. Mr. Aune has a volunteer electrician who will install everything and incur all costs, so the flag can fly 24-hours/day.

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Mr. Aune also requested the Mayor be present at the ceremony and give a speech.

Dennis Nelson thanked the Veteran's and congratulated them on the park. He wondered if the park was metered so they could add the light for the American Flag and pole. (Crystal and Kelly both informed Mr. Nelson that the park is metered and could have the electricity to light the American flag.)

Councilman Chancellor made a motion that we approve the street closure from around the backside of the park and that we install a light and that we pay for the electricity to light it. Mayor Hamilton asked if the motion would include Mr. Aune to allow the contractor to do all that? Mr. Chancellor agreed. Councilwoman Whitesitt seconded the motion. There was neither Council nor public comments.

Motion passed unanimously.

(Dep. McDonough left on a call.)

**Public Hearing and Decision on a Second Reading of Ordinance #364-2016
Amending the Business License Ordinance Title 4, Chapter 1 of the Three
Forks Municipal Code**

Mayor Hamilton asked the Ordinance Committee to recap anything they wished to on this ordinance, noting it was read in its entirety at the last public meeting. Crystal Turner corrected the Mayor that we did not read the ordinance and exhibit into the record in its entirety, just the ordinance. She had confirmed with Mrs. Swimley prior to the meeting that if all Council members stated on the record they had read it, it would be OK to proceed. She also reported she had questions which she forgot to ask at the last meeting regarding the ordinance. She asked the questions to Mrs. Swimley regarding a definition for a street vendor yet that is the only business not defined with a fee, noting that there is a typo, and questioning that the application section does not mention a mailing address and many addresses in Three Forks are not where the mail goes. Mrs. Swimley informed Crystal to send her the question in writing regarding the street vendor for her to interpret and respond, to fix the typo, and to go ahead and amend the actual application to include a mailing address.

There was no public comment.

Councilwoman Whitesitt moved that we approve Ordinance #364-2016 amending the business license ordinance Title 4, Chapter 1 of the Three Forks

Municipal Code. Councilwoman Smith seconded the motion. There was neither Council nor public comments.

Motion passed unanimously.

REPORT OF OFFICERS

City Treasurer Kelly Smith stated that nowhere in our [zoning] ordinance which currently allows storage units. Someone recently purchased property with storage units on it and wishes to expand the business, however there is no way Kelly can approve it as Zoning Official without having storage units defined as allowed in a certain zone. (Teri Whitesitt offered to look into this on the Ordinance Committee side; Susan Swimley asked her to hold off and she will research first, as Zoning & Planning has to make a recommendation first.)

City Clerk Crystal Turner reported on Sheriff Gootkin's email she received today requesting, "...\$320,000 this year due in large part of the increase costs in their vehicle line item and that Sheriff Gootkin would provide a breakdown and come visit if we [the City] wished." Dennis Nelson chuckled as it has been well over 60-days since negotiations were first opened up and we have requested this information a few times since the first meeting. He feels it is too late to open this for the upcoming fiscal year, per the contract. Susan Swimley was asked to draft a letter back to the Sheriff informing him that the negotiation window has passed and we look forward to taking this into consideration during budget prep for FY2017/2018.

Sgt. Peterson brought Dep. McDonough in tonight to introduce him, but he was called out before he Sgt. Peterson could do that. Dep. McDonough works "swing" shift and lives here in Three Forks and has not met most of the townspeople since the majority of his shift is while the community sleeps. Dep. Metcalf requested to transfer out of this area and into the valley so that he could work more with the Drug Task Force. He still lives out here but he is not a Three Forks assigned deputy. Sgt. Peterson stated that the Sheriff did get the County Commissioners to fund a fourth deputy out in this end of the county because of all the calls, that is Dep. Kamerman. Dep. Griffin and Sgt. Peterson split the week on the dayshift so with Kamerman and McDonough covering the weekends we have almost 24/7 coverage in this end of the valley.

City Attorney Susan Swimley would like some direction from the Council regarding the Fire Training Center. Traditionally other districts/departments have been invited to come join in the training

hosted at our facility. She does not find a reason to have an Interlocal agreement with various districts and believes the City should continue owning it, funding it, covering it for insurance. Susan understands funding may be needed by others who use it because you basically build up a building and then burn it down - but this could be accomplished via a simple contract. Dennis Nelson stated that he would bring this up at the next Rural Fire Board meeting on May 19, 2016. Susan also reported that the City has a request for annexation which she and Clerk Crystal Turner will work on completing that request.

UNFINISHED BUSINESS

SRF Draw #14 in the Amount of \$294,743.00

Mayor Hamilton introduced the draw. Dennis Nelson wanted to verify that this draw had all gone through Great West Engineering's review. Kelly Smith reported that the draw amount is off, it should actually be \$2,000 less than the total on page one, because the invoices add up to be a smaller amount. Kelly believed the Council could approve the higher amount and the Mayor may have a smaller amount on the cover sheet to sign on the draw request tomorrow, otherwise they will correct it on the next draw.

Councilwoman Smith motioned to approve the Mayor's signature on the new amount and move this form for this disbursement draw #14. Councilman Tharp seconded the motion. There was no public comment.

Motion passed unanimously.

NEW BUSINESS

Diane Phillips, of the Three Forks Chamber of Commerce, requested to use Milwaukee Park again this year for Farmer's Market. There ranged from 17-21 vendors per night, and 50 different vendors throughout the season. The market is expected to be open July 7-September 27 from 4-7pm. This year they plan to sell food, and are inviting non-profits organizations to participate in an effort to raise funds for their particular organization. They also plan to have entertainment as much as possible to encourage attendance. They really enjoyed this space last year, loved the parking, it works well for them.

Councilman Nelson made a motion that we approve the use of Milwaukee Park for the Farmer's Market this summer for the dates that Diane just presented. Councilwoman Whitesitt seconded the motion. There was no public comment.

Motion passed unanimously.

PUBLIC COMMENTS/CONCERNS

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

REPORTS OF COUNCIL COMMITTEES

Teri Whitesitt said that last week Kelly and Crystal reported that some contractors came in and mentioned our sidewalk ordinance is out of date and she wondered where we are at with any updates. Susan responded that she has not started this, but it is on the to-do list. Crystal informed her that she is working with Wendell Ewan, City Engineer Brent Miller, and Susan Swimley to redraft the ordinance. Once the ordinance amendments are in motion, then the letters to those with sidewalk deficiencies would be sent out.

Mrs. Whitesitt questioned about camping in the parking lot between the two ponds along Talc Road. She remembers talking about this last year and thought Wendell was going to post a sign there about camping not allowed. Sgt. Peterson stated that any time he has called Fish, Wildlife and Parks (FWP) in the past about their property that they always inform him it is City property, and our jurisdiction. Kelly informed the Council that the parking lot is in city limits. Teri asked if they needed to draft an ordinance to ban overnight parking here. Crystal questioned the need for a new ordinance, when there is an existing ordinance which already states that you can only "camp" in town during construction of a building.

Mrs. Whitesitt added that last year someone complained about garbage cans in the street - she's been keeping an eye on it and there are three she witnessed today just on Ash Street that still haven't been pulled back to the home. She is personally affected by this and wanted to put that out on the record. Bill Buhl said that there are three on his street (2nd Ave E) as well that stay out every day. Teri asked the rest of the Council to pay attention while they are out and about in town to see if they recognize a lot of violations. Kelly Smith recommended that before the City adopts more ordinances, it should enforce existing ones like the leash law and dogs at large.

Teri added that Kelly's suggestion brings her to her next point: the volunteer code enforcement officer. She brought up campers, trailers, etc. being parked on the street, and last year most got letters and put them away. However, those same campers are out on the street now. She called

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the City Office last week to have staff relay to the Sheriff's office to enforce this, and learned about the cases the Sheriff Deputies are working on which takes time away from these smaller offenses. She said that there is an extensive program the City of Missoula has with volunteers and asked for the status of this. Teri said that Belgrade has a "no trailer" law in the city limits. Teri was not sure if the City should do "no trailers" at all, but if we have something that said "no trailers on the streets" maybe that would help. The Mayor replied that he has been working on the volunteer program, and he envisions this as a pilot program with just one volunteer to start with and see how it works out before making it something similar to Missoula's volunteer program. Sgt. Peterson said a lot of this enforcement is hard to accomplish due to manpower. He expressed his interest in the volunteer who could help him out in this area. There was a lot of discussion regarding the volunteer's training, liability of the City, and retaliation of enforcement. Susan Swimley reminded the Council when it comes to parking violations, with the ordinance worded "edge of pavement or alongside curb" many parked on the west side of town we cannot actually tell the edge of the street because there lacks pavement and a curb.

Budget Committee - Dennis Nelson reported that a lot of the departmental budgets are being received. Water and Sewer and the Library are all actively working on their budgets for FY2016/2017. He asked when the Mayor, Clerk and Treasurer would present a budget to the committee. The Mayor responded that we will work together with the Budget Committee.

Water/Sewer Committee - Dennis also reported the construction meetings started up again last Thursday with Smith Contracting and Great West Engineering. The Wastewater Superintendent has also presented some numbers to Kelly regarding the sewer manhole replacements and the possibility of completing some of those this fiscal year. Randy Johnston has his estimated budget ready except for the water line extension around Ash, Birch, Cedar, Date from 6th to 7th.

(Dep. McDonough returned.)

MAYOR & COUNCIL ANNOUNCEMENTS

There were no further Council reports.

Mayor Hamilton reported that he received a letter from the Three Forks Minster's Association inviting him and the Council to the baccalaureate service for the seniors graduating from Three Forks and Willow Creek schools on May 18th at 7PM.

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He also thanked Ed Tharp for covering for him at the last meeting.

AGENDA ITEMS FOR NEXT COUNCIL MEETING:

- Approval of Zoning & Planning Board Recommendation for Imberi Request for Conditional Use Permit to convert a single family residence into a multi-family residence
- Approval of Zoning & Planning Board Recommendation for Folkvord Investments, LLC Request to Amend Zoning

Sgt. Peterson introduced Dep. Daniel McDonough. He worked at the jail for 2 years before becoming a deputy. He worked 6 months in the valley and when the opportunity to work in the Three Forks area came up he jumped at the opportunity. He is from a small town and loves working and living in a small town.

Teri Whitesitt said that staff and students are parking in the 1-hour and "no parking" areas again. She requested the Sheriff Deputies verify that again.

ADJOURNMENT

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

Motion passed unanimously. (8:11P.M.)

Steven B. Hamilton, Mayor

Crystal Turner, City Clerk

MAY 24, 2016, 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 MAY 2016.

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PRESENT: Council members George Chancellor, Deb Mickelberry, Teri Whitesitt, Sharon Smith, Ed Tharp and Dennis Nelson. Also present were 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: Kira Gifford, Gloria Howland, Ron & Mickie Imberi, Jared Brown, and Cole Robertson.

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

Kira Gifford spoke regarding a missing stop sign at the corner of her home on 7th Avenue E and Birch Street. A lot of people did not stop at the stop sign previously, but it did slow a lot of drivers down. Mayor Hamilton said he will speak with Wendell Ewan regarding why the stop sign was missing. Kelly Smith spoke that one of the stop signs in this intersection was knocked down by a driver, and Wendell Ewan stated the Mayor instructed him to remove the others along 7th Avenue E. Mickie Imberi asked if one stop sign was knocked down why it was not just replaced. Mayor Hamilton said that he did not believe the stop sign was necessary but will instruct Wendell to perform a study to decide how many need to be installed, or re-installed.

With no further public comments, Mayor Hamilton moved on to the Consent Agenda.

CONSENT AGENDA

- xii. Approval of Claims per List(s)
- xiii. Approval of Meeting Minutes of April 26 and May 10, 2016
- xiv. Approval of Local Government Luncheon meeting minutes of April 29, 2016
- xv. Approval of the following purchases where funds are available but were not specifically budgeted for:
 - a. Water Fund 5210 - \$48,100 for Radios and Registers, Water Shutoff Replacements and Engineering and Materials for the Extension

b. Sewer Fund 5310 - \$5,000 for Radios and Registers

- xvi. Approval to Spend Sewer Impact Fees (Fund 5312) Available but not budgeted to spend in FY2015/2016 (budget amendment resolution to follow) - \$15,000 Fees for Manhole Covers and Trench Shoring

Dennis Nelson stated that he and the rest of the Budget Committee requested quotes from Randy Johnston on spending funds still available in this year's budget for projects we could accomplish within this fiscal year (regarding consent agenda items "D" and "E"). He and the rest of the Committee feel the selected projects are good to move forward with this year. Jared Brown asked where the water extension would take place and was informed that there are four blocks on Ash, Birch and Cedar between 6th and 7th Avenues E. Kira Gifford asked if this project meant that she would be required to connect to City water. The answer is no, unless her well dries up then she would be required to connect to City services, but she will not be forced to if her well lasted forever.

Councilwoman Smith motioned to approve the consent agenda with the corrections and with the noted amounts by Dennis. Councilman Tharp seconded the motion. There was no public comment or Council discussion.
Motion passed unanimously.

PUBLIC HEARINGS

Public Hearing and Decision on the Approval of an Application for Conditional Use Permit by Ron & Mickie Imberi to convert a single family residence to a duplex in the Central Business District

Councilman Chancellor recapped the staff report and the meeting of the Zoning & Planning board held on May 19, 2016. He specifically read over the conclusion in Mr. Johnson's staff report which recommends approval assuming no significant negative public comment.

Applicant Presentation: Mickie Imberi stated this property was an oddly built facility and we all know that housing is a need in Three Forks and it is part of her goal to provide more affordable housing in town.

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

Councilwoman Mickelberry commented that she liked the existing off-street parking, and moved that we approve the conditional use permit for Ron and Mickie Imberi. Councilman Nelson seconded the motion. There were no further comments.

Motion passed unanimously.

Public Hearing and Decision on the Approval of an Application by Folkvord Investments, LLC to change zoning designation at Block 3, Lot 2, Headwaters Addition (129 E. Front Street) from General Industrial Transitional Zoning District to Medium Density Residential to allow 10 townhomes (5 building) to be built at this location.

Kelly Smith reported on a 2003 decision to eliminate "Medium Density Residential", so this request would be to change the zoning to "Residential".

Applicant Presentation: Jared Brown, spoke on behalf of the applicant, and explained this is a 10-unit project planned, which will have a preliminary plat application submitted on May 27th, to create the lots. The applicant has already had some interest in single-units available for purchase. Upon Mr. Brown's discussion with City Planner Ralph Johnson, the applicant will probably submit a planned unit development (PUD) which allows for tighter units together and alternative setbacks.

Dennis Nelson asked about the access for emergency vehicles, and if it was an issue. Mr. Brown answered that there is not an access issue, but they have been in discussions with Ralph Johnson throughout the planning process to ensure they think about the various situations that may come up during subdivision and building. Mr. Brown added that this property is in the floodplain and so they will also have to submit a floodplain permit for the project.

Public Comment: Mickie Imberi, as another provider of homes in town, stated she would be in favor of this because availability is so limited. Kira Gifford asked if these would be rental homes or homes for purchase. Mr. Brown answered they hope to provide a variety of price options to the buyers offering smaller and larger units, but these would be homes for sale.

Councilman Chancellor made a motion to change Lot 3 Block 2 of the Headwaters Addition Plat D-167 from General Industrial Transitional to Residential zone. Councilman Tharp seconded the motion. There was no Council or public comments.

Motion passed unanimously.

Public Hearing and Decision on a Resolution of Intent to Annex Property located at 1600 Bench Road

Mayor Hamilton introduced the resolution of intent, and read it into the record in its entirety, correcting "Town" to "City" in the legal

description of the property. Kelly Smith suggested to amend the publication dates of the Belgrade News to be consistent with the way the publication dates are listed for the Bozeman Daily Chronicle (Crystal will amend prior to the Mayor signing the final resolution). Crystal Turner stated that since this is an old "metes and bounds style" legal description, Three Forks probably was a recorded town at that point and she will call the Clerk & Recorder's office to verify the legal description.

Councilwoman Mickelberry asked if staff knew what the applicant would be doing on this property. Crystal Turner replied that it is a cell tower assembly and repair business where they assemble the parts on site and then load them onto trucks or trains, then install and/or repair at the customer's site. Kelly Smith added that water and sewer service is available already nearby. Crystal added that there are draft attachments to this resolution: Annexation agreement, consent to join the street lighting district, waivers of protest of a street maintenance district and street improvement district, which have all been sent to the applicant. Councilman Nelson asked to clarify that the \$645.00 in the annexation agreement towards attorney fees was provided by Susan Swimley, to which Crystal responded yes, and Susan left room in this section to include our time if needed.

Councilman Nelson made a motion to approve Resolution #251-2016, it's a resolution of intent to annex property referred to as 1600 Bench Road, with all the listed documentation that we have available at this point in time. Councilwoman Smith seconded the motion. There was no Council or public comments.

Motion passed unanimously.

REPORT OF OFFICERS

Neither Kelly Smith nor Crystal Turner had reports tonight.

REPORT OF COUNCIL COMMITTEES

Ordinance Committee - Teri Whitesitt recapped the discussions of their meeting tonight starting with the camping in the park. The Committee would like to post a sign at the parking lot in between the first and seconds ponds which would disallow overnight camping. The discussion turned to garbage cans being left on the streets and the committee decided to leave the ordinance as is because anyone leaving a can on the street would be in violation of an existing ordinance #8-4-1 (blocking public

right-of-way). The committee also will be working on defining household garbage and allowing burn barrels for yard waste but not for household garbage. Deb Mickelberry will work on drafting a rewrite of this ordinance. The committee also discussed recreational vehicles and trailers parked on private property as well as public property or in the public right-of-way. Teri will be talking to Sgt. Peterson on his interpretation. Jared Brown said that there is a junked vehicle, by the definition they just explained, that has sat for at least six weeks in one location. George Chancellor brought up that there is a curb issue since some streets do not have curbs and gutters or pavement edges so it is hard to enforce the parking ordinance as written. Jared Brown argued that those are language nuances and not a reason not to enforce the ordinances.

Budget Committee - Dennis Nelson said that they will meet June 8, 2016 at 3PM to go over the last expenditures of the current fiscal year and review of budget status. Mayor Hamilton added that he is preparing a budget similar to last year's numbers. Dennis rebutted that he would like to see a 5-7% decrease from last year.

UNFINISHED BUSINESS

Direction to City Attorney on Fire Training Center

Dennis said that George Reich has been out of town and he has not been able to meet with him. This item will be moved to the June 14th, 2016 agenda.

Approval to inform DN Tanks of the City's intention to enter into a contract allowing them to perform the Water Tank Rehabilitation portion of the 2013 Water System Improvements Project, pending legal approval of the contract documents

Mayor Hamilton asked Dennis Nelson to explain the status of this. Councilman Nelson recapped that the Water & Sewer Committee met with Joel Pilcher of Great West Engineering regarding moving forward with this portion of the project without going back out to bid since there were no bidders previously. Susan Swimley has reviewed this and agrees it can move forward through the RFP process.

Mayor Hamilton asked for a motion to I guess it would be to approve informing DN Tanks to enter into a contract with them. Councilman Tharp would "make that motion." Councilman Nelson seconded the motion.

Public Comment: Jared Brown asked how much this would cost. Mr. Nelson believed the range of Great West Engineering's original estimate was \$245,000. No one bid the original stage of the water project that would

cover this part of the project. Randy Johnston met a representative of a company which does perform tank rehabilitation at Water School last year. We setup a meeting to have him visit our existing water tank and try to see if it would be worth rehabilitation or just demolition and rebuild. DN Tanks gave us a worst-case scenario quote of \$260,000-\$300,000 if demolition and rebuilding would be necessary. Ed Tharp added that we performed a 24-hour hold test and the existing tank did not leak any water so we do not believe that we have to demolish anything, and this will be on the lower end of their quote to rehabilitate.

There were no other comments.

Motion passed unanimously.

NEW BUSINESS

There was no new business this evening.

PUBLIC COMMENTS/CONCERNS

Jared Brown asked for the status of the Wastewater Project. Councilman Nelson responded on the project's status. We are over the contracted construction days. There have been a lot of missed days due to weather this month. Once they get the liners in and the final dirt work completed they can order the LEMNA which really is almost the final stage of the project. Mr. Brown asked since the contractor is over the contracted days, if the City would be collecting liquidated damages for not being done on time. Mr. Nelson stated that he was not aware of that at this point in time. Mr. Brown asked again if Smith Contracting would be charged liquidated damages. Mr. Nelson said he would have someone in the Water & Sewer Committee ask that during the construction meeting this week. Mr. Brown said that there was an amount defined in the contract and if it was "per day".

MAYOR & COUNCIL ANNOUNCEMENTS

There were no Council announcements.

Mayor Hamilton asked that everyone keep in mind that Friday is the last day of school and there will be children out and about during the school hours, and noted that Summer Recreation brochures are available here at the City Office. He added that Lori Hendrickson (The Green Thumb Greenhouse) planted the beds outside of City Hall and thought they looked beautiful.

AGENDA ITEMS FOR NEXT COUNCIL MEETING:

- Discussion and Decision on structures lacking permits at 110 2nd Ave. East
- Proclamation in Memoriam of Todd Rummel
- Discussion on Zika Virus and how to help the Mosquito District educate the public
- Direction to Mrs. Swimley on the use of the Fire Training Center
- Resolution to Annex and incorporate within the boundaries of the City of Three Forks Montana a tract of land commonly referred to as 1600 Bench Road

ADJOURNMENT

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

Motion passed unanimously. (8:11P.M.)

Steven B. Hamilton, Mayor

Crystal Turner, City Clerk

JUNE 14, 2016, 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 2016.

PRESENT: Council members George Chancellor, Deb Mickelberry, Teri Whitesitt, Sharon Smith, Ed Tharp and Dennis Nelson. Also present were 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: Patrick Lonergan, Michael Sinks and Gloria Howland.

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

With no public comment, Mayor Hamilton moved on to the Consent Agenda.

CONSENT AGENDA

- xvii. Approval of Claims paid due to timeliness to mail Utility Bills in the amount of \$157.68
- xviii. Approval of Claims per List(s)
- xix. Approval of Meeting Minutes of May 24, 2016
- xx. Approval of service contract with Morrison-Maierle Systems to provide off-site backups for July 1, 2016 to June 30, 2017

Councilman Nelson made a motion to approve the Consent Agenda.

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

Motion Passed Unanimously.

PUBLIC HEARINGS

No public hearings tonight.

REPORT OF OFFICERS

City Attorney Susan Swimley distributed a map of Zika virus cases. She noted the map shows that there is already one case in New Hampshire (which is roughly the same latitude as Montana). One female mosquito lays eggs which creates 900 more mosquitoes. Zika is transferred to humans by being bitten by Aedes mosquito carrying the virus. For instance, one of us travels to Florida, gets bitten, comes home with flu-like symptoms and just thinks they are run down due to travelling. Having being bit elsewhere does not preclude Three Forks from being a new home for this type of mosquito in the future. Every time Ms. Swimley comes into Three Forks she sees standing water and just wants the Council to be prepared and to be thinking about how the City can help the Mosquito District be prepared for when Zika-carrying mosquitoes arrive in Montana, as well the City taking action to remove/prevent standing water. If it ever gets here, and if it can survive here, we should have a plan on how to address

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standing water. Ed Tharp said the District fogs the town twice a week and he does not think we will have a problem here. Susan disagreed, and recommended the Council be thinking about improvements to remove standing water, scraping alleys, etc.

Susan also reported that she has continued to work on ordinance enforcement with Sgt. Peterson. She is waiting on direction on new changes from the committee for some ordinance updates.

City Clerk Crystal Turner reported on some upcoming trainings: Budget training on June 27, 2016 from 10-3 at the Headwaters Golf Course provided by the Local Government Services Bureau, and Wildfire Expo on Jun 15, 2016 from 11-3 hosted by the Gallatin County Emergency Management. Crystal also reported that she took the liberty of creating and sending out renewal reminder letters to all those who had licensed a dog last year, as well as create a new letter and sent it out to those who she believed have at least one dog. The City has historically posted the reminder on water bills and on the City Hall door. There are less than 150 dogs licensed with the City and we are certain there are more dogs than that in town. Crystal questioned if the Council wished her to turn those who have not addressed the letters they have received by licensing their dogs or letting the City know they no longer have the animal, over to the City Attorney and/or the Sheriff's Department. Teri Whitesitt liked moving this on to Susan and Don to enforce. She also said that people need to follow the laws. George Chancellor agreed but wanted to prioritize it for the Sheriff's office and not put dogs high on the list when there are other, more important, things to work on. Susan asked, "Why have an ordinance and not enforce it? It isn't fair to the rest who abide by the rules." Just like the weed enforcement, it takes a while to get the people used to it but as we continue with letters and education, warnings, the public will start to adhere to these. Crystal will pass on those remaining who have not licensed their dogs to Sgt. Peterson and copy Susan Swimley.

City Treasurer Kelly Smith reported on a regional training and district meeting hosted by MMIA, MSU and Montana League of Cities and Towns on MMIA coverage, legislative priorities, ethics procedures and how to work with difficult personalities on September 23, 2016 from 9-4 in Belgrade which is the closest to us if anyone wanted to attend. Dennis Nelson said he would like to attend and asked Kelly to register him.

REPORT OF COUNCIL COMMITTEES

Ordinance Committee - Teri Whitesitt reported they met tonight before the meeting to hopefully finalize the motor vehicle versus non-motorized vehicle in parking, camping and length of time for both. They will get their updates on to Susan Swimley.

Budget Committee - Dennis Nelson reported they met last week to review the roughly year-end expenditures of FY2015/2016 budget. He thanked all the departments for their frugality. He is waiting for the Mayor, Treasurer and Clerk to provide the Committee a budget for FY2016/2017. They will schedule a meeting after receipt of the draft budget.

UNFINISHED BUSINESS

SRF Draw #15 in the amount of \$75,839

Mayor Hamilton provided an update on the project: the lining in Cell 2 is complete, and the lining in Cell 3 was completed today. Cell 1 will be done after it dries out a bit from all the rain we have received. He added that the installers of the lining work "lightning fast".

Mayor Hamilton introduced the draw, and he drew the Council's attention to Craig Erickson's progress report which states, "The City has used almost 71% of the project budget, and construction is nearly 70% complete."

Councilwoman Smith would like to make that motion for you to sign off for this draw #15 for \$75,839. Councilman Nelson seconded the motion. Board discussion: Dennis Nelson reported that after the construction meeting last week this project appears that it will not be complete before October 2016. Susan Swimley is to draft a letter to Smith Contracting regarding the overage of contract days. (She has a question into Fred Phillips prior to sending the letter.) There was no public comment.

Motion Passed Unanimously.

Council Direction to City Attorney on Fire Training Center

Dennis Nelson said that he called George Reich (Willow Creek Fire District) today again to find out what exactly they need for the training center. George reported that year's ago the two storage containers out on the City's property were purchased with County money raised from burn permits sold. Patrick Lonergan stated that he was the County Fire Warden at the time those containers were purchased, and they were not purchased by the County - they would have been reimbursed to whomever paid the original bill. The Burn Permit program does not purchase anything outright, it only reimburses. Susan Swimley still does not believe an Interlocal agreement is necessary. The City Firefighters are very

qualified and they can invite anyone to attend trainings. Crystal Turner added, that from what she heard at the Fire Department meeting last week, they worry that George Reich will remove the containers if there is no Interlocal Agreement. Susan Swimley said that he would have no more right to them today as he did when they were set on the City property to be used for training.

NEW BUSINESS

Discussion and Decision on setback issues for 100 2nd Ave. East

Susan Swimley recommends that the Council direct staff that no enforcement action be taken, and that the record reflect that the structure in place should not be deemed to be a zoning violation. She stated that we try not to send out individual cases and wait until we have a number of violations to be addressed before sending letters out to property owners. This property owner made a complaint about a neighbor, and in doing so provide the City a picture which also showed violations on their own property. The violations have been in existence for many years: the pergola since 1997 and the carport since 2009. If ever replaced or redone, these would need to be compliant with current zoning (10-feet from the property line per the ordinance), but if you were to move the carport to the west now it would render it useless. Zoning is an equitable action when courts go to enforce it. The Court would ask, "What would be fair?" She believes the Court would hear that this has been there for many years, it has not received any complaints in all this time, etc. and award to the defendant.

George Chancellor questioned if the Council could provide a stipulation to not have the owner "stir the pot" anymore. Ms. Swimley's response was, "No, zoning is about property use and not about any owner."

Councilman Nelson would like to take our legal advisor's advice, and follow the recommendation that she has made in that last paragraph. I don't know if anyone else wants to throw in anything else in before this but as far as the question of this subject I would make that motion as she requested. Councilman Chancellor and Councilwoman Whitesitt seconded in unison. There were no board comments. Kelly Smith asked if there would be a requirement to at least complete and submit an application and the appropriate fee, like any other applicant would have to comply with zoning. Ms. Swimley replied, "No."

Motion Passed Unanimously.

Decision to enter into a two-year contract effective 7/1/2016 through 6/30/2018, with Susan B. Swimley to provide legal service

Mayor Hamilton reminded the Council that the City went out for proposals earlier this year, and decided upon continuing with Swimley Law. This is just the award of the contract which would start July 1.

Councilwoman Smith moved for the Mayor's signature on this attorney's agreement. Councilman Chancellor seconded the motion. He added thanks to Susan for her concern and care for this City.

Motion Passed Unanimously.

**Approval of the amended sections in the 2016 updates of the Gallatin
County Emergency Management Plan**

Patrick Lonergan, Gallatin County Disaster and Emergency Management Coordinator, said the Council discussed Zika virus tonight and that is the job of DES: to define the roles and responsibilities for each area when they must deal with a crisis. The DES Plan is how we, as a county, would handle a crisis such as Zika, floods, or fires. For the most part the changes are simple updates, phone numbers and typo corrections. The major change is due to a County Attorney opinion regarding what authority law enforcement has, the Mayor of each community, and how to handle the disaster. The next phase will be the 5-year review of the whole plan.

Dennis Nelson said that it has become sort of a legal issue regarding evacuations between law enforcement, fire departments, and things you see on the news nowadays. Patrick responded that in Montana, law enforcement does not have the authority to physically force someone to evacuate, but you cannot disobey law enforcement and would have to abide by what law enforcement tells you to do during a crisis.

Patrick added that the Hazard Mitigation Plan for Gallatin County will occur again this year and Three Forks has elected to participate. Having this plan makes the community eligible for funding for pre-disaster or post-disaster needs. Later this year Gallatin County is trying to create a "crosswalk" that will add points for the FEMA Community Rating System reviews. Going to try to incorporate a Community Wildfire Plan, to identify areas which are wild land interfaces. This is currently a standalone plan which we will try to include in the merged Hazard Mitigation Plan. Gallatin County will be switching over the mass communication system, which will include robust text messaging, social media, community newsletters which the community can opt in to be included in notifications regarding disasters. Last Thursday, Patrick was successful in securing funding for temporary employees who will work on community planning. He gave the example of someone who lives locally and wanted a small project and would be interested in things like a Zika

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preparedness plan. This is all new and Patrick is excited for the extra help.

Dennis Nelson asked if he could discuss the Water Project for just a moment. He brought up Joel Pilcher's email regarding DN Tanks and moving the project forward. Joel believed he was still waiting on Susan Swimley's review of the DN Tank template contract. Susan Swimley echoed that she received the same email today and she will review the contract. She also reminded all present that the last item is still pending a motion.

Councilman Nelson so moved that we approve the Gallatin County Emergency Management Plan. Councilman Tharp seconded the motion. There were no public comment or board questions.

Motion Passed Unanimously.

PUBLIC COMMENTS/CONCERNS

Ed Tharp said he believed the Council needs to determine what a "small pile" is when readdressing the open burning ordinance. Patrick Lonergan stated that recreational fires as MCA defines them may be no larger than 48-inches in diameters. He suggested that if the City is discussing defining a small pile, to keep it consistent as everywhere else in the county. The unincorporated areas fall under Section 7-33 in MCA.

MAYOR & COUNCIL ANNOUNCEMENTS

There were no Council announcements.

Mayor Hamilton announced that Streamline bus will be serving Three Forks at two locations as a trial run for the summer. The pickup/drop-off locations will be at Wheat Montana and the Christian Center. There are three bus stop times (see the City Hall, the local banks, Food Bank, the Post Office and other locations for the stop times, or visit Streamline's website).

Mayor Hamilton thanked the Council for always working together. "We don't always get along but we always listen to each other and work together." Other communities are suffering with governments that do not agree and are working hard to remove each other from their positions. That is not the process, and elections are for when one would be removed from his/her position.

AGENDA ITEMS FOR NEXT COUNCIL MEETING:

- a. Resolution moving SID overages to General Fund Account
- b. Proclamation for Todd Rummel Donations for SCBA's (Gene will prepare and bring in)
- c. Public Hearing and Decision on a Conditional Use Permit for Sean Rumelhart to operate a home occupation for property located at Block 22, Lot 7, Original Townsite more commonly referred to as 323 2nd Ave East
- d. Public Hearing and Decision on a Conditional Use Permit for Kristen Schillinger to operate a home occupation for property located at Block 8, Lot 7, Original Townsite, more commonly referred to as 21 2nd Ave East
- e. Public Hearing and Decision on a Conditional Use Permit for Folkvord Investments, LLC to construct multifamily dwellings (10 Units) in residential zoning on property located at Block 3, Lot 2, Headwaters Addition, more commonly referred to as 129 E. Front Street
- f. Possibly the Resolution to Adopt the Annexation Agreement with Legacy Enterprises for property known as 1600 Bench Road

ADJOURNMENT

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

Motion passed unanimously. (8:02P.M.)

Steven B. Hamilton, Mayor

Crystal Turner, City Clerk

JUNE 28, 2016, 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 7:03 P.M. for the SECOND meeting of JUNE 2016.

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PRESENT: Council members George Chancellor, Deb Mickelberry, Teri Whitesitt, Sharon Smith, Ed Tharp and Dennis Nelson. Also present were 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: Gloria Howland, Roger Nerlin, Dave Hargrove, Gene Townsend, Sean & Candi Rumelhart, John D. Whitesitt, Michael Tucker (Belgrade News), Mason Moore, Josh Miller, Brad Eastty, Brandi Tribble, Tyler Oehmcke, Dale Kober, and Justin Kamerman.

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

With no public comment, Mayor Hamilton moved on to the Consent Agenda.

CONSENT AGENDA

- xxi. Approval of Claims per List(s)
- xxii. Approval of Meeting Minutes of June 14, 2016
- xxiii. Approval of Zoning & Planning Minutes of May 19, 2016
- xxiv. Approval of Amendment #7 with Great West Engineering's contract for the Wastewater Project to provide additional services, modify payments to the Engineer and modifying times for rendering services (\$0 change)
- xxv. Approval of the following claims, pending SRF Draw #15 funds arriving:
 - a. Great West Engineering \$17,148.43
 - b. Smith Contracting \$58,051.81
 - c. Montana Department of Revenue 1% Contractor Withholding \$638.00
- xxvi. Approval to pay US Bank invoice by 6/30/2016 for the Wastewater Project, pending receipt of invoice, for the principal amount of \$96,000 and the estimated interest payment of \$40,000 (claim to be verified on next agenda)

Crystal Turner noted a change which needs to occur to the minutes of June 14th to add that Susan Swimley was present.

Councilwoman Smith moved to approve the consent agenda. Councilman Nelson seconded the motion. Motion passed unanimously.

PUBLIC HEARINGS

Proclamation Honoring the Family of Chief Todd Rummel and the law firm of Kasting, Kauffman & Mersen for Donations for the Three Forks Fire Department to Purchase SCBA's

The Mayor introduced Chairman Hargrove and Secretary Townsend of the Three Forks Rural Fire Board.

Gene Townsend stated that at the last meeting of the Rural Board in May they realized it was almost the second anniversary of Chief Todd Rummel's death, and in honor of that they drafted this proclamation to remember him, the family, and the law firm both of who donated funds which allowed the Department to purchase new self-contained breathing apparatus (SCBA) devices. He then read the proclamation into the record in its entirety.

Brandi Tribble demonstrated wearing the new SCBA while Charles Eastty explained to the Council that they are significantly lighter than the older style, because it no longer has a steel bottle. The oxygen bottle has been improved and lightened by using fiberglass. He continued explaining the updated safety features and ease of use.

Councilman Nelson made a motion that the City of Three Forks City Council pass the joint proclamation #01-2016 honoring our fallen fire chief Todd Rummel for the very tragic accident two years ago, and thank you to the law firm, to the family and thank you to all the firemen. Councilwoman Whitesitt seconded the motion. There was no public comment. Mayor Hamilton thanked the firefighters for all that they do and stated that everything they do is greatly appreciated.

Motion passed unanimously.

Public Hearing and Decision on a Conditional Use Permit for Sean Rumelhart to operate a home occupation for property located at Block 22, Lot 7, Original Townsite more commonly referred to as 323 2nd Ave East

Mayor Hamilton introduced the next item by reading the application, then turned the discussion over to George Chancellor who serves as the liaison between the Council and Zoning & Planning Board.

Mr. Chancellor recapped the recommendation of the Zoning & Planning Board, which echoed the recommendation of City Planner Ralph Johnson for approval

of the CUP. The applicant will not have any customers at the home except by appointment.

Applicant Testimony: Sean Rumelhart thanked the Council and hoped they passed this tonight so he could legally have his home business. He will not have a storefront or sell anything out of his home. It is a service oriented business, which means he would go to a client's home, possibly working on the equipment or bringing back equipment to his home for further repair/troubleshooting work. He will not have any customers coming without an appointment that would require additional parking.

Dennis Nelson did not see any issues with this application and did not see a reason to not uphold the Zoning & Planning Board's recommendation. Ed Tharp and Sharon Smith agreed with Mr. Nelson.

There was no public comment, nor need for an applicant rebuttal.

Councilwoman Smith made the motion to approve the application for Sean Rumelhart the conditional use permit for the property located at Block 22, Lot 7, Original Townsite known to as 323 2nd Ave East. Councilman Tharp seconded the motion. There was no further discussion.

Motion passed unanimously.

Public Hearing and Decision on a Conditional Use Permit for Kristen Schillinger to operate a home occupation for property located at Block 8, Lot 7, Original Townsite, more commonly referred to as 21 2nd Ave East
George Chancellor introduced the staff report recommendation provided by Ralph Johnson, and the Zoning & Planning Board's recommendation for approval.

Kelly Smith informed the Council that she got a text from Kristen Schillinger that she was leaving Manhattan now and would be here shortly.

Councilman Nelson motioned to table this until later tonight.

Councilwoman Whitesitt seconded the motion. **Motion passed unanimously.**

Public Hearing and Decision on a Conditional Use Permit for Folkvord Investments, LLC to construct multifamily dwellings (10 unites) in residential zoning on property located at Block 3, Lot 2, Headwaters Addition, more commonly referred to as 129 E. Front Street

George Chancellor explained that Jared Brown has represented Mr. Folkvord at all of the meetings so far, and although he is not present tonight Mr. Chancellor stated that the application is only to allow multi-family

structures right now, and states that they still do not have a final design layout but the Zoning & Planning board has recommended approval.

Teri Whitesitt asked if this was the application that had an issue with the amount of space for emergency vehicles along the street. Kelly Smith replied that City Engineer Brent Miller had some issues with the minimum parking entrance size referenced on the first design but has relayed his concerns to the applicants, and Ralph Johnson felt the 18-feet on the layout would be sufficient. This will be one way in, and one way out style to enter the property. (Jared Brown arrived.) Mr. Brown stated that they do have a final layout now of the buildings, based on potential buyers' inquiries. Kelly reminded the Council that this decision tonight is just for to allow or disallow multi-family housing. An updated layout was presented to the Council tonight, but the final design will be before both the Zoning & Planning Board and City Council at a later date for approval.

There was no public comment.

Councilman Nelson made a motion that we approve the application for conditional use permit for Folkvord property, requesting approval for multifamily dwelling, ten units at the present time in residential zoning. Councilwoman Smith seconded the motion.

There were no public comments. The Mayor commented that we [the City] do not have a lot of area designated for multi-family housing so he thinks this is a good use of this property and location for such a use.

Motion passed unanimously.

The Mayor reported that we would return to Public Hearings later tonight.

REPORT OF OFFICERS

Asst. Fire Chief Whitesitt stated he was present tonight with his quarterly report. He distributed a handout of calls and incidents. In March there was one gas odor call, one gas leak call (which lasted 153 minutes), one service call (which are generally people who have fell), one grass fire, and one vehicle collision. Overall man hours spent by all firefighters who arrived at the incidents was 8 hours and 37 minutes.

In April the firefighters attended to three vehicle collisions, one structure fire, one outside smoke, one vehicle fire, one gas leak, one alarm high life - which are generally for the High School - (which only

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lasted 18 minutes so was probably a prank call), and one stage for law enforcement (which was called off so only lasted 10 minutes). The total man hours for April were 51 hours and 17 minutes. Dennis Nelson asked if the two gas leak calls in March and April were at the same location. Mr. Whitesitt replied no, one was a construction site, and another behind the new Main Street Office location.

In May there were three vehicles collisions, one vehicle collision with ejection, one mutual aid/missing child (which was cancelled and the child was found in a park and only lasted 10 minutes), one vehicle collision in the pond, and one vehicle fire. The total man hours for May were 32 hours and 6 minutes.

Mr. Whitesitt asked if there was anything specific the Council wished to hear about during the quarterly reports he provides. He does not feel that reading the incident log is a very good use of time if the Council is not interested in it. He suggested reporting on training, or discussing budget items if the Council chose, but again was not certain this was the best venue for discussions, or if he should just report on items. Teri Whitesitt stated that she believed the training and some of the calls/man hours spent would be good in a quarterly report. Dennis Nelson agreed with the training reports, and did suggest that items that the department would like to purchase in the next year should be discussed, at least for major purchases or new training the department can project it will need in the upcoming year. Mayor Hamilton added that he liked seeing the actual equipment, and the SCBA demonstration tonight was really good.

Lastly, Mr. Whitesitt said that he asked at the joint Rural-City meeting held in January if the Council had suggestions on recruitment. At that meeting Mr. Nelson said the Safety Committee could meet to discuss some options. Mr. Nelson replied that he has not come up with any ideas but reported that Crystal Turner has some quotes for the website enhancement and so if awarded and the website is redone this coming fiscal year, the Fire Department could have its own page within the site which may help with recruitment.

Mr. Whitesitt said that since the building was painted, there has not been a sign or logo on the building to let people who have not lived here forever know where the Fire Department building is. The firefighters thought of a scrolling marquee on the building to say anything, but could add recruitment information and inform those interested where to get applications. He mentioned the Three Forks Ambulance's program which rewards the volunteers for "X" number of calls attended, something like \$5

for five calls on a gift card, which could be used to personalize equipment/gear. For instance, Dave has been wanting a radio harness but each radio is unique based on radio type. They are also expensive and so he has not purchased one outright.

Kelly Smith suggested recruiting on the water bills - not guaranteeing how many people read the water bills but it would be one more form of communication.

Teri Whitesitt added that she would like to hear the number of active members during the reports.

City Treasurer Kelly Smith did not have a report but wanted to wish the Mayor a happy birthday for tomorrow.

City Clerk Crystal Treasurer reported that the City received a public notice regarding a water right change in one of the irrigated land near city limits. The applicant is simply changing how it irrigates but she wanted to know if the Council wants to get the full report and provide public comment. Ed Tharp and Dennis Nelson agreed to get the full report and pay the \$25.00 to protest if needed.

RETURN TO PUBLIC HEARINGS

Schillinger CUP - Dennis Nelson asked if Kristen already has a State license. She said no, she needs a city license to fulfill the state requirements. During the school year she has four children she usually watches. She plans to apply for overflow for the demand afterschool and during the summer after the summer rec program. She further explained that the elementary school librarian, Shelby Mack, has been helping out during the summer. Dennis said that she stated on her application that she did not have any employees. Did she have an employee now? Kristen said yes, Shelby is helping out now in this summer. Deb Mickelberry asked how many kids she would have at the peak of her business. Kristen responded no more than 10. Teri Whitesitt asked if she was in "family" or "group" care (as defined by the State). Kristen was unsure and is still learning. Teri explained to her about the differences and what the State allows for overflow for a couple hours.

There was no public comment at the hearing, but Mayor Hamilton read letters of support into the record from Jane Roedel, a letter from Shann Mack and Shelby Mack, another letter from Bill and Laurie Mack, and one more from Anne Bentz.

Councilman Nelson made a motion we approve the application for Kristy [Kristen] Schillinger for the CUP for her daycare as per the recommendations of the Zoning & Planning Board. Councilwoman Smith seconded the motion. There was no further discussion.

Motion passed unanimously.

REPORT OF COUNCIL COMMITTEES

Water & Sewer Committee - Dennis Nelson reported that the City has been in contact with DN Tanks regarding the water tank rehab project. The contract has been reviewed by the City Attorney and forwarded on to Joel Pilcher of Great West Engineering to finalize and get the draft back to us.

Regarding the wastewater project, Smith Contracting has requested a shutdown effective last Friday. There was an issue where the liner was knicked by a skidsteer which damaged it and the installing company came back to repair it. Our engineers have some concerns with this. The punchlist Steve Trbovich distributed at a committee meeting a few weeks ago does not have all items completed yet. The Committee and engineers felt the critical items could be completed no later than July 15, 2016 so the shutdown request has not been approved yet until the critical items are complete.

Budget Committee - Will meet in a couple weeks.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Board Appointments: Board of Adjustment

Mayor Hamilton read the board appointment memo into the record.

Councilwoman Smith made a motion to approve her, Diane Furchman's, application for another term. Councilman Chancellor seconded the motion. There was no public comment, or Council comments.

Motion passed unanimously.

Fair Board

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Mayor Hamilton read the board appointment memo into the record. Crystal Turner added that as of today, we learned of the resignation of Nate Carr, which makes three vacancies now.

Teri Whitesitt asked about Casey Elmore's reference to the rodeo committee on his application and if that meant he has been on the board in the past. He has not, but has volunteered a lot with many high school rodeos.

Councilwoman Whitesitt moved that we accept the three applicants to our rodeo board, expiring June 30, 2019. (Discussion on the remainder of Nate Carr's term - which the Board would appoint Casey Elmore to finish Mr. Carr's term expiring June 30, 2018). Councilwoman Smith seconded the motion. There were no public comments or anymore board discussion.
Motion passed unanimously.

PUBLIC COMMENTS/CONCERNS

There were no public comments.

MAYOR & COUNCIL ANNOUNCEMENTS

There were no Council announcements.

The Mayor reminded all that the 4th of July weekend is coming, and he encouraged a safe and fun Independence Day.

AGENDA ITEMS FOR NEXT COUNCIL MEETING:

- g. Possibly the Resolution to Adopt the Annexation Agreement with Legacy Enterprises for property known as 1600 Bench Road
- h. Possibly DN Tanks contract

ADJOURNMENT

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

Motion passed unanimously. (8:05P.M.)

JULY 12, 2016, 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 2016.

PRESENT: Council members George Chancellor, Deb Mickelberry, Teri Whitesitt, Sharon Smith, Ed Tharp and Dennis Nelson. Also present were 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: Ann Cole, Charlie Christiansen, Joe Diaz, Dave Reynolds, Richard Shanahan, Jeri Widmer, Charles Eastty, Gloria Howland, and Judy Malby.

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

Joe Diaz introduced himself and showed the Council a copy of his sign-in sheets of the busiest days. His architect, Richard Shanahan, distributed a copy of a parking lot for Mr. Diaz's proposed gym. Charlie Christiansen stated he supports Mr. Diaz's commitment to this community, as it changed his life physically, emotionally and mentally. Judy Malby spoke in support of Mr. Diaz's gym. She believes regarding the parking situation, as a previous neighbor at the Herald, she never saw more than 5-6 cars at the gym at one time. She has never seen anyone move to town for any reason and help more people than Joe Diaz. Jeri Widmer spoke in support of Mr. Diaz helping dramatically improve her health. Ann Cole spoke in support of Mr. Diaz's gym. She has been a member for roughly 7 months and her health has improved tremendously. She has been impressed with how Mr. Diaz works for a variety of ages of all his clients. She usually visits the gym after work and has never seen an issue with the parking. Dave Reynolds spoke in support of the boxing style of gym as a health facility. He has not seen a parking issue as a member of Joe's gym, and stated that most people walk rather than drive. Dick Shanahan, Shanahan Architects,

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spoke regarding the parking requirements for a 3,500 square foot facility requiring too many for this size community, and this size of the city lot.

Mayor Hamilton asked for any further public comment. He added that this is good information, but the City has not received an application to review yet to make any decisions on this matter.

The Mayor said we would take a five minute recess due to the side conversations going on while those who spoke at public comment got ready to leave. Everyone left after that statement, so the Mayor reconvened the meeting immediately. He moved on to the Consent Agenda.

CONSENT AGENDA

- xxvii. Approval of claims paid due to Year End timeliness in the amount of \$70,985.34
- xxviii. Approval of claims paid due to Year End timeliness and to mail Utility Bills in the amount of \$17,944.84
- xxix. Approval of claim to US Bank for Wastewater Project Loan Payment in the amount of \$129,025.29
- xxx. Approval of Claims per List for FY2015/2016 in the amount of \$46,102.77
- xxxi. Approval of Claims per List for FY2016/2017 in the amount of \$63,203.02
- xxxii. Pledged Security Report through June 30, 2016

Kelly Smith asked to pull claim #142065 because we need to distribute how it will be paid differently than is currently entered in the system.

Crystal Turner stated that she emailed out the minutes, but accidentally missed placing them on tonight's agenda for approval, so they will be moved to the next meeting.

Councilman Nelson moved to approve the consent agenda removing that one claim and address it at the next meeting. Councilman Chancellor seconded the motion. There was no public comment.

Motion passed unanimously.

PUBLIC HEARINGS

There are no public hearings tonight.

REPORT OF OFFICERS

Kelly Smith did not have a report tonight.

Crystal Turner reported that she went to DNRC last Friday to pick up the documentation for the water rights irrigation change she spoke of at the last meeting. They did not have the report ready for pickup as she had been told, so they emailed the large files to her yesterday. She reported on what she had read so far, and told the Council if they wished for a copy to let her know. If the City wishes to protest this it needs to be submitted by July 15, 2016.

REPORT OF COUNCIL COMMITTEES

Water/Sewer Committee - Dennis Nelson stated he spoke with Fred Phillips today and Great West has a few questions regarding the shutdown date and final items to complete prior to that shutdown, as well as when startup would be scheduled. Fred may want to schedule a committee meeting sometime next week.

Budget Committee - Will try to setup a meeting toward the end of July to start working on the preliminary FY16/17 budget.

George Chancellor reviewed the claims today, and noticed the City is not being reimbursed by fines in City Court for the City's incurred attorney fees. The ordinance allows legal fees to be reimbursed via a fine and Mr. Chancellor would like to get a resolution set to implement recovering the City's fees.

Ordinance Committee - Will meet on July 19, 2016 at 6PM here are City hall.

UNFINISHED BUSINESS

Wastewater Project

Mayor Hamilton introduced the **SRF Draw #16 in the amount of \$193,031** and the **WRDA Draw #2 in the amount of \$1,753.50.**

Kelly Smith noted a change on the progress report, which was also reported on Draw #15. She stated this does not affect either draw amount, but only wanted to point out that one invoice which was previously referenced, still is referenced this month but has already been paid.

Councilwoman Smith motioned to approve the SRF Draw #16 in the amount of \$193,031 and the WRDA Draw #2 ("Is this the right amount Kelly? [Kelly responded yes]) for that amount. Councilman Tharp seconded the motion. There was no public comment.

Motion Passed Unanimously.

Water Project

Approval of contract with DN Tanks for roof demolition, interior elastomeric coating tank rehabilitation and new aluminum dome roof (\$316,915)

This item has been continued until the July 26, 2016 agenda.

NEW BUSINESS

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

Councilman Nelson made a motion to approve the appointments of Keith Aune for Fire Chief and John Whitesitt for Assistant Chief in the upcoming year. Councilman Tharp seconded the motion. George Chancellor asked if the position of Secretary needed to be included in the motion as well. Crystal Turner apologized because when she placed it on the agenda she did not have the letter from Chief Aune yet and she should have included that position in the agenda language.

Councilman Nelson would amend his motion to add Christine Pastrama's appointment to Secretary. Councilman Tharp agreed to amend his second. There was no public comment.

Motion Passed Unanimously.

Discussion and possible decision regarding Three Forks Firefighters, Inc. donation of play equipment in City parks, which would be split with City or other funding sources

Charles Eastty introduced himself and thanked the Council for approving the proclamation at the last meeting. In an effort to further remember Todd Rummel, the Firefighters are considering donating funds toward play equipment that would be fire themed in one of the City parks. He has spoken with Wendell Ewan who suggested he meet with the Parks Committee. Charles added that he needs this first step before he meets with his Firefighters' board regarding total to be donated by them.

The Mayor directed the Parks Committee to further discuss this with Charles.

Dennis Nelson added that he learned of this today from Kelly Smith, and upon discussion, Kelly reminded him that the Fire Department was very frugal in FY15/16, and historically. The Budget Committee had been considering moving some of the savings in FY15/16 by the Fire Department toward their capital improvement fund.

Board Appointment: Headwaters Fair Board

Crystal Turner explained that Doug Pickering is moving away, so the Fair Board just informed the City that he has resigned from his position. The day after the last meeting the City received an application from Preston Hughes. Since the vacancies had been advertised for over one month already, Crystal recommended the Council appoint Mr. Hughes to the remainder of Mr. Pickering's term.

Teri Whitesitt stated that she had Preston, who goes by "Hoo-bee", as a student in her class while teaching at Willow Creek School. She felt he would be a valuable asset to the board.

Councilwoman Whitesitt would move to appoint Preston Hughes to the remainder of the term which would expire June 30, 2017. Councilman Chancellor seconded the motion. There was no public comment.

Motion Passed Unanimously.

PUBLIC COMMENTS/CONCERNS

There was no public comment.

MAYOR & COUNCIL ANNOUNCEMENTS

There were no Council announcements.

Mayor Hamilton reported on the upcoming weekend being the 70th Rodeo weekend in Three Forks, which includes the Fireman's Breakfast on Saturday morning, and the Chamber will be holding all sorts of fun throughout Saturday along Main Street.

AGENDA ITEMS FOR NEXT COUNCIL MEETING:

- i. Resolution to Adopt the Annexation Agreement with Legacy Enterprises for property known as 1600 Bench Road
- j. First Reading of an Ordinance Amending Title 5, Chapter 3, Sections 1 and 2 in Regards to Certain Types of Open Burning Prohibited

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- k. Application for Kennel License for Debra Saltzman at 323 W.
 Jefferson Street
- l. Approval of the DN Tanks contract

ADJOURNMENT

Mayor Hamilton asked if there was a motion to adjourn. Councilman Tharp
"so moved". Everyone seconded the motion in unison. There was no public
comment.

Motion passed unanimously. (7:49P.M.)

Steven B. Hamilton, Mayor

Crystal Turner, City Clerk

JULY 26, 2016, 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 2016.

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

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

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- xxxiii. Approval of FY2015/2016 claims totaling \$4,679.90
- xxxiv. Approval of FY2016/2017 Claims per List(s)
- xxxv. Approval of Meeting Minutes of June 28, and July 12, 2016
- xxxvi. Approval of Change Order #7 with Smith Contracting and Great
 West Engineering for the Wastewater Project to shutdown effective
 July 19, 2016 (\$0 change)

Mayor Hamilton stated that after a discussion with Fred Phillips of Great West Engineering, the Change Order will be edited to be effective July 1, 2016.

Mayor Hamilton asked if there was a motion to approve the consent agenda. Councilman Nelson "so moved" to approve the consent agenda. Councilwoman Smith seconded the motion. There was no public comment.

Motion passed unanimously.

PUBLIC HEARINGS

There are no public hearings tonight.

REPORT OF OFFICERS

Kelly Smith reported that the Montana League of Cities and Towns will hold its annual conference in Missoula on October 5-7, 2016. If anyone is interested, let Kelly know and she will take care of registrations and hotel accommodations.

Crystal Turner reported that the Local Government Luncheon will be hosted by the City of Bozeman this coming Thursday, July 28, 2016 at Bozeman City Hall. She asked if anyone would like to attend so she could RSVP. Dennis Nelson said that he would be able to attend.

REPORT OF COUNCIL COMMITTEES

Budget Committee - Would like to setup a meeting next Tuesday afternoon, August 2, 2016 to start working on the preliminary FY16/17 budget.

Parks Committee - George Cchancellor reported that he spoke with Charles Eastty regarding the park equipment donation. The firemen will meet tonight and have a monetary amount to George later this week.

Ordinance Committee - Met last Tuesday regarding codes not being enforced. The current code regarding the trailer parking issue is fine at 3 days,

but no one is being ticketed for it. They will try to meet with Susan Swimley and Sgt. Peterson, hopefully on August 23, 2016 at 6PM here at City hall. They are trying to figure out if the ordinance needs to be re-written or how to better enforce these parking violations. The Committee is also seeking an update on the status of the Code Enforcement volunteer. Mayor Hamilton stated that it was in Susan Swimley and Sgt. Peterson's "court" for now.

UNFINISHED BUSINESS

Wastewater Project

Mayor Hamilton reported they held a Wastewater Project Construction meeting today with Smith Contracting and Great West Engineering. There was a discrepancy of what "shutdown" means, and the City has informed Smith Contracting that during shutdown they do not have any reason to be onsite. Mayor Hamilton has directed Wendell Ewan to change the combination to the lock so that if anyone besides City staff needs to be onsite, they will need to request permission from City staff.

Dennis Nelson said that there are punch list items that need to be completed by Smith Contracting prior to the City filling the lagoons in order to properly install the covers. Mayor Hamilton said that he received a letter from Smith Contracting today stating that Steve Trbovich does not have any critical outstanding items that need to be completed at this time. Ed Tharp added that Smith Contracting has to complete pressure testing, move a meter and work on some logistics to transfer the SCADA equipment.

Water Project

Approval of contract with DN Tanks for interior elastomeric coating tank rehabilitation and new aluminum dome roof (\$267,838.11)

Mayor Hamilton introduced the contract, noting that this does not include the demolition work. Steve Johnston is seeking quotes for the demolition which may save the City money rather than having DN Tanks contract out the demolition work.

Dennis Nelson said that DN Tanks has quoted \$51,000 for the demolition if they subcontracted the demolition out. If the City can do it cheaper than that quote, we will save money.

Seeing no public comment or further discussion, Mayor Hamilton asked for a motion to approve the contract.

Councilman Nelson "so moved". Councilman Tharp seconded the motion. There was no public comment.

Motion Passed Unanimously.

NEW BUSINESS

Decision to determine "household" size for sewer rate charge for the Three Forks RV Campground, as per Section 9-7-1 of the City Code (Rick Lamb)

Kelly Smith asked how to setup the bill for this month, which would be printed and sent out this Friday, because the normal process is based on the "household size" and in this case the "household" may change from night to night. There was discussion regarding manually calculating the bill monthly. There was discussion regarding what six month window would be used to set the average sewer rate. George Chancellor suggested we ask Mr. Lamb what six months he intends to be open, and use the average of those six months' use to determine the sewer rate. Mayor Hamilton said he would meet with Rick to discuss that if the Council would like. Kelly reminded the Council that Mr. Lamb does not have to be open a continuous six months, but he cannot be open more than 180 days/year.

The Council suggested using the actual rate for the first month, because they were not sure if Mr. Lamb has all nine spaces or just one rented daily, or whatever the number may be on any given day. There was discussion regarding getting the space rental information from Mr. Lamb and averaging it out to determine the sewer rate every month. Dennis Nelson believed it should be set at a regular rate rather than his average of spaces filled. It should be set on the total of nine spaces available. Mayor Hamilton suggested tying it to actual water usage, until we have enough months to do an average. Kelly Smith said that we would have to manually change the sewer rate monthly to accomplish that, but it can be done.

Councilwoman Whitesitt moved to charge the sewer rate based on the actual water usage. Councilwoman Smith seconded the motion. There was no public comment.

Motion Passed Unanimously.

First Reading of an Ordinance Amending Title 5, Chapter 3, Sections 1 and 2 in Regards to Certain Types of Open Burning Prohibited

Mayor Hamilton read Ordinance #365-2016 into the record in its entirety. When comparing this ordinance to the existing ordinance, the Mayor noted that this change would allow burning in barrels, it adds "burning of household garbage, food waste, or discarded materials", it eliminates the

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need of a fire department burn permit since our department does not issue those, and defines a fire size for fires in a ring-type structure, and fires outside of any structure.

Public Comment: Crystal Turner wondered if the Council would define "discarded material" and gave the example that she burns newspaper and cardboard to get her camp fire ignited. The Committee did not want to encourage trash being burned, even though the items Crystal suggested are combustible material, there are recycle bins available in town for that type of material. The committee wanted to encourage that camp fires should be used for small yard waste and food cooking only, and not to burn items which could be recycled, but the intent is to allow newspaper and cardboard to be used to start fires.

Councilman Chancellor made a motion that we approve the first reading of ordinance #365-2016 amending Title 5, Chapter 3, Sections 1 and 2 of the Three Forks Code regarding certain types of burning prohibited.

Councilwoman Whitesitt seconded the motion. There was discussion regarding not being able to write a perfect ordinance. Crystal Turner said that she did not want to get a ticket for putting cardboard in a fire pit. Gloria Howland recanted a time when they had a fire pit at their home and a police officer came into the backyard to ensure it was safe. There were no further comments.

Motion Passed Unanimously.

PUBLIC COMMENTS/CONCERNS

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

MAYOR & COUNCIL ANNOUNCEMENTS

There were no Council announcements.

Mayor Hamilton reported that the benches will be installed at the tennis courts in Stevenson Park in the next two or three weeks.

AGENDA ITEMS FOR NEXT COUNCIL MEETING:

- m. Resolution to Adopt the Annexation Agreement with Legacy Enterprises for property known as 1600 Bench Road
- n. Application for Kennel License for Debra Saltzman at 323 W. Jefferson Street

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- o. Second Reading of Ordinance #365-2016 Amending Title 5, Chapter 3, Sections 1 and 2 in Regards to Certain Types of Opening Burning Prohibited

ADJOURNMENT

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

Motion passed unanimously. (7:47P.M.)

Steven B. Hamilton, Mayor

Crystal Turner, City Clerk

AUGUST 9, 2016, 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 2016.

PRESENT: Council members George Chancellor, Deb Mickelberry, Sharon Smith, Ed Tharp and Dennis Nelson. Teri Whitesitt was excused. Also present were City Treasurer Kelly Smith and City Clerk Crystal Turner. City Attorney Susan Swimley was also excused and will be present at the 8/23/16 meeting.

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, Joe Diaz, Richard Shanahan, Michelle Palo, Jeri Widmer, Jon and Christina Kamps, Patricia Palo, Barbara Ross, Robert Ross and Jon Ross.

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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

xxxvii. Approval of Claim paid to mail utility bills in the amount
 of \$159.22

xxxviii. Approval of Claims per List(s)

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 a Resolution to Amend the FY2015/2016
Budget to Acknowledge Unanticipated Revenues Received and to Amend
Expenditures that have Exceeded Original Appropriations**

Mayor Hamilton read the resolution into the record in its entirety. He explained that this was pretty basic and we received more money than we anticipated, and spent more in certain accounts, but overall we spent around \$14,000 less than we had budgeted.

There was no public comment.

Dennis Nelson thanked all the departments for staying within and/or under budget. He added that the Budget Committee thanks the Fire Department profusely for \$14,000 in savings. The committee is really surprised and pleased with the final budget of the Library because we anticipated it being around \$6,000 over budget because of the unforeseen retirement of Mrs. Kramer. In reality, the Library was very frugal the remainder of the fiscal year and ended up being around \$1,500 over the original budget. The committee has proposed taking about \$2,500 of the Fire Department's overall savings of \$7,300 and rolling it into their capital improvement fund, as well as giving them a few items they have requested in this year's budget.

Councilman Chancellor moved to approve Resolution #253-2016, a resolution of the City Council of the City of Three Forks providing for the amendment the FY2015/2016 budget. Councilman Tharp seconded the motion. There was no public comment or any further board discussion.

Motion Passed Unanimously.

Public Hearing and Decision on a Resolution for the Purpose of Presenting and Discussion the First Preliminary Budget Hearing for FY2016/2017

Mayor Hamilton read the resolution into the record in its entirety. He did not read the exhibit (Accounting software breakdowns of budget) into the record, but explained the Budget Committee, he and the clerks have been working on it for a few weeks fine tuning each department.

Dennis Nelson stated that they will hold another budget committee meeting on August 11th at 2PM to finalize some of Kelly and Crystal's requests for clarification. The Budget Committee had not initially factored any raises into the budget and has since then asked Kelly to pencil in a 2% increase. Kelly reported that there is excess in the G.O. Bond and SID revolving funds, and that the City will be receiving more in State Entitlement than we had received last year so the Committee will need to look at where they wish to budget for that. Kelly suggested that the City could put the extra entitlement to the Fire Relief Agency to help fully fund that deficiency. The Fire Relief Fund was "sold" to the public as a 10-year bond which would sunset, however that it not the way it was worded on the ballot and it was passed by the voters as a perpetual mill. She added they also should consider the breakdown of Local Option Tax, and how to split interest received on our checking account. Denny added that the Budget Committee will look through and discuss these with hopes of finalizing their recommendation so that Kelly and Crystal can finalize the budget, especially for the Special Improvement Districts, so they can get numbers to Gallatin County. Kelly Smith added that the City received their tax assessed value from the Department of Revenue, and that shows each mill valued roughly \$200 higher than last year. Denny reminded the Council that the City will be entering into the fourth year of the 5-year contract with Gallatin County Sheriff Office and so we can remain in budget for law enforcement, and the City Attorney came in about \$2,000 under her budget. He asked for the Council to come in and review the printouts of the preliminary budget so that they can provide input prior to the next meeting.

Councilwoman Smith would like to motion to approve Resolution #254-2016, a resolution of intent of the City of Three Forks, Montana, adopting the fiscal year 2016-2017 preliminary budget. Councilman Nelson seconded the motion. There was no public comment.

Motion Passed Unanimously.

Second Reading of an Ordinance #365-2016 Amending Title 5, Chapter 3, Sections 1 and 2 in Regards to Certain Types of Open Burning

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Mayor Hamilton read the ordinance into the record in its entirety. He recapped the changes from the original ordinance as was done at the July 26th public hearing. There was no Council discussion, nor public comment.

Councilman Nelson moved to approve Ordinance #365-2016 amending Sections 1 and 2 of the Three Forks Code regarding certain types of burning prohibited. Councilman Chancellor seconded the motion. There was no public comment.

Motion Passed Unanimously.

REPORT OF OFFICERS

Kelly Smith reported that Precision Concrete came to Three Forks and provided a demonstration in front of 123 Main Street to remove a 1-inch trip hazard on the sidewalk. They charge between \$75-100 for what they removed at 123 Main Street. The company does not wish to contract separately with individual property owners, but if the City would administer it they are hoping the City would contract with them to do the work city-wide.

She also reported that she will have everything to Craig Shepherd to perform the Annual Financial Report by tomorrow.

Crystal Turner reported on the Regional Training, mostly to discuss 2016 Legislative Session topics, held around the state. In September there are three locally if anyone is interested in attending. George Chancellor can no longer make it. (Crystal will inform LGS to remove his registration.)

REPORT OF COUNCIL COMMITTEES

Budget Committee will meet on 8/11/2016 at 2PM here at City Hall.

UNFINISHED BUSINESS

Wastewater Project

Mayor Hamilton introduced the SRF draw.

Councilman Nelson moved to approve to the Mayor to sign off of Draw #17 in the amount of \$64,633.00 Councilwoman Smith seconded the motion. There was no public comment.

Motion Passed Unanimously.

WRDA Draw #3 in the amount of \$1,692.38

Mayor Hamilton introduced the WRDA draw.

Councilwoman Smith moved to approve the Mayor's signature on that WRDA Draw #3 in the amount of \$1,692.38. Councilman Tharp seconded the motion. There was no public comment.

Motion Passed Unanimously.

Water Project

The City is still waiting for a demolition quote from Roadarmel Construction. Kelly called them today and they said they would give us a quote by next week, and once received Kelly or Steve Johnston will get that to Joel Pilcher at Great West Engineering.

NEW BUSINESS

Request for Consideration of Alternate Average of Sewer Rate for Three Rivers Car Wash

Mayor Hamilton explained that the Council has in their packet a letter from Mr. & Mrs. Kamps. Christina Kamps stated she cannot believe a year has gone by already, and they do not have any new circumstances to take under consideration and are requesting the Council consider the same agreement as last year and possibly for longer than one year.

Dennis Nelson would like to propose to extend the existing agreement for one more year, and give the Kamps a chance to get their financials together to present two year's worth of information. The City would look at that and two years of usage to meet again with the Kamps' in the spring of 2017 to renegotiate and have it ready before the July averages go into effect in 2017. The Mayor asked for clarification if Mr. Nelson's suggestion is to have the Kamps meet with the Water & Sewer Committee or the full Council.

Councilman Nelson made a motion to extend the existing sewer agreement with the Kamps for the Three Rivers Car Wash, retroactive to July 1, 2016, to be reviewed sometime in May 2017 and review the usage and the rates and renegotiate the rates. Councilman Tharp seconded the motion. There was no public comment. Mayor Hamilton asked Crystal to setup a reminder in May 2017 to have the Water & Sewer Committee meet with the Kamps.

Motion Passed Unanimously.

Decision to Determine the Number of Parking Spaces Acceptable for the Joe Diaz Boxing Gym, as Gyms are not defined in Section 11-13-5 (off street parking) of the City Code

Joe Diaz introduced himself and mentioned he recently learned that he and the Three Rivers Medical Clinic share patients. He introduced Michelle Palo of the Three Rivers Medical Clinic.

Michelle Palo, read a letter of support into the record signed by herself and Kristin Johnson (owner and Nurse Practitioner at Three Rivers Medical Clinic).

Public Comment: Barbara Ross works with dementia patients, and states that Mr. Diaz comes to Park Haven to help the residents there. Her sons also attend Joe's gym and she has witnessed their self esteem greatly improve as well as their fitness level. At Park Haven all the residents are excited when Joe is coming - they have improved mobility (no more shuffled walking), and many can raise arms above their head. She thanked Joe for coming to the community for helping everyone all the way around.

Richard Shanahan, Shanahan Architects, spoke regarding how they would move the proposed handicapped parking space to be on Main Street which provides better access to the proposed facility. It also frees up more space in the rear of the proposed building and be able to have two more parking spaces than originally proposed, for a total of nine off street parking spaces behind the facility.

Mayor Hamilton read Kelly Smith's staff memo into the record.

There was no other public comment.

Dennis Nelson said that he does not have any problems with this, and Ralph Johnson has provided his recommendation agreeing with Kelly Smith's suggestion. This is a City Council decision and he thinks this will work well. Ed Tharp, Sharon Smith, and Deb Mickelberry agreed.

Councilman Chancellor made a motion to approve the proposed 9 off street parking spaces for Joe Diaz Boxing Gym, for a 3,500 total square foot building, pending all State of Montana permits being provided to the City of Three Forks. Councilwoman Smith seconded the motion. Public Comment - Jon Kamps stated he is not in boxing but his son is in wrestling and the mentality of the training is similar. "It is really great for the kids and it mellows them out," he stated. Jeri Widmer added, "It mellows us all out!" (The room laughed.)

Board Appointments: Board of Adjustments

Mayor Hamilton read the Board Appointment Memo into the record.

Kelly Smith stated that she felt Gloria Howland would be a good fit because she is interested in the happenings of the City, and she attends a lot of City meetings. Mayor Hamilton added that he appreciates she is an independent thinker and felt she would be a good addition to the Board.

Councilwoman Smith motioned to approve. Councilman Chancellor seconded the motion. There was no further discussion.

Motion Passed Unanimously.

PUBLIC COMMENTS/CONCERNS

There were no public comments on items not the agenda.

MAYOR & COUNCIL ANNOUNCEMENTS

George Chancellor spoke with Charles Eastty this week and the Firefighters Association would like to donate \$1,000 toward a park that would be fire related in memory of Chief Todd Rummel, and that they hope to have another \$4,000 in donations. Dennis Nelson asked if this fire-themed park would be fully based on donations or how else they planned to fund the balance of any park equipment. Mayor Hamilton added that he believed that would be a good discussion with the Budget Committee.

Mayor Hamilton reported school starts pretty quick and told everyone to enjoy the rest of summer while it lasts.

AGENDA ITEMS FOR NEXT COUNCIL MEETING:

- p. Resolution to Adopt the Annexation Agreement with Legacy Enterprises for property known as 1600 Bench Road
- q. Application for Kennel License for Debra Saltzman at 323 W. Jefferson Street
- r. Resolution to Adopt the Mills for FY2016/2017
- s. Resolution Levying the Assessments for Street Maintenance District #1
- t. Resolution Levying the Assessment for Street Maintenance District #2
- u. Resolution Levying the Costs for Street Lighting District #1

ADJOURNMENT

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

Motion passed unanimously. (8:02P.M.)

Steven B. Hamilton, Mayor

Crystal Turner, City Clerk

AUGUST 23, 2016, 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 2016.

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

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, Kelly Bugland, and Christina Kamps.

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 per Lists(s)
- b) Approval of Meeting Minutes of July 26th and August 9th, 2016.
- c) Approval of Three Forks Rodeo Grounds Board (Fair Board) Meeting
Minutes from June 6th and June 20th, 2016.

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- d) Approval of Three Forks Zoning & Planning Board Meeting Minutes from June 16, 2016.
- e) Craig Shepherd Engagement Letter to prepare the Annual Financial Report for the year ended June 30, 2016, for \$3,500.
- f) Approval of Change Order #8 with Great West Engineering and Smith Contracting to Resume on 8/8/16 and work until 8/11/16 (No \$0).
- g) Approval of Change Order #9 with Great West Engineering and Smith Contracting to Resume on 8/22/16 and work only that day (No \$0).

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

Motion Passed Unanimously.

PUBLIC HEARINGS

Resolution Adopting the Annexation Agreement with Legacy Enterprises for Property Known as 1600 Bench Road

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

Susan Swimley explained that she recommends the Council move forward with public hearing of the annexation but not execute the resolution yet as the signed copies from Legacy Enterprises have not yet been received. She has worked with the City engineer to determine the cash in lieu of water rights, and she has spoken with James Tracy of Legacy Enterprises who stated on the phone today he is in full agreement and has signed all documents. He will put two copies in the mail as soon as possible.

Councilman Chancellor made a motion to table Resolution #255-2016 until our next City Council meeting. Councilman Tharp seconded the motion.

Kelly Smith asked regarding annexation and if the property would be on this year's tax roll for Street Lighting and Street Maintenance districts. Susan responded that once the annexation is final, and if the City could get the information to the County Treasurer to be included on the tax rolls for this year, it would be acceptable to tax for the upcoming tax bills. Crystal Turner asked about the "Consent and Agreement for Street Lighting District", but a "Waiver of RSID" and "...SID" - do they mean the same as agreeing to being included in the street maintenance district? Susan stated yes.

Motion Passed Unanimously.

Public Hearing and Decision on the Approval of an Application for Conditional Use Permit by Christina Kamps to add a single family residential apartment (2nd floor) in the Central Business District

Councilman Chancellor, and liaison to the Zoning & Planning Board, recapped the staff report written by Planner Ralph Johnson. He read the "conclusion" which included a recommendation for approval, into the record.

Mayor Hamilton asked if the applicant, Christina Kamps, had anything to add. (She did not have any additional comments.)

There was no public comment.

Councilman Tharp made a motion to approve the conditional use permit for Christina Kamps. Councilwoman Whitesitt seconded the motion. There was no further public comment or board discussion.

Motion Passed Unanimously.

Public Hearing and Decision on the Approval of an Application for Conditional Use Permit by Walter & Karen Redman to convert the space above their garage to a single family residence in the Residential District

Councilman Chancellor recapped the 12-point test staff report written by Planner Ralph Johnson. He read the "conclusion" which included a recommendation for approval, into the record.

Mayor Hamilton noted the applicant was not present tonight. He asked for public comment.

Public Comment: Kelly Bugland commented that she believed this unit has already been converted and that there are people already occupying the garage. Kelly Smith stated that she was unsure if someone was living in there yet, but noticed there is an air conditioning unit in the upstairs window, and extra vehicles parked in the driveway. George Chancellor asked if water and sewer was hooked up to the garage. Kelly replied it may be connected illegally; Randy Johnston visited a few months' ago and there were no connections at that time, but she cannot attest to the fact there are no connections at this time. Kelly recommended that the Council add a condition regarding the requirement to pay impact fees for the additional unit (noting that the Kamps were not required to pay since this was an existing residence). Susan Swimley suggested that the Council add the condition that the applicant must pay impact fees, and take all the necessary steps to properly connect to city water and sewer, and then if approved the City has a way to enforce those conditions. Kelly Bugland

stated that according to Montana Law, the property owner is required to provide services like water and sewer to a tenant.

Councilwoman Mickelberry moved to approve the conditional use permit for Walter and Karen Redman, with the condition that the impact fees are paid and the water and sewer is properly hooked up, and that it will not be rented out until all the conditions are met. Councilman Tharp seconded the motion. Board discussion regarding how to determine the property is rented out or not. Sgt. Peterson asked the terminology should be edited from "rented out" to "occupied"?

Councilwoman Mickelberry changed her motion from "rented" to "occupy". Councilman Tharp agreed to the changes with his second. Teri Whitesitt asked what the City would do if there is family living in there. Susan Swimley stated that she would be investigating this. George Chancellor stated that it should not be occupied before there is a permit. There was no further board discussion, or public comment.

Motion Passed 4:1. (Councilman Chancellor opposed.)

Resolution Adopting and Establishing the Mills to be Levied; Designating the Percentage Breakdown for the State of Montana Entitlement Share; and Designating the Breakdown for the Local Option Tax for the Fiscal Year Beginning July 1, 2016 and ending June 30, 2017

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

Kelly Smith added that the G.O. Bond 2008 Fire Truck this will be the last year we will tax it, as we will pay it off this year (one year early). The Fire Relief Association will be receiving more of the State Entitlement money, as per the Budget Committee and Mayor recommendation, so that we can help that become closer to fully funded, and the Local Option Tax which will have the same percentage as last year.

There were no Council questions, nor public comment.

Councilwoman Smith motioned to approve Resolution #256-2016, a resolution of the Three Forks City Council adopting and establishing the mills to be levied; designating the percentage breakdown for the State of Montana Entitlement Share; and designating the breakdown for the Local Option Tax for the fiscal year beginning July 1, 2016 and ending June 30, 2017. Councilman Chancellor seconded the motion. There were no Council comments.

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Public Comment: Robert Dobell stated that knowing the time consumed to draft a budget he wanted to express his appreciation to all those involved.

Motion Passed Unanimously.

Mayor Hamilton reported that items VII.d), e), and f), will be moved to the September 13, 2016, agenda as we do not have the final numbers from the Gallatin County Treasurer.

REPORT OF OFFICERS

Kelly Smith reported on the Local Government Luncheon this Friday. She also reported to set the record straight from last month's SRF draw (which was approved as \$64,633) - there was an error on Great West Engineering's invoice and so the City owed them less. Essentially, the draw request was higher than what the City needed to pay out.

Crystal Turner reported if the Council wished her or Kelly to attend the Local Government Luncheon, in their absence, to just let them know. She also reported on the resignation of the Fire Department Secretary, Christine Pastrama, tendered this morning. She will begin the advertisement for hiring a replacement.

Susan Swimley reported that she continues to meet with Sgt. Peterson on enforcement and getting rid of some abandoned vehicles. She is still waiting for a date to mediate with Smith Construction. She also met with the Ordinance Committee tonight to discuss parking violations and camping/living in recreational vehicles.

Kelly added that on September 21, 2016 FEMA will be in Three Forks to discuss floodplain. It is a Town Hall open meeting and will be held at the Methodist Church Annex at 7PM.

Sgt. Peterson did not have anything to report.

Teri Whitesitt asked for the status of the Code Enforcement volunteer, since all parties involved were present. Sgt. Peterson said one year ago he was really excited about having a volunteer, but now that he has more help in the dayshift he believes it is going to be more of a headache for the City. Mrs. Swimley added that she reviewed other volunteer programs, and there are true programs for a group of volunteers and not just one

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person enforcing rules around town. Background checks, training, and application programs would all need to be part of the program.

REPORT OF COUNCIL COMMITTEES

Ordinance Committee - Teri Whitesitt reported that they met tonight regarding their ongoing struggle with the parking ordinances and enforcement. They have decided to remove the maximum of 72-hours parking on public streets/thoroughfares for a trial period of one year and see if there are any public disagreements with that change.

Public Comment: Robert Dobell spoke regarding his appreciation of the existing parking ordinance. He owns boats and trailers and parks them in a storage building and appreciates those who follow the laws. He would like to see the existing law enforced since it is not impracticable to adhere to the law as written.

Water/Sewer Committee - Ed Tharp reported that the Committee will hopefully be reviewing a quote from Roadarmel Construction regarding the demolition of the existing tank for the Water Project. If they do not have a quote by next week then we will alert DN Tanks and let them know to move forward with the demolition.

UNFINISHED BUSINESS

Wastewater Project

Mayor Hamilton reiterated Susan's report on waiting for a date to set a mediation meeting with Smith Contracting. We are also waiting for the LEMNA projects. He added that the Council approved two change orders tonight - which essentially are just to do specific tasks they are responsible for in the project during the time they have requested shutdown. These tasks were to be completed and the project re-shutdown immediately after each completion.

Water Project

Mayor Hamilton stated you heard Ed's update on the water project.

NEW BUSINESS

Approval of Request to Allow the Three Forks School's Homecoming Parade down Main Street on September 9, 2016, Including a Bonfire at the School the evening of September 8, 2016

Three Forks School Superintendent Robert Dobell stated that he has discussed with Fire Chief Aune regarding the burn restrictions, and they are comfortable with removing the bonfire request due to the high fire danger. The Council and Mayor reminded Mr. Dobell that the fire restrictions imposed by the County Commission do not regulate what occurs within the City limits. Mr. Dobell did not want to go against the City Fire Chief's recommendation though, but would keep in contact with him if weather changed. The school has put its permit request in for the parade down Main Street, which has been approved by the State.

Councilwoman Whitesitt moved that we approve homecoming with the bonfire if it is approved by Chief Aune, and proceed with the parade. Councilman Tharp seconded the motion. Sgt. Peterson asked what time the parade would start, and Mr. Dobell responded 3PM. There were no further comments.

Motion Passed Unanimously.

Application for Kennel License for Debra Saltzman at 323 W. Jefferson Street

Mayor Hamilton stated that the Council has the application, the applicant's written comments, and Sgt. Peterson's report on his investigation of the site. Teri Whitesitt asked if this person came forward on their own or was turned in as a violation? Susan Swimley replied that the City is dealing with an enforcement issue as well. Ed Tharp asked how the neighbors were - if they were supportive or not. Sgt. Peterson said the applicant lives on a corner lot and no neighbors have complained to him. Deb Mickelberry asked if it would be enforceable to limit the number of dogs when/if an animal passed away. There was discussion regarding if this was enforceable as "kennel" is not defined with any set number of dogs. Gloria Howland stated in public comments that she had seen eight dogs in the yard, in the past. There was Council discussion regarding health of this many animals. Susan Swimley asked Sgt. Peterson if he felt compelled to call in animal control when he visited the site. He responded no, he did not feel compelled to call and have the animals taken away. Ed Tharp asked if there was time to table this and see if there were more violations. Crystal Turner suggested the Council not table it, as it has been going on for some time already. Susan Swimley added that this is part of the enforcement of bringing the property into compliance - the applicant had a deadline which has past and the City needs to make a decision on the existing ordinance which does not state a number of dogs limited other than a kennel is "more than three dogs". George Chancellor respectfully submitted that these are six small dogs, they do not look mange-y from the pictures, and we may not know how often the applicant cruises the yard with the "pooper scoopers" but we

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have not received any complaints. Teri Whitesitt asked George if he cared if dogs were replaced that passed away or moved away? There was discussion regarding conditions to limiting the number of dogs, spaying and neutering, and licensing the animals prior to issuing a kennel license.

Councilman Chancellor made a motion that we approve the kennel license for Debra A. Saltzman at 323 W. Jefferson, with the stipulation that when her dogs die or decrease in number by moving away, that she may have no more than four dogs. Councilwoman Whitesitt seconded the motion. Susan Swimley asked if the motion also was conditional upon licensing the dogs. Councilman Chancellor agreed to amend his motion to include that. There was a lot of discussion regarding limiting the number of dogs and how to enforce if one does not comply, as well as if the Council could revoke a license.

Public Comment: Kelly Bugland said that when she licensed her animals in Maryland she was required to provide a picture, which matched up with the license and suggested this be a way to enforce the licensed dog and not just a replacement.

Motion Passed Unanimously.

PUBLIC COMMENTS/CONCERNS

Kelly Bugland asked what the City's stance was on people living in campers around town. Teri Whitesitt responded that the Ordinance Committee also discussed that at their meeting tonight and they will redraft the ordinance as currently written so that one could only occupy a camper for 72 hours.

MAYOR & COUNCIL ANNOUNCEMENTS

There were no Council reports.

Mayor Hamilton reminded everyone that school starts tomorrow and you will see lots of kids out and about on bikes and walking so be ware while you are driving. He thanked Deb Mickelberry for First Security Bank's sign regarding "back to school" as well.

AGENDA ITEMS FOR NEXT COUNCIL MEETING:

- v. Public Hearing and Decision on a Resolution to Adopt the Final Budget for FY2016/2017

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- w. Public Hearing and Decision on a Resolution Levying the Assessments for Street Maintenance District #1
- x. Public Hearing and Decision on a Resolution Levying the Assessment for Street Maintenance District #2
- y. Public Hearing and Decision on a Resolution Levying the Costs for Street Lighting District #1

ADJOURNMENT

Councilwoman Whitesitt moved we adjourn. Councilwoman Mickelberry seconded the motion. There was no public comment.

Motion passed unanimously. (8:20P.M.)

Steven B. Hamilton, Mayor

Crystal Turner, City Clerk

SEPTEMBER 13, 2016, 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 2016.

PRESENT: Council members George Chancellor, Teri Whitesitt, Sharon Smith, Ed Tharp, and Dennis Nelson. Deb Mickelberry was absent tonight due to a new grandbaby and the Mayor congratulated the family. Also present were 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 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 and Jared Brown.

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

Jared Brown stated that he wanted to thank the Council - he is working on projects in town and has felt a lot of frustration while trying to complete them. He believes he speaks not just for himself but also for others in the room - we have worked through difficulties and there are a lot of contradictory ordinances, and a lot of things that are not well understood by the general public or the City staff. How do we streamline everything? How do we better understand the regulations? He has more projects in the future and wants to try to figure out how to implement the regulations, make them easier to understand, and easier to follow. The Gallatin Valley has a ton going on and he thinks we may be holding ourselves back a little bit by having so many regulations. He does not know the answers but would like to start a discussion on making things easier for developers to come in - not to make this a large city like Bozeman but to still allow growth.

Dennis Nelson thanked Mr. Brown for his comments and understands the frustration on the ordinances - he has refused to sit on the ordinance committee because it has always seemed that the Council writes ordinances that cannot be enforced.

Teri Whitesitt responded regarding the last two years of listening to the public and have working hard to update things like "buggies" and "wards" and trying to clear up the existing ordinances.

Mayor Hamilton stated that Kelly Smith came up with the idea of a City Planner/City Engineer/Floodplain administrator a person who wears just these hats and is an expert at these regulations, to sit down and meet with the applicant and go over their specific project. Mayor Hamilton and Jared Brown talked about a checklist of items to complete for various projects.

Susan Swimley commented regarding working on major ordinance changes, but admitted that we have not addressed anything in the building section of the Three Forks Code.

Gloria Howland suggested that if Jared Brown sat in on some of the Ordinance Committee meetings he may get a better idea of what the Council does in those meetings, and be able to provide input on any changes.

Mayor Hamilton introduced the Consent Agenda.

CONSENT AGENDA

- xxxix. Approval of Claims paid due to timeliness to submit conference registration for Judge Drusch and to mail Utility Bills totaling \$459.26
- xl. Approval of Claims per List(s)
- xli.** Approval of Meeting Minutes from August 23, 2016
- xl ii.** Approval of Change Order #1 of the Water Project contract with DN Tanks to provide demolition of the old tank [roof] and new aluminum dome roof in the amount of \$52,124.90
- xl iii.** Approval of contract with Gallatin County for the Three Forks Library to operate as a city-county free library in the amount of \$57,020 for Fiscal Year 2016-2017

Dennis Nelson suggested adding the word "roof" in the DN Tank change order consent agenda item. Crystal Turner replied that the change order document does include the word "roof" but she would add it to the minutes.

Councilman Chancellor made a motion 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 Resolution Adopting the Fiscal Year 2016-2017 Budget

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

Kelly Smith stated that Gene Townsend was granted a \$15,000 grant for maintenance which we learned about after printing this resolution, so the Fund #2957 "Headwaters Trail Project" total expenditures is amended to \$31,517. (Crystal Turner will make the change and reprint one resolution for the Mayor's signature upon passage of the resolution.)

Dennis Nelson thanked Kelly Smith and Crystal Turner for "hawkeye-ing" the expenditures, and the Mayor for the input on the budget. The Budget Committee has budgeted more funds for Parks, and for Park Trees this year. He is very thankful for Kelly Smith setting up the "Other Unallocated Costs" accounts in all funds that would be affected if all employees were to leave this year, this account would pay out the accrued vacation and sick time to each employee.

Kelly added that Fund #2392 "CBG Local Source EECDBG State" has not been used in quite some time and she has the remaining funds in the account set to be spent so that we can close this account out. She will research the grant the funds came from to ensure we spend them on approved expenditures.

Councilwoman Smith moved to approve Resolution #257-2016 a resolution of the Three Forks City Council adopting the fiscal year 2016-2017 budget. Councilman Tharp seconded the motion. The Mayor thanked the budget committee for all their hard work.

Motion Passed Unanimously.

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

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

Crystal Turner questioned the on-call weekend duty for the Water Superintendent and Street Superintendent, and if a rotating schedule would be considered now that one employee is moving outside city limits. Since two employees would now live outside city limits of the three available, perhaps all three could rotate. Mayor Hamilton explained this conversation has not taken place yet with the staff. She also asked Mrs. Swimley why this is the only resolution which has all council members signing as well. Susan responded that it was probably just historically done this way but that it was not necessary. (Crystal removed the Council member page of signatures.)

Dennis Nelson stated that the City experienced a 7% health insurance increase this year. The Budget Committee approached all the employees and asked the input of preference of a raise or the city covering the health insurance increase? All employees stated they wished the city to cover the health insurance increase if only one option could be chosen. He states this for the Council, or future Councils, to consider that at some point the city will need to consider a cost-share program for health insurance. (The employees currently pay 10% and the City pays 90% of the health insurance premiums.)

Councilman Chancellor made a motion that we approve Resolution #258-2016 a resolution of the Three Forks City Council establishing the wages and compensation for the appointed City of Three Forks Officers and employees. Councilwoman Whitesitt seconded the motion.

Motion Passed Unanimously.

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

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

Jared Brown questioned why the City adopted a[n expenditure] budget of \$111,000 for Street Maintenance #1 but only going to tax \$44,000. Kelly Smith explained that we only tax roughly \$44,000 each year and that money accrues until it reaches enough to pay for a chip-seal, or other street maintenance project.

Councilwoman Smith motioned to approve Resolution #259-2016 a resolution of the Three Forks City Council adopting and levying the assessments for the 2016-2017 Street Maintenance District Number 1, a total of \$44,994.09. Councilman Tharp seconded the motion.

There were no objections.

Motion Passed Unanimously.

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

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

Councilwoman Whitesitt moved to pass Resolution #260-2016, a resolution of the Three Forks City Council adopting and levying the assessments for the 2016-2017 Street Maintenance District Number 2 (Ridge View Subdivision), in the amount of \$3,275.03. Councilwoman Smith seconded the motion.

There were no objections.

Motion Passed Unanimously.

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

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

Teri Whitesitt questioned regarding different dollar amounts in this resolution for what we planned the cost to be versus what we plan to tax.

Councilman Chancellor made a motion to approve Resolution #261-2016 a resolution of the Three Forks City Council adopting and levying the assessments for the 2016-2017 Street Lighting District #1, in the amount of \$34,006.73. Councilwoman Smith seconded the motion. There was no public comment, nor objections.

Motion Passed Unanimously.

REPORT OF OFFICERS

City Treasurer Kelly Smith reminded all present of the FEMA Town Hall meeting next Wednesday, September 21, 2016. Marijo Brady has requested to meet with the Council at 5PM prior to the meeting. The Council requested the time be amended until 5:30. Crystal Turner asked if there would be a quorum present of the Council so that she can post the meeting. Susan Swimley reminded everyone that it is a public meeting and the public is welcomed to attend. Mayor Hamilton has invited staff from Sen. Tester's office, Sen. Zinke's office, and Walt Sales (candidate for House District 69).

City Clerk Crystal Turner reported that MMIA is seeking interested parties to sit on the Board of Directors. To be eligible you must be an elected official, and seats are available for towns/cities with populations less than 20,000. The term would be for two years, and the board meets roughly 5-6 times per year. If anyone is interested, please let Crystal know by September 15, 2016. She also reported that Mrs. Fairhurst has requested a synopsis of the meetings be written up and sent to the newspapers, or some other means of informing the public of what takes place at the Council meetings. There was discussion regarding videoing the meetings again and making the videos available on youtube and linked to our website when the website gets redone.

City Attorney Susan Swimley reported that she attended the Board of Adjustment meeting for a variance to the floodplain policy requested by Jared Brown on behalf of the Folkvord Project. She has worked with Kelly on floodplain enforcement and interpretation of various issues, as well as a process to meet conditional use permit conditions. Susan has also worked with Crystal Turner on finalizing ordinances. She continues diligently to check in with Smith Contracting's attorney on a date for mediation. Dennis Nelson asked if there was any way to get the mediation finalized soon; he is worried that winter will be here and the project should be done by then and we still will not have met to mediate this issue.

REPORT OF COUNCIL COMMITTEES

There were no committee reports.

UNFINISHED BUSINESS

Public Hearing and Decision on Resolution #255-2016 Adopting the Annexation Agreement with Legacy Enterprises for Property Known as 1600 Bench Road

Mayor Hamilton stated he would not be reading this resolution into the record again, as it has been read multiple times at previous hearings.

Councilwoman Smith motioned to approve Resolution #255-2016, a resolution to annex and incorporate within the boundaries of the City of Three Forks Montana, a tract of land commonly referred to as 1600 Bench Road.

Councilwoman Whitesitt seconded the motion. There was no public comment.
Motion Passed Unanimously.

Crystal Turner explained that the next step is to read an ordinance amending the city limits, in metes and bounds terms. She is working with Brent Miller to define the legal description for the entire city.

Wastewater Project

a) SRF Draw #18 in the amount of \$75,729.00

Mayor Hamilton introduced the draw.

b) WRDA Draw #3 in the amount of \$1,565.81

Mayor Hamilton introduced the draw.

Councilman Nelson moved to approve we allow the Mayor to sign the SRF Draw #18 in the amount of \$75,729 and the WRDA Draw #3 in the amount of \$1,565.81. Councilwoman Smith seconded the motion. There was no public comment.

Motion Passed Unanimously.

Water Project

Kelly Smith reported that the live tap at 10AM will occur into the 10-inch water main line on Wednesday, September 14th. Denny Nelson added that there was damage to an air vent in the Headworks building which was most likely delivered damaged or damaged during installation. Either way, it is not working so the contractors plan to exchange the vent hood. Kelly added that all the parts to perform this step have been submitted to Great West Engineering to be included in an upcoming water project draw.

NEW BUSINESS

There was no new business.

PUBLIC COMMENTS/CONCERNS

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

MAYOR & COUNCIL ANNOUNCEMENTS

There were no Council reports.

Mayor Hamilton stated he attended the Whitehall Council meeting. He has friends who live over there who had asked him to attend one and share his comments. The meeting was three hours and he noted that no one talked to each other except to shout and yell at each other. He was disappointed at what he saw there, and thankful for what we have here. The public seemed afraid to talk. He believes there are a lot of issues adding to the atmosphere in Whitehall but he knows that we do not have those issues in Three Forks because we respectfully discuss and address our differences.

AGENDA ITEMS FOR NEXT COUNCIL MEETING:

- County Commission Presentation of Law & Justice Center Building Improvement which is on the November 2016 ballot (Commissioner Skinner)
- Public Hearing and Decision on a First Reading of an Ordinance Providing Approval to add Mini Warehouses / Self Storage Units to the Three Forks Zoning Regulations
- Public Hearing and Decision on the First Reading of an Ordinance Amending Title 11, Zoning Regulations, of the Three Forks Municipal Code to Incorporate Mini-warehouse/Self-storage Units as Permitted and Conditionally Permitted Uses into the Neighborhood Highway and General Industrial Districts
- Approval of Impact Fee Payment Agreement for 203 W. Front Street

Crystal Turner commented that she has other ordinance changes and if she receives attorney approval to how they are written, and if we can advertise them in the paper in time for the next meeting that there will be more first reading of ordinances added to the next agenda.

ADJOURNMENT

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

Motion Passed Unanimously. (8:17P.M.)

Steven B. Hamilton, Mayor

Crystal Turner, City Clerk

SEPTEMBER 27, 2016, 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 2016.

PRESENT: Council members George Chancellor, Deb Mickelberry, Teri Whitesitt, Sharon Smith, Ed Tharp, and Dennis Nelson. Also present were 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: Gloria Howland, Gallatin County Attorney Marty Lambert, Gallatin County Commissioner Joe Skinner, Gallatin County Administrator Jim Doar, Gallatin County Sherriff Brian Gootkin, and Kelly Bugland. Matt Bugland arrived roughly 7:30PM.

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

CONSENT AGENDA

- a) Approval of Claims per List(s)
- b) Approval of Meeting Minutes from September 13, 2016
- c) Approval of Change Order #10 for 70-lineal feet of chain link fence in the amount of \$1,837.50

The Mayor asked if there is anyone who wished to pull any consent agenda item.

Deb Mickelberry asked about the Mountain View Montessori School claim #144223 and what it was. Mayor Hamilton tried to explain but stated he was unsure of the details; he knew the City and McLean Plumbing were working on repairs. Kelly Smith further explained that there was a water leak which the Water Department was repairing but did not notify the tenant and she was teaching school, she was unable to continue due to the repair work - losses to the school were snacks, finding alternate care for the children, and cleaning costs.

Councilman Nelson made a motion to approve the consent agenda.

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

Motion Passed Unanimously.

NEW BUSINESS

County Commission Presentation of Law & Justice Center Building Improvement which is on the November 2016 ballot

Commissioner Skinner said that the current Law & Justice (L&J) Center was purchased about 1976, which was an old school. It was remodeled back then, and worked well until 1994, when it had a fire and had to be remodeled again. It was remodeled with the intention of [the City of] Bozeman moving in after the remodel, and about a few years ago we ran out of space. "We've just outgrown it." In 2011, the City of Bozeman was in such dire straights for room, they purchased some land and hoped to do something cooperatively with the County. For several years we tried to plan something together but it never made it to fruition. The City went out on their own, and pushed [the bond approval of] the Rouse Justice Center, which would have been city-only liability. That bond failed in 2014. We got together as staff (city and county), elected officials, and came to the conclusion that the bond failing is because people in the city [of Bozeman] wanted both parties to work together. We started working a couple years later designing a facility to house all.

"Build it 'just right' not too big, not too small," is the motto. This proposed four-story Law Enforcement and Justice Center building would house the Sheriff, County Attorney, prosecutors, Justice Courts, District Courts, Youth Probation, Coroner Office, Victim Services, Drug Task Force Operations, records, Special Response Team, evidence, City Police, Municipal Courts and City prosecutors. We have planned for a 4th District Court because we know one day we will need that. It is a necessity to have the Sheriff's department work together with the City Police, so that is why they would be housed together. We plan to build these facilities while we continue to use the existing L&J. It would take about two years

to build. Once built we could move in and then demolish existing L&J. The proposed structure has 63% shared space (mechanical rooms, bathrooms, locker rooms, evidence rooms, meeting rooms, etc.) which would be duplicated if individual L&J's were built. Commissioner Skinner assured the public that the City of Bozeman will be paying their fair share of what they will be using on this facility.

Commissioner Skinner continued, "So, what is driving this project? We do not just want to go build a new building, it is expensive and we do not just need 'something new'. We have had rapid growth in our communities, and that we outgrew the building about 15 years ago. People have been sharing space, stuffed together, but doing a good job working together. The county has doubled in population since they moved into this building back in 1979. The Police Department and Gallatin County Sheriff Office have doubled in staff because of that. We have had several independent analyses, regarding adding on, or remodeling the existing building. Several analysts have said no, it would cost more to bring that building up to code than it would be to build a new one." He turned the presentation over to Sheriff Gootkin.

Sheriff Gootkin introduced himself and stated that when he first started as a deputy in 1993, Susan Swimley was a deputy County Attorney. She was in the office without windows. (Everyone chuckled.) There have been so many changes since Brian has been in the building, and all with taxpayer dollars. The Sheriff is responsible for court security, and currently we have no security, no magnetometers. "When we bring inmates over in shackles to attend court, they are in the same hallways as their victims, or families, and this is an unsafe procedure. The new facility would take care of all the security concerns, where they [inmates] would be shuttled via a secure hallway from the detention center. There is a lot of other public coming into the building, for marriage licenses, divorces, or family custody: all sorts of emotions without any security. The other reason that Bozeman Police and the Sheriff Office need to stay together is that they work as a team. They work as a combined special team sharing detectives and evidence techs," explained the Sheriff. He concluded that security is his number one reason for supporting a new L&J.

County Attorney Marty Lambert spoke about victims and their interactions in the L&J. He has worked around the building for 33 years. In FY2016 alone HAVEN served 394 survivors, CASA/Guardian ad Litem served 125 children, and Gallatin County Victim Services assisted 2,036 victims of violent crimes. Mr. Lambert said, "Victims should not have to run into their offender in the halls walking to a courtroom to testify, or work out

a divorce, or a child custody dispute. They deserve a safe environment to visit with judges, police, clerks and legal associates." Those of us who work with these groups, work in three different areas: the Judge Guenther building, downtown the city attorneys and prosecutors work on Rouse Avenue, and then all meet in the L&J too. Mr. Lambert added, "Having a central location would simplify the process for the victims as well as for staff." He then turned it over to Mr. Doar.

County Administrator Jim Doar talked about the current building's inadequacies. "It is structurally unsafe and does not meet modern building codes. If something were to happen, heaven forbid an earthquake or something were to take down the building, the responders could be the victims." He continued that the new law and justice center is designed to meet our current needs and those of future growth. Technology enhancements will allow for faster communications, safe wiring, and structurally sound environments, with accesses for employees, customers and secure access for law enforcement and its inmates. (The slideshow presentation showed pictures of evidence storage rooms which had boxes stacked nearly to the top of the room. There are no fire sprinklers in the buildings, no way to save any of this evidence if there was a fire. He showed another slide demonstrating insufficient court file storage. Retention schedules require paper copies of court records still because the Legislature has not approved going to digital records yet. The court file storage area also serves as the fire escape.) Kelly Bugland asked if the Fire Department was also located in the L&J. Sheriff Gootkin answered that Fire is not included in this building - and that they were moved with the 911 dispatchers in their facility off Oak Street, which was built in 2008 or so. Mrs. Bugland retorted that all responders would not be trapped then if the building came down in an earthquake or other event.

Commissioner Skinner asked to go back to another slide showing how the inmates will be transported via an elevator from the detention center.

The total cost is \$68.3M, which is trying to be accomplished via a county bond, and a city mill levy. County is to bond the whole project, because the County has a better bond rating than the City does. The City of Bozeman will simultaneously go out for a mill levy to pay their share. Gallatin County's share is about \$47M, and the City of Bozeman's is roughly \$20.5M. Both bonds would have to pass in order for this to work. The County brought an architect on board about one year ago, trying to keep the costs down as much as can be to make sure we are getting the "best bang for our buck". The first time the architect proposed the project they estimated \$80M, and the County agreed to cut out a lot of

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things which brought the cost down to about \$65M. However, they realized there are some things these departments cannot do without in order to perform their jobs so the cost went back up to \$68.5M.

The County bond would cost \$20.33/year on a home with \$100,000 taxable value. City of Bozeman residents would be voting on both the county bond and city mill levy. Shared space will save in construction costs, save in maintenance, save in shared utilities, etc. He understands there is "bond fatigue" out there but Commissioner Skinner stated the more he has been involved in this project the more he has realized the need is not going to go away, nor the cost go down.

Marty Lambert, who spoke on behalf on the "Friends of the L&J", which is a registered group with the Commissioners of Political Practices, and he is here to ask for the support of the public. He believes it is not a good use of taxes to sink money into an old building to bring it up to building code. He asked people to vote 'yes', and handed out support pamphlets for the L&J bonds.

Crystal Turner asked what happens if the county bond passes and the city's bond does not, or vise versa. Commissioner Skinner responded that the entire project would die - both bonds must pass to move forward. Susan Swimley spoke regarding criminals not knowing jurisdictional boundaries and the City of Bozeman and Gallatin County share boundary lines. She gave the example of stolen cars or guns - a crime spree of stolen cars in the city limits, and another spree in the county which both may be the same perpetrators. These two separate entities in separate areas would not know the crime sprees occurring could be linked. Having both law enforcement entities co-located has saved crimes and saved lives because the officers/deputies are talking to each other on a more frequent basis. Sheriff Gootkin added that in Billings, Missoula and Great Falls - they are all separate and do not have the relationships we have here. Sharing officers/deputies and relationships has greatly improved closing cases.

Matt Bugland asked about the efficiencies of sharing information via today's technology. Sheriff Gootkin said it is a different world than texting/emailing versus face-to-face conversations and working together adding that both are needed but the face-to-face interactions can be more helpful to solving crimes than expected.

Gloria Howland asked if this would increase the City of Three Forks' contract price for law enforcement services. Sheriff Gootkin said this particular issue would not affect the contract price. He stated that the

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L&J ballot issue did not necessarily mean he would not come and ask for an increase because of personnel or equipment expenses.

Denny Nelson asked what we could expect for services at the L&J, and making Three Forks more efficient. Sheriff Gootkin replied that as a county tax payer, you already pay for law enforcement services; the City of Bozeman will still send special police officers here when a situation requires it because all entities are working as a team and help the more rural areas with various resources as needed.

Marty Lambert said that Three Forks taxpayer dollars will go towards evidence storage, victim services or other programs, which is advantageous to all taxpayers. Steven Hamilton said he participated in the public safety academy last year and toured the L&J on the last day of the session. He was astonished as to how many law enforcement staff was housed in the Sheriff Office building. Sheriff Gootkin said his priority is not the staff stuffed inside, but the public that uses the building daily.

Marty Lambert, on behalf of the "Friends of the Law & Justice Center", asked for an endorsement of the City Council, or that the Council at least discuss it at an upcoming meeting prior to the election.

Denny Nelson asked Joe Skinner for his feeling of this bond passing with all the other bond issues on the ballot this November. Mr. Skinner explained he felt that, at most places he has presented at, the public was supportive. He is optimistic. Mr. Lambert added he believes the hurdle will be for Bozeman voters to pass both bonds.

George Chancellor asked what an endorsement actually means. Mrs. Swimley said it means it would be "your recommendation [to the public] to vote for it". Steven Hamilton added that, "As far as a commitment beyond that, it would still be at the voter level and have to be approved by the voters."

The County employees were thanked for their time and coming to provide the residents of Three Forks an educational presentation.

PUBLIC HEARINGS

Approval of Impact Fee Payment Agreement for 203 W. Front Street

Susan Swimley explained that a conditional use permit (CUP) was approved for a living unit above the garage back in August. The current owners bought the property with living quarters already above the garage. They have brought it into compliance by obtaining the CUP. They assure no one

will live in it until they meet all conditions of the CUP. They cannot financially pay the impact fees all at once, so Mrs. Swimley's proposal was to have the Redman's enter into a payment schedule. The Redman's would not be able to sell the property, nor will they be able to obtain any other mortgages on the property until the impact fees are paid in full. She made the offer on behalf of the City, and asked the Mayor to sign it, who asked that this be on an agenda to allow the Council to review/approve it prior to his signature. Mrs. Swimley has put together a method in this contract to file a lien on the property so that all know this property has an abstract agreement tied to the property. Kelly Smith stated that Randy Johnston is going to go over and see how the garage unit is hooked up and add a meter if needed. The public noted a typo in Mr. Redman's name and in the date in the first line. Teri Whitesitt asked about an eight-year payment schedule and if we could reduce it. Susan replied that they have committed to this amount, but they do have the option to pay early. Kelly Smith added that they have already paid more than the agreed upon amount in their first payment.

Councilman Chancellor made a motion to approve the mayor's signature on the agreement for payment of the impact fees for Walter and Karen Redman in the City of Three Forks. Councilwoman Smith second the motion. Kelly Bugland said that they have a tenant in there now; she drives by daily and sees lights on inside the garage apartment. Susan Swimley responded that the Redman's have stated there is no longer anyone living in the apartment but there is someone working in there. Teri Whitesitt asked if we [the Council] pass this, can we check on this property to ensure that everything is up to code before it is occupied. Mrs. Swimley responded that upon entering into this contract, the City would have the right to enter the property. Steven Hamilton added that the agreement says that with 24-hours notice posted on the garage door the City may enter.

Motion Passed Unanimously.

Mrs. Swimley was excused.

Decision on Budget Committee Recommendation to Accept Avidity, LLC's Quote to Perform Tree Maintenance in City Parks and Along Main Street – Trim Only in Parks, Trim & Cleanup Certain Parts Along Main Street #8,350.00; OR Trim and Cleanup in Parks and Certain Parts Along Main Street for \$11,850.00

Mayor Hamilton introduced this item and said that George Chancellor did an inventory along Main Street. He gave the example of Helton-Peterson Park's trees being so overgrown that you cannot even see the stop sign which is a safety issue. He added that the City has budgeted for tree

maintenance this year, and both quotes from Avidity are under the projected budget.

Crystal Turner commented that we only received two company's quotes, but that they were not "apples to apples" comparisons. One company quoted all trimming with cleanup; the other company quoted just trimming without cleanup. Crystal went back to both companies and asked them to each provide quotes to include the cleanup (or not) so we could compare "apple to apples". Bozeman Tree Service had not responded, so the Council can only compare Avidity and Bozeman Tree's quotes of trimming with cleanup.

Teri Whitesitt said she performed a rough calculation and came up with roughly \$20,000 difference between the quotes. Crystal added that Avidity has stated it will cut down dead trees, but these quotes are not removing the stumps. That may be something the Council will have to consider down the road.

Councilwoman Smith motioned to approve the quote to Avidity in the amount of \$11,850.00. Councilwoman Whitesitt seconded the motion. Kelly Bugland said she recently used Avidity and feels they did a phenomenal job. She received quotes for years for their properties and none had ever been financial feasible until she obtained a quote from Avidity. She was very happy with their service. Mrs. Bugland also asked where the cut branches would go. Crystal Turner replied that Avidity has some people interested in the shavings, and the rest will go to the City yard.

Approval of Service Agreement with Avidity, LLC

Crystal Turner explained the service agreement, which was created by Susan Swimley. The standard template requires a \$1.5M insurance policy, and for the company to be bonded. Crystal had asked Susan if Avidity's \$1M insurance policy, and not being bonded, would be acceptable and she had agreed to that. Crystal has amended the service agreement to reflect that. The project would be completed in 30-days, assuming the start date would be the day after the agreement is signed. Crystal has populated the service agreement at the lesser amount. Since the Council chose to include cleanup, the agreement would need to be amended to reflect the higher amount.

Councilwoman Whitesitt moved that we approve the agreement with Avidity, LLC and Three Forks. Councilwoman Mickelberry seconded the motion. Crystal Turner asked if the motion was for the higher amount which included cleanup. Mrs. Whitesitt amended her motion to include the higher

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amount quoted of \$11,850.00. Mrs. Mickelberry agreed to amend her second. No other comments.

Motion Passed Unanimously.

Public Hearing and Decision on the First Reading of an Ordinance Amending Title 11, Zoning Regulations, of the Three Forks Municipal Code to Incorporate Mini-warehouse/Self-storage Units as Permitted and Conditionally Permitted Uses into the Neighborhood Highway and General Industrial Districts

Mayor Hamilton read the ordinance into the record in its entirety. He noted a typo of "manage" should be edited as "manager"; and Kelly commented that "Central Business" in the 4th "whereas" should be "General Industrial". Crystal Turner verified that the title/chapter was accurate, and that the public notice matched the intended change. Crystal will edit and reprint.

Councilwoman Whitesitt moved to approve Ordinance #366-2016 with the changes in the fourth "Whereas" where "Central Business District" is "General Industrial District" and changing the word "manage" to "manager" in 11-2-2. Councilwoman Smith seconded the motion. Kelly Bugland asked if U-haul's would be associated as an accessory business, as most other communities have U-haul-type services available at storage units. Kelly Smith replied that she would have to review if General Industrial allows rental companies.

Motion Passed Unanimously.

Public Hearing and Decision on the First Reading of an Ordinance Amending Title 5, Chapter 8 of the Three Forks Municipal Code to Prohibit Camping or Overnight Parking at the Three Forks Ponds

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

Teri Whitesitt thanked the committee for their patience, saying they struggled with writing this one because of enforcement and legal issues.

Councilman Chancellor made a motion that we approve the first reading of Ordinance #367-2016, a public hearing and decision on the first reading of an ordinance amending Title 5, Chapter 8 of the Three Forks Municipal Code to prohibit camping or overnight parking at the Three Forks ponds.

Councilwoman Smith seconded the motion. Gloria asked if this would prohibit anyone too tired to continue driving to pull off the interstate and sleep for a few hours on the property right off the interstate. It will not, as that is private property.

Motion Passed Unanimously.

**Public Hearing and Decision on the First Reading of an Ordinance Amending
Title 7 of the Three Forks Municipal Code to Remove the Prohibition of
Parking Certain Vehicles on City Streets, and to Allow for a Conditional
Use Permit Process to Occupy a Recreational Vehicle for More than 72-Hours
in a Calendar Year**

Mayor Hamilton read the ordinance into the record in its entirety. He noted a typo in the spelling of GENERAL in 7-2-5's header, and asked if the Council wished include "or below" at the end of sentence in 7-2-14-A-2. The Council agreed. Deb Mickelberry commented that the original intent was to not have people living in campers around town, but we have already witnessed people living in vehicles which are not recreational by definition. Someone could pitch a tent on a lot they own and this, as written, would not disallow that. Teri Whitesitt thanked Crystal for taking all the various comments and drafting something with so many different directions given.

There was discussion regarding if vehicles are "part vehicles" or "junked" still being in the codified ordinances. There was also discussion regarding someone living in a vehicle which does not have an engine/motor so is not "operational" but the definition of vehicle states "...device which a person or objects may be transported or drawn upon a street or roadway..." Would a non-operational vehicle be allowed to be lived in? There were public comments that one could live in a box really, because that is not a recreational vehicle. Deb commented regarding living in tents, which mostly happens in Three Forks during rodeo weekend, that one could live in it since it is not covered under the definitions. Teri proposed "Prohibit living in campers, vehicles or tents." George Chancellor argued that the definition of vehicle as written in the draft ordinance covers an inoperable vehicle to him. The group agreed that the word "recreational" needs to come out, or the word "vehicle" needs to be added in. Kelly Smith reminded all that the current ordinance in 5-6-1 already covers junk vehicles, which cannot be left unattended over 5 days.

Deb and Teri asked to table this until they can further discuss these scenarios with Susan. Kelly suggested adding on to "E" that instead of no one being allowed to occupy a vehicle or recreational vehicle for more than 72-hours, that it could read, "...except unless you obtain a CUP, nothing other than a residential structure may be occupied for more than 72-hours." George Chancellor stated he would not be coming to the Council for permission when his family comes to visit and stays in their camper trailer for the week.

Councilwoman Whitesitt moved that we table this ordinance without a name, this nameless ordinance. Councilwoman Smith seconded the motion. There was no further discussion.

Motion Passed Unanimously.

Public Hearing and Decision on the First Reading of an Ordinance Amending Title 11 of the Three Forks Municipal Code to Allow for a Conditional Use Permit Process to Occupy a Recreational Vehicle for more than 72-hours in a Calendar Year

Mayor Hamilton began reading the ordinance into the record, but Crystal interrupted as to why we would read this in its entirety when the previous ordinance provides the opportunity which would allow this ordinance to occur. Since that one was tabled we do not have the opportunity to create this one.

Councilwoman Smith motioned to table this no numbered ordinance.

Councilwoman Mickelberry seconded the motion. George Chancellor said if we are making a 72-hour rule, we should make a rule for private property too, which he does not like in the first place, but something longer than 72-hours. Kelly commented regarding several instances around town where people are living in campers. Tickets have been issued in court which have been dismissed because the City does not have a ordinance prohibiting people from living in campers. She asked what time frame is enough? George urged that the 72-hour requirement be extended to at least one week.

Motion Passed Unanimously.

Public Hearing and Decision on the First Reading of an Ordinance Amending the Corporate Limits of the City of Three Forks, County of Gallatin, State of Montana

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

Councilman Nelson made a motion to approve the first reading of this Ordinance #368-2016 amending the corporate limits of the City of Three Forks, County of Gallatin, State of Montana to incorporate the legal description. Councilman Chancellor seconded the motion. Kelly Bugland asked if this was where the precast used to be. Kelly Smith answered yes.

Motion Passed Unanimously.

Crystal Turner explained that in some of the ordinances read tonight, mentioned that public notice was provided in a newspaper, but also on the website and posted at the three banks in town. Just because this statement was missed in an ordinance tonight, does not mean it did not

occur. Our policy is always to post public hearings at the three banks, and the ordinance which will be heard next amends the documented policy to what has actually been happening.

Public Hearing and Decision on the First Reading of an Ordinance Amending Title 1, Chapter 6 of the Three Forks Municipal Code to Update Terminology, to Recognize Public Notice Locations, Updated Time and Place of Meetings, and to Remove Gender Designation

Mayor Hamilton read the ordinance into the record in its entirety. Kelly Smith commented that in 1-6-5-C should be amended from "so to do" to "to do so". Crystal Turner added that she sees a missing period at the end of the paragraph in 1-6-8-A.

Councilman Nelson made a motion to approve the first reading of Ordinance #369-2016 amending Title 1, Chapter 6 of the municipal code, with the aforementioned amendments. Councilman Chancellor seconded the motion. There was no public comment.

Motion Passed Unanimously.

REPORT OF OFFICERS

City Treasurer Kelly Smith thanked everyone for coming to the floodplain meeting last Wednesday. She felt it was a good turnout. She is unsure what has been resolved from it but she feels we had a good town hall meeting which helped educate the public as to all the floodplain requirements. Kelly also reported that Precision Concrete has been in contact with her regarding taking inventory on 1-inch and 2-inch trip hazards on the sidewalks along Main Street and 1st Ave E. George Chancellor asked if they would come to other places to take inventory if not on Main or 1st Ave E. Kelly replied that they will if there is City interest, but they were only committing to take inventory of the streets that the Streets & Alleys Committee had suggested starting with this past summer.

City Clerk Crystal Turner reported that the Public Safety Academy Mayor Hamilton spoke of earlier tonight, is taking registrations again. If anyone is interested please let her know and she would get you signed up. She also reported that she met with Brent Miller last Friday to briefly discuss the sidewalk, design standards and other public works specifications. She will review the draft with Wendell Ewan, then Brent would like to meet with the Streets & Alleys Committee to take any of she and Wendell's comments into account prior to finalizing any amendments to the ordinance.

REPORT OF COUNCIL COMMITTEES

There were no committee reports.

UNFINISHED BUSINESS

**Approval of Budget Committee Recommendation and Awarding Contract for
Website Enhancements**

Mayor Hamilton explained this is a \$500 proposal from the Local Government Center. He added that the annual platform will cost an additional \$216.00/year, this site will be mobile friendly, and staff will be able to edit it whenever necessary and the proposal includes training. This quote is substantially less than we budgeted for.

Councilman Nelson made a motion to approve the Local Government Center MSU
Extension website contract that they presented to us, in the amount
(correct me if I'm wrong) of approving only the \$500 fee. Councilwoman
Smith seconded the motion. There was no public comment.

Motion Passed Unanimously.

Wastewater Project

Mayor Hamilton explained to the Council that the fan in the Headworks building apparently got dropped at some point, and then was still installed. We learned it did not work during testing and Great West Engineering is working with the manufacturer to get it replaced. Great West Engineering is expecting a November 6th (to the best of his memory) completion date. We still do not have any mediation date with Smith Contracting's attorney.

Water Project

Dennis Nelson explained that we have not heard anything from DN Tanks on a startup date yet. The Water/Sewer Committee would like to have a pre-construction meeting with Great West Engineering prior to beginning. (Crystal Turner will contact Joel Pilcher and ask him to coordinate.)

Kelly added that the water main extension project will begin in the next thirty days or so.

PUBLIC COMMENTS/CONCERNS

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

MAYOR & COUNCIL ANNOUNCEMENTS

Teri Whitesitt thanked the Council for approving her son's Eagle Scout project. He is 99% complete. She also thanked all those who donated supplies and/or funding.

Mayor Hamilton stated City Planner Ralph Johnson will begin temporary office hours here at City Hall for staff work, and meetings with the public on projects, beginning October 6th. In conjunction, he spoke with Brent Miller of Gaston Engineering yesterday regarding holding office hours as well. We will have more on the City Engineering office hour potential at a later date.

AGENDA ITEMS FOR NEXT COUNCIL MEETING:

- Second readings for all ordinances that passed tonight
- Possible endorsement of the Law & Justice Center bond issue
- Approval of Fire Department Recommendation to hire Fire Department Secretary

ADJOURNMENT

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

Motion Passed Unanimously. (9:37P.M.)

Steven B. Hamilton, Mayor

Crystal Turner, City Clerk

OCTOBER 11, 2016, 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 2016.

**** Page 124 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF THREE FORKS, MONTANA, FOR ALL OF 2016.**

PRESENT: Council members George Chancellor, Deb Mickelberry, Teri Whitesitt, Sharon Smith, Ed Tharp, and Dennis Nelson. Also present was 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: Gloria Howland

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

CONSENT AGENDA

- d) Approval of Claim Received 9/28/2016 and due by 9/30/2016 to MT Library Association in the Amount of \$125.00
- e) Approval of Claim in 9/27/2016 stack of bills to be paid, but missed in the Claims Approval List - check cut on 9/28/2016 to Main Street Office in the Amount of \$8.91
- f) Approval of Claim to Clerk & Recorder for \$5.00 to File Lien for Delinquent Utility Bill by 10/3/2016
- g) Approval of Claim to Mail Utility Bills in the Amount of \$160.27
- h) Approval of Claims per List(s)
- i) Approval of Meeting Minutes from September 27, 2016
- j) Pledged Security Report through September 30, 2016

Mayor Hamilton asked if there is anyone who wished to pull any consent agenda item.

Councilwoman Whitesitt moved that we approve the consent agenda.

Councilman Tharp seconded the motion. There was neither board discussion nor public comment.

Motion Passed Unanimously.

PUBLIC HEARINGS

Public Hearing and Decision on a Second Reading of an Ordinance #366-2016 Amending Title 11, Zoning Regulations, of the Three Forks Municipal Code to Incorporate Mini-warehouse/Self-storage Units as Permitted and

Conditionally Permitted Uses into the Neighborhood Highway and General Industrial Districts

Mayor Hamilton stated he would not be reading this into the record in its entirety as it was read at the last meeting, and all present tonight were present at the last public hearing. No one requested the ordinance be read again into the record.

Councilman Chancellor moved to approve Ordinance #366-2016 amending Title 11, of the Three Forks Municipal Code to incorporate mini houses/self-storage units as permitted and conditionally permitted uses into the Neighborhood Highway and General Industrial Districts. Councilwoman Smith seconded the motion. There was no board discussion. There was no public comment.

Motion Passed Unanimously. Mayor Hamilton added this ordinance will take effect in thirty days.

Public Hearing and Decision on a Second Reading of an Ordinance #367-2016 Amending Title 5, Chapter 8 of the Three Forks Municipal Code to Prohibit Camping or Overnight Parking at the Three Forks Ponds

Mayor Hamilton recapped the purpose of this ordinance.

Councilwoman Smith motioned to approve Ordinance #367-2016 amending Title 5, Chapter 8 of the Three Forks Municipal Code to prohibit camping or overnight parking at the Three Forks ponds. Councilman Nelson seconded the motion. There was no public comment.

Motion Passed Unanimously. Mayor Hamilton added this ordinance will take effect in thirty days.

Public Hearing and Decision on a Second Reading of an Ordinance #368-2016 Amending the Corporate Limits of the City of Three Forks, County of Gallatin, State of Montana

Mayor Hamilton recapped the purpose of this ordinance.

Councilman Chancellor made a motion to approve Ordinance #368-2016 amending the corporate limits of the City of Three Forks, County of Gallatin, State of Montana. Councilman Tharp seconded the motion. There were no public or Council comments. The Mayor added that this ordinance is almost complete, noting the step of sending it to the Clerk & Recorder to edit the municipal boundary.

Motion Passed Unanimously. Mayor Hamilton stated this ordinance will take effect in thirty days.

Public Hearing and Decision on a Second Reading of an Ordinance #369-2016 Amending Title 1, Chapter 6 of the Three Forks Municipal Code to Update Terminology, to Recognize Public Notice Locations, Update Time and Place of Meetings, and to Remove Gender Designation

Mayor Hamilton recapped the changes in this ordinance.

Councilwoman Whitesitt moved to approve Ordinance #369-2016 amending Title 1, Chapter 6 of the Three Forks Municipal Code to update terminology, to recognize public notice locations, update time and place of meetings, and to remove gender designation. Councilman Nelson seconded the motion. There were no public or Council comments.

Motion Passed Unanimously. Mayor Hamilton added this ordinance will take effect in thirty days.

REPORT OF OFFICERS

City Treasurer Kelly Smith did not have a report.

City Clerk Crystal Turner reported on the engineering contract with Gaston Engineering. She asked the Council to be thinking about what they want to see in the contract, mentioning we already know we want an exclusivity clause. She asked the Council to think about retainers, office hours, etc. and provide feedback to her until we can put it all together and discuss with Gaston Engineering.

REPORT OF COUNCIL COMMITTEES

Ordinance Committee - Teri Whitesitt reported that she contacted Susan Swimley about the camping ordinance read last time, changing the 72-hours to one week for allowed camping/living in recreational vehicles. They also took the comments at the last meeting to change "recreational vehicle" to be defined in more general terms. They have asked Susan to clarify that for future readings to be scheduled, but do not know the actual date the ordinances will be ready.

UNFINISHED BUSINESS

Wastewater Project

SRF Draw Request #19 in the Amount of \$168,613.00

Mayor Hamilton introduced the draw.

Dennis Nelson asked Kelly Smith for her opinion on the draws so far and working with Craig Erickson on funding, invoices and balancing all that,

because he saw the LEMNA invoice is higher than what Smith Contracting is requesting payment for. Kelly reported she has had questions on some of the draws, but feels comfortable that overall they are doing a good job on tracking all the various costs. She added she believed that the project is 67% spent to date (after this draw).

Councilwoman Smith motioned to approve the Mayor's signature on this disbursement Draw #19 in the amount of \$168,613.00. Councilwoman Mickelberry seconded the motion. There were no further comments.

Motion Passed Unanimously.

Water Project

Dennis Nelson provided a project update to the Council on how the project is planned out. We held a kickoff meeting last week with DN Tanks, Montana Crane Service, Joel Pilcher of Great West Engineering, and City staff. Initially they believed the City would need to build a road because of all the rain making the existing roadway very soggy. It turned out that we did not need to build a road, but did add gravel to the existing pathway. The crane was able to get up to the tank without any problems yesterday. Denny had some reservations about the cold weather approaching and if the project will be able to be completed within the 60-day timeframe. He had asked Kelly Smith to contact DN Tanks for clarification on that. Kelly heard back from them today and they will put the cover on first, then seal the inside of the tank which will be protected by the cover from the weather, and keep the temperature above 50-degrees. Mayor Hamilton added that there is a possibility that part of the crane may be set up on Bill Gurley's lot next door. Mr. Gurley does not have any issues with this, he just requested that he be relieved from any responsibility via an easement of some sort. We are almost complete in working on this with Susan Swimley.

NEW BUSINESS

Approval to Accept Fire Department Officers' Recommendation to Hire Joshua Miller as Fire Department Secretary

Mayor Hamilton read Three Forks Volunteer Fire Department's recommendation into the record.

Councilman Nelson made a motion to approve the review committee's findings for the applicant Joshua Miller, and send that finding and committee to assign and address his being the secretary for the Three Forks Fire Department. Councilwoman Whitesitt seconded the motion. There was no board discussion, nor public comment.

Motion Passed Unanimously.

Public Hearing and Decision on a Resolution Supporting a Vote for the Gallatin County Law & Justice Center Bond in the amount of \$68,300,000 (of that total roughly \$47M is for County residents)

Mayor Hamilton explained he asked Crystal Turner to poll the Council members in order to deem the viability of this agenda item being placed on the agenda for the Council's decision. "Crystal has polled you, or you informed her that you wished this to be on the agenda, or a majority of you have informed her of that, so that is why this is on the agenda tonight," he added. Mayor Hamilton then read the resolution into the record in its entirety. He encouraged the Council to state any comments on the record of support/opposition.

Teri Whitesitt stated she works in the Judge Guenther building, next to the Law & Justice Center. She has extremely dangerous people she has dealt with at work, and tripped over involuntary patients screaming obscenities within earshot of the general public. She cannot imagine victims having to walk by their assailants and supports this for the security measures.

Dennis Nelson asked what other communities have done in support/opposition - have they passed resolutions? The City of Three Forks was the first city/town presented to, so we know of no other resolutions at this time.

Ed Tharp said that he personally supports this and has witnessed them [staff] working so closely to each other they are tripping over each other. Steven Hamilton stated he agrees with the need of the new facility, but he does not get to vote on this unless there is a tie tonight. He suggested to the Council that if you vote for this [resolution] are you telling the public that you think they should vote for this? George Chancellor agreed to that and questioned the same thing himself. Dennis Nelson agreed with George's concern. He added that he agrees with the need like Teri stated, but he worries about the total dollar amount. He said that he would abstain from this decision tonight, noting that what he does on his personal ballot is his own private business. He does not feel he should use his opinion to push that vote to the general voter. He does not feel this is the purpose of the City Council. Mayor Hamilton agreed with everyone's comments tonight. George echoed Denny's comments and does not want anyone to think that he would push anyone to vote one way or another. Gloria Howland spoke that she believes everyone will vote their personal way anyhow, but she does not think it is the place of the City Council. Deb Mickelberry argued that

the resolution does not encourage that the general public needs to vote for it, just that as a Council we support it. Teri Whitesitt said that she does not think this resolution, in any way, sways anyone's vote in support of the bond. All agreed that the language in the resolution does not encourage the general public to vote for the bond, just that they as a City Council support a new Law & Justice Center. Ed Tharp agreed with both sides of the comments.

Councilwoman Whitesitt moved to approve Resolution #262-2016 to support the Gallatin County Law & Justice Bond. Councilwoman Mickelberry seconded the motion. Gloria Howland opposed and said it would be like endorsing a presidential candidate. George added that this does not reflect any encouragement to the general voter, just his personal opinion.

Motion Passed 5:0. Dennis Nelson abstained.

Approval for Street Superintendent to Purchase a 1994 International 4900 Dump Truck in the Amount of \$17,000

Mayor Hamilton informed the Council that you can review the Badland Truck Sales, Inc. sales proposal. Wendell Ewan went through a quote process, gathering six different quotes. He has test drove the top two trucks and made visual inspections. Dennis Nelson asked what was budgeted for this sanding truck replacement. Kelly Smith said \$25,000 was budgeted. Deb Mickelberry asked what Wendell's intention was to do with the old sander. Kelly explained he intends to put it in the surplus sale.

Councilman Chancellor made a motion that we approve the purchase of the 1994 International 4900 Dump Truck for \$17,000. Councilwoman Smith seconded the motion. There was no public comment or board discussion.

Motion Passed Unanimously.

Question Whether or not to Change the Date of the 11/8/2016 Council Meeting (correction to agenda which listed 11/11/2016)

Mayor Hamilton explained that this is the first meeting in November, but it is Election Day. Both Kelly and Crystal will be off this day for the holiday, but both have stated that they would be willing to come in and work the Council meeting on this day. The Mayor has parent/teacher conferences, and is not asking for the Council to reschedule for him, but he would not be available until 8PM. Teri Whitesitt has three children which would have conferences and would be difficult for her to attend the Council meeting. She preferred rescheduling on Monday or Wednesday instead. Crystal would have a conflict on Monday night; Deb Mickelberry said that Wednesday would work better for her as well. The Council agreed to move the meeting to 11/9/2016 - Crystal will prepare the resolution

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THREE FORKS, MONTANA, FOR ALL OF 2016.**

changing the date of the City Council meeting to be heard on the
10/25/2016 agenda.

PUBLIC COMMENTS/CONCERNS

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

MAYOR & COUNCIL ANNOUNCEMENTS

Ed Tharp reported on what he learned at the League of Cities and Towns last week. He attended an infrastructure meeting, and they plan to propose a gas tax increase, which we have not had in many years. They also asked for a show of hands in the session to show support of a gas tax increase if it were to only go to the State of Montana roads and all 400-something hands shot up in the air. They also plan to redo the coal tax and bring back the TSEP program. They propose a cap on coal tax and once reached to ear mark that money towards infrastructure. George Chancellor asked if that was infrastructure money which would go to Washington, or Helena? Ed responded Helena and George agreed he did not have a problem if the money went to Helena. He thanked the Council for letting him attend.

Mayor Hamilton said that he attended the National Disaster Response and Recovery using Social Media last week. This was put on by the Natural Disaster Preparedness Training Center - and taught you how to utilize Facebook, and other social media sites to get the information out to the public. If Facebook were a country, it would be the third largest country on earth - that is how many people have accounts. It is a great way to get the community interactive with government, but retention of the records can be somewhat of a challenge.

He read an invitation to the Council of the Three Forks Historical Society meeting on 10/20/2016. They plan to showcase the windows and doors that have been built by Larry Wilcox. They understand the public is curious as to what has been occurring at the depot during renovations. A light supper of soup and sandwiches will be served, so they request an RSVP if plan to attend. The meeting would be held at the Wilcox's home. Please let Kelly or Crystal know if you would like to attend.

AGENDA ITEMS FOR NEXT COUNCIL MEETING:

**** Page 131 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF
THREE FORKS, MONTANA, FOR ALL OF 2016.**

- Public Hearing and Decision on a First Reading of an Ordinance Amending the Definition of Hotel in 11-2-2 to Allow for Multiple Buildings
- Public Hearing and Decision on a First Reading of an Ordinance Amending the Conditional Uses in the Central Business District 1-8A-3
- Public Hearing and Decision on a First Reading of an Ordinance Amending Title 7 of the Three Forks Municipal Code to Remove the Prohibition of Parking Certain Vehicles on City Streets, and to Allow for a Conditional Use Permit Process to Occupy a Recreational Vehicles for More than one week in a Calendar Year
- Public Hearing and Decision on a First Reading of an Ordinance Amending Title 11 of the Three Forks Municipal Code to Allow for a Conditional Use Permit Process to Occupy a Recreational Vehicle for more than one week in a Calendar Year
- Appeal for Request of Impact Fees for the Headwaters Food Bank at 216 1st Ave West
- Conditional Use Permit for Ian Taylor for a Duplex at 114 1st Ave East
- Resolution to Change the Meeting Date of the 11/8/2016 Council Meeting.

ADJOURNMENT

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

Motion Passed Unanimously. (8:02P.M.)

Steven B. Hamilton, Mayor

Crystal Turner, City Clerk

OCTOBER 25, 2016, 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 OCTOBER 2016.

**** Page 132 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF
THREE FORKS, MONTANA, FOR ALL OF 2016.**

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: Charlie Christensen, Kelly Bugland, Gloria Howland, Chuck Wambeke, Kim Gelder, Suzanne Crawford 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

- xliv. Approval of Claims in the Amount of \$29,616.25 to pay Dallas Field for Tree Maintenance, Badland Truck Sales for new Dump Truck, and Overpayment Reimbursement to Debra Downing after close of sale, all paid 10/14/2016
- xlvi. Approval of Claims per List(s)
- xlvi. Approval of Meeting Minutes of 10/11/2016
- xlvii. Approval of Lot Line Amendment Exempt from Subdivision Review between Odegard and Lamb
- xlvi. Approval of Change Order #11 with Smith Contracting to Resume the Project on 10/17/2016
- xlvi. Real Property License Agreement between the Gurley's and the City of Three Forks for use of 10-feet of Lot 7 of Ridge View Subdivision during Water Tank Project work

Mayor Hamilton asked if there is anyone who wished to segregate from the consent agenda item. Dennis Nelson asked about the \$29,000 payment to Dallas Field. Kelly Smith explained that \$29,616.25 is a total of three claims, not solely to Dallas Field for the tree maintenance.

Councilwoman Smith moved that we approve the consent agenda. Councilman Tharp seconded the motion. There was neither board discussion nor public comment.

Motion Passed Unanimously.

PUBLIC HEARINGS

Public Hearing and Decision on a Resolution Cancelling the November 8, 2016, Public Meeting and Announcing a Rescheduled Public Meeting on November 9, 2016

Mayor Hamilton explained that this is just moving the meeting to after Election Day. He then read the complete resolution into the record.

Councilman Chancellor moved that we approve Resolution #263-2016, a resolution of the City of Three Forks Council cancelling the November 8, 2016 City Council public meeting and announcing a rescheduled public meeting on November 9, 2016 at 7:00PM. Councilman Nelson seconded the motion. There was neither board discussion nor public comment.

Motion Passed Unanimously.

Public Hearing and Decision on a First Reading of an Ordinance Amending the Definition in Title 11, Chapter 2 of the Three Forks Zoning Ordinance to Include Multi-unit Hotel and Motel Buildings

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

Teri Whitesitt noted a typo of "duplex" which Crystal will edit and provide Mayor Hamilton with a clean copy before signature.

The Mayor asked if there was any public comment. No one commented.

Councilwoman Whitesitt moved to approve ordinance #370-2016 amending the definition in Title 2 [should be Title 11], Chapter 2 of the Three Forks Zoning Ordinance, to include multi-unit hotel or motel in the definitions, with "duplex" spelled correctly. Councilwoman Smith seconded the motion. There was neither board discussion nor public comment.

Motion Passed Unanimously.

Public Hearing and Decision on a First Reading of an Ordinance Amending Title 11 Section 7 Neighborhood Highway Business District, and Title 11 Section 8A Central Business District to Include Multi-unit Hotels or Motels as Permitted Conditional Uses

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

Kelly Smith commented that because of the floodplain issues we should include a condition of a non-conversion agreement, which would be filed at the Clerk & Recorder office, for all conditional use permits granted.

This would mean that the use could not be converted into long term rental property, it could not be converted because the size would not meet minimum zoning requirements, nor would they meet the floodplain requirements of a residential structure. As long as the use remains hotel/motel unit which is considered commercial, it does not have the same flood-proofing requirements. Because of the floodplain you could not normally build these as closely together, you would have to have fifteen feet around the entire structure at least two-feet above the base flood elevation. Kelly also suggested removing the requirements in Central Business District (CBD), because all uses in the Neighborhood Highway Business District are allowed in CBD, which would save money on codification.

Susan Swimley asked about condition #7. She asked for clarification regarding, "All other structures must be approved by the City Council." George Chancellor explained, as chairman and liaison to the Zoning & Planning Board, that the board had a great deal of discussion regarding avoiding "man camps". The Z&P Board noted that it is not likely the Folkvord's intent to have man camps; their request is more wedding venue guests and bridal parties or perhaps angler travel packages. Man camps are not what the city envisions as an allowed use. Susan argued that those are valid points, but the language is not strong enough to enforce when someone applies for a multi-unit hotel/motel and they state in their application that, "their structure is not a mobile home." What does the Council want to see and approve exactly? Dennis Nelson said we have stayed away from building inspection processes and do not have anyone trained to say what is an acceptable vs. not acceptable structure. Susan said as this is presented, anyone could bring in any structure and she would have to agree that the applicant would be allowed to put anything other than a mobile home on the lot. Kelly Smith asked since it is a CUP could it all be discussed and conditioned at that hearing? Susan stated that as this ordinance is presented, it does not have enough criteria to state what the City intends to see. There needs to be criteria the applicant can understand they must meet for aesthetics or health and safety, or whatever the Council's intention is. Basically, all structures other than mobile homes would be allowed as this is written now. Denny suggested wording, "All other structures would have to meet commercial building code requirements". George suggested language of, "Mobile home units and modular units are not permitted, all other structures must meet state code and commercial requirements." Susan asked what does "modular" mean, and George replied "not stick built". Denny said when he was in the log home business, KOAs changed marketing and wanted to include log cabins as an option for their customers. They were mobile, but built on site on

a slab-on-grade foundation which made them a permanent structure. Ed Tharp wondered if there was any off-street parking. Kelly replied yes, it was designed as angle-parking on 1st Ave E, but they also have a parking lot within the 300-foot requirement which would meet the off-street parking requirement for this preliminary plan.

Mayor Hamilton brought the conversation back to the ordinance language. He asked for clarification on the revised condition #7. Crystal and Kelly responded in unison the suggested condition would read, "Mobile Home units are not permitted. All other structures would have to meet State commercial building code requirements."

Kelly explained that when she was a loan officer, mobile homes had a chassis, wheels and a vehicle title. Susan suggested flexible language such as, "Type of construction be based on the availability of parking, proposed landscaping, and other conditions the Council may put in. That would give the Council a little more control." She warned the Council that the vaguer the wording is, the harder it is for the City to enforce. Denny suggested language like, "All structures must be standard frame construction and built on site." Susan said you could do that.

Chuck Wambeke said that if you take a look at the recent addition to the flower shop, which was a pre-fabricated building, you would have a hard time telling if it was stick built or not. "That is a nice looking building and probably something the City would want to encourage," He said. He added that the manufacturers of pre-fabbed buildings still must conform with commercial building codes.

Kelly said that in the CUP 12-point test that Ralph Johnson writes up, it asks if the use has a characteristic relationship to the district. Does that give us some leeway? Susan said yes it gives you some authority, but it is 1 point of a 12-point test. If it was only 1 out of 12 that were turned down you would not have much cause to deny the entire application.

Kelly Bugland commented on the maximum of 30-days which is when you get into the bed tax requirements. She recommended lessening that to 29-days, as then the State will still get their share of the tax. Steven Hamilton asked the Council if they wished to reduce the 30-days to 29-days. The Council agreed.

There was discussion regarding taking a hard line and saying "no modular or prefabricated buildings." Kelly reminded the Council that this is only for multi-unit hotel/motel and not just another business or residence

which may be a modular building. Susan added that the reality is that if they want to do a hotel/motel that is modular units, a process like the one occurring now would have to occur with a zoning amendment to be heard/recommended on by the Zoning & Planning Board before the Council changes the ordinance and any applicant can submit their request.

Crystal Turner explained the changes she has heard discussed tonight, editing the ordinance's 'Whereas' to reflect that uses in NHB are allowed in CBD, removing the second page of the ordinance which covered the CBD requirements, changing condition #3 to 29-days, and read aloud modified condition #7 to read, "Mobile home and modular units are not permitted. All structures must be stick built on site and meet all commercial building codes." All present agreed she had captured the discussed changes, except "State commercial building codes" should say 'State.' Crystal printed a clean copy and Mayor Hamilton read the edited ordinance into the record in its entirety. Kelly Smith added that condition #8 regarding the non-conversion agreement earlier still needs to be added to the ordinance. Dennis Nelson reminded the Council that in Ordinance #370-2016 regarding the definition it specifically defined duplex so that takes away any worry of more than two in one small building.

Councilman Nelson moved to approve ordinance #371-2016 amending the neighborhood highway business district as has been read into the record, with the changes as discussed and included in the last copy that was just printed out. Councilman Chancellor seconded the motion. There was neither board discussion nor public comment.

Motion Passed Unanimously.

REPORT OF OFFICERS

City Treasurer Kelly Smith reported on an upcoming class regarding the new State of Montana ammonia standards. It is from 12-2PM on 10/28/16 and includes lunch. HDR Technical Services is hosting the training in Bozeman.

She also reported that Northwestern Energy had its taxable valuation reduced in the State of Montana. This reduced revenue throughout the State, but Gallatin County's take was that if it was not a significant change for each municipality they suggested not doing the recertification. This affects the City of Three Forks roughly \$3,000 less in revenues. We received the information last Wednesday and needed to reply by Friday. She did not believe it was worth recertifying the City of Three Forks mills.

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Kelly also reported on the RRGL remaining \$10,000 available is coming up to its expiration date of 12/31/2016, or we can ask for an extension if the City is not sure that the project is 90% complete. Dennis would like to discuss this with Fred Phillips at the Water/Sewer Committee meeting 11/3/16 at 1:30PM.

Lastly, she reported that Three Forks Middle School will be holding a fundraiser for the Swanson/Larsen family in the Middle School "commons" from 9AM-7PM on November 8, 2016. Gloria Howland added that there is also a Poker Walk fundraiser being organized which is hosted by the Frontier Club.

City Clerk Crystal Turner reported that the Water/Sewer Committee meeting which had been scheduled for tomorrow, has been rescheduled to 11/3/2016 at 1:30PM.

City Attorney Susan Swimley reported that she and Teri Whitesitt plan to meet to discuss the parking ordinance requirements the committee wishes to amend. She has read all the emails and comments but wanted to ensure she is filtering them correctly before drafting a change to the ordinance which was read on 9/27/2016.

REPORT OF COUNCIL COMMITTEES

Ordinance Committee - Teri Whitesitt said they met last Thursday regarding a "display of items" ordinance. They invited many business owners who store/display items in the right-of-way but no one attended. The committee discussed and suggested that up to ten items could be allowed by the City staff, like tables and chairs, flower pots, signage (including sandwich boards), garbage cans, newspaper stands, ice machine and pop machines. If a business wished to have more than ten items they could come apply for a \$0 permit and ask for Council approval. This would require that at least four-feet of clear walking space be left open as well. Crystal Turner added that she has not had a chance to draft a letter to the businesses yet but she will and send that to all of them so the Council can have input before adopting anything.

Water/Sewer Committee - Dennis Nelson stated that DN Tanks pulled the lid off last Thursday. The interior looks in very good shape. There is one seal crack line all the way around the tank, but the consensus is that it will not take a major repair job. DN Tanks has verified all the measurements, and the new lid will be made and delivered around Thanksgiving. The installation will begin after Thanksgiving and then

should be complete before Christmas. The final portion of this project will take place in the spring. Denny suggested that around February or March, we need to plan when to change over from the new tank to the old tank so we are all on the same page coordinating that final step.

UNFINISHED BUSINESS

Water Project

SRF Draw #9 in the Amount of \$4,190.00 and WRDA Draw #1 in the Amount of \$11,908.95

Mayor Hamilton introduced the draw.

Kelly Smith added that this is for parts that Steve Johnston used to switch the line over between the two tanks.

Councilwoman Whitesitt moved to give the mayor approval to sign off on this. Councilman Nelson seconded the motion. There was no Council discussion or public comment.

Motion Passed Unanimously.

NEW BUSINESS

Proclamation Declaring October 23-29, 2016 "Red Ribbon Week" in Three Forks

Mayor Hamilton read the proclamation into the record.

Councilwoman Smith moved to approve this proclamation, Proclamation #2016-02, declaring October 23-31, 2016 as Red Ribbon Week. Councilwoman Whitesitt seconded the motion. There was neither board discussion nor public comment.

Motion Passed Unanimously.

Decision on the Appeal Request of Impact Fees for the Headwaters Food Bank at 216 1st Ave West

Susan Swimley read a two-page document she asked the Council to consider regarding this request, citing the requirements in Title 3, Chapter 6 of the Three Forks Municipal Code. She noted the other owners in town have paid taxes and rates to the existing facility; impact fees are to balance out operational and maintenance costs and savings for expansions which may be needed in the future.

Kelly Smith reported that she sent a letter to Chuck Wambeke, Charlie Christensen and Ed Nave stating the impact fees which would be required. The building was in the city limits before impact fees, but was considered

under fire protection. This building was built in 1996 when the City did not have impact fees, impact fees were initiated in 2006. To her, she believed this building would qualify for a reduction on the fire impact fee because of that.

Chuck Wambeke said that when he saw where he was at on the agenda he figured people would be hungry so he distributed two types of cookies: standard chocolate chip, and a paleo version. We all know cookies are made with typical ingredients in a home: eggs, flour, sugar, butter, etc. Those ingredients are the bulk of our clients' needs. Not everyone knows what goes into a paleo cookie - and that is how our customers are taken care of. We may not always know what their need is, but we try to have the right "ingredients" to help a variety of customers. We have lived on the generosity of our community and served the customers at 12 E. Cedar Street to the best of our ability. Our job is to satisfy hunger in our community; the goal is to make sure no one goes to bed hungry. We understand that we serve more than just Three Forks, but it is a worthy endeavor that we are undertaking. We are really here to ask the City to partner with us, maybe the City cannot waive everything, but maybe the City can work with them in a way to help us continue serving our clients to the best of our financial ability.

Susan Swimley added that she did not include in her presentation that the City recently entered into an extended contract of impact fee repayment with no interest. She thinks the Council could definitely consider the fire impact fee reduction/waiver that Kelly suggested, but there are other options like the extended payment plan that the Council could also consider.

Chuck Wambeke added that in his letter he stated that the existing facility is hooked up with three other businesses at 123 Main Street, and all have full time employees and still use the minimum monthly water usage each month.

Public Comment: Kelly Bugland suggested that eight years to pay this off would be roughly \$20/month if the fire impact fee was waived. She believes if anyone would be able to get a waiver it would be the Food Bank, but she understands the language does not allow for a complete waiver. Matt Bugland agreed that a fire impact fee should be waived. Charlie Christensen said that over the last 12 years the Food Bank has really grown, serving all the way to Radersburg and even Ennis at times. They are a department of the HRDC but this is a community need, and he asked for the Council's support to waive all impact fees. Chuck Wambeke

further discussed the existing facility and hardships: storage, volunteers going up and down the basement stairs, limited shopping space and lack of privacy – and this new project addresses all of those hardships that we currently face at 12 E. Cedar Street. He added that their clients live “on the fringe of society” and that fringe is growing as costs of living continue to increase. Kim Gelder, manager of the Headwaters Area Food Bank, stated that just this month she had six new families sign up and so that is six more to be served every month. She witnessed today a new family who was in tears because they did not expect to receive the amount of food they received today which will sustain their family for the next couple of weeks. Matt Bugland stated at the VFW meeting last week, they voted unanimously in support of the Food Bank’s new location which is directly across from their land. In closing, Chuck Wambeke said that they are here to ask the Council to be as creative as they can be in finding a way to lessen the financial burden to the Food Bank organization.

Kelly Smith asked how long the lease will be. Charlie said that it will be a 5-year lease with 3 automatic renewals.

Teri Whitesitt asked Susan Swimley how the City of Bozeman addresses non-profits and impact fees. Susan said she did not know if they specifically exempt non-profits, but some cities have implemented policies for reduced impact fees based on projects meeting those goals. Susan suggested that for simplicity, the Council should consider one impact at a time. She continued by asking Kelly Smith to further explain her reasoning to allow the Council to waive the fire impact fee. Kelly explained that she believed since the existing building was on a lot which was covered by the fire department has already paid into the system; not through impact fees because it existed prior to them, but through taxes. Matt Bugland said that this applicant has actually improved the property with the Food Bank by cleaning it up and removing old equipment which may have been filled with fuel, there was very tall weeds and overgrown vegetation, it had so much stuff on the lot if would have been hard for firefighters to maneuver around to fight any fire. Crystal Turner stated that she had spoken with the HRDC treasurer who informed her they have paid impact fees for other projects and did not want to hurt the City’s budget by any means. She believed the HRDC had benefitted from reduced impact fees for housing projects in the past, but only because Bozeman had specific policies in place to allow for the reduction.

There was discussion regarding merit in waiving the fire impact fees. Deb Mickelberry believed that the fire impact fee should be waived. Denny Nelson quoted the Headwaters Area Food Bank’s mission is “To better serve

the community." He argued that the City Council's mission is to better serve the community as well, with providing water and sewer services among other services. With the Fire Department, we recently spent \$16,000 out of impact fees to outfit our firefighters with new SCBA's. That pretty much wiped out our savings of fire impact fees. We also need to serve our public by saving for future needs by imposing impact fees. He completely supports the food bank, but has a hard time waiving any of the impact fees because of his duty to the taxpayers.

Councilwoman Mickelberry moved to waive the fire impact fee. Motion died for lack of a second.

Councilman Chancellor moved to create a payment plan for the Food Bank for their full impact fees. Motion died for lack of a second.

Dennis Nelson asked what length of time the Food Bank would consider, if the Council did work out a payment plan? He has heard an eight-year plan, he has heard twenty years, but what would the [Headwaters Food Bank] Board be willing to accept. A ten-year plan would be roughly \$40/month for the full impact fees. Charlie Christensen added that he would accept a long-term payment plan but he would request, because there is a larger need community-wide, for a reduction if not complete waiver. He does not believe the use of this facility deems the full impact fee.

Teri Whitesitt said that Lamb's came in with a for-profit business, and we gave them a 50% reduction for them being open 50% of the time. Her heart is in this community and the Food Bank is here to help this community. She believes a solution would be to draft an ordinance that would allow the City to waive fees for non-profits. George Chancellor said that he did not believe the Council was authorized to give away funds this way. There was discussion regarding the RV park's impact to the system versus what the Food Bank's impact is to the system. Kelly Bugland asked the Council why it would grant a reduction for a profit business, but not consider it for a non-profit. Teri Whitesitt said her heart wants to do this but stated Denny has a point and her brain is telling her not to. She asked if the rest of the Council would consider a percentage discount? George Chancellor said if the Council starts considering percentage discounts, that every applicant will ask for the same thing. It would be setting a bad precedent. Mayor Hamilton said the Council could decide on a percentage and then send this to the Ordinance Committee to come up with a percentage discount for all other non-profits. Deb Mickelberry said that she would not be supportive of creating an ordinance blanketing all non-profits. Chuck Wambeke said the Council does not need to rush on

behalf of their application - they are on hold due to weather and do not need this decided upon tonight. Ed Tharp said he believes the City needs to charge the full amount, and spread it out over however many years is needed for them to make it financially feasible. He sympathizes with the situation but does not want to set a precedent of reductions.

Councilman Nelson moved to table this discussion until the next meeting and the Council give consideration from during, between now and the next meeting, for full impact fee with an extension. Councilman Chancellor seconded the motion. Kelly Smith said that she wanted to address something that Denny brought up, and that our ordinance allows for refunds if anything changes in one year from the impact fees. If the 2017 impact fee outcome is approved to be reduced, then the payment plan decided upon in this year could be reduced in the future if those fees are also reduced.

Motion Passed Unanimously.

Mayor Hamilton asked the Ordinance Committee to come up with a solution on this ordinance. "We can do better than this [ordinance as written]."

Public Hearing and Decision on a Request for Conditional Use Permit by Ian Taylor for a Duplex at Lot 4, Block 13 of the Original Townsite, more Commonly known as 114 1st Ave East

George Chancellor reported on Ralph Johnson's 12-point test, and in conclusion that the City must consider whether the "intent" of the Zoning Ordinance is being met, and if it finds the intent is being met after public comment is considered the following conditions:

1. A minimum of two additional paved off-street parking spaces shall be provided with a width of nine feet and a length of eighteen feet.
2. A minimum of a fifteen foot front yard setback to the proposed front porch shall be provided.
3. A minimum of a ten foot side yard setback to the face of any building or porch shall be provided on both sides of the proposed building.
4. A minimum of a fifteen foot rear yard setback shall be provided to the face of any building.
5. A minimum distance between the garage and the exit door from Unit B shall be determined by the Three Forks Fire Department based on the International Fire Code and the Uniform Residential Code to ensure safe access by fire fighters and rescue personnel in the event of an emergency.
6. Drawings indicating the floor plans and exterior character of the building shall be submitted five working days prior to the public hearing review by the Three Forks City Council.

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Mayor Hamilton asked Kelly Smith to read Chief Aune's letter into the record, which she did. She added that she suggested condition #3 be amended from ten feet to fifteen feet because of the foundation choice dependent upon the site plan and the floodplain requirements.

There was no applicant present.

Public Comment: Kelly Bugland asked if the garage was a one- or two-car garage. Kelly Smith replied it was 20-feet wide by 24-feet deep.

Councilman Chancellor moved that we approve the conditional use permit for Ian Thomas, err Ian Taylor duplex at 114 1st Avenue East. Councilwoman Whitesitt seconded the motion. Mayor Hamilton asked if the motion includes the conditions? George agreed, Teri agreed. Mayor Hamilton asked for clarification if that was for the 15-feet Kelly suggested instead of the 10-feet that is written in the staff report? George agreed, Teri agreed. There was no further board discussion nor public comment.

Motion Passed Unanimously.

PUBLIC COMMENTS/CONCERNS

Matt Bugland said that after sitting through the HRDC meeting last week he realized there is very little communication between all the various entities. That same night was also an Ordinance Committee meeting that they would have like to attend, but the entities do not communicate with each other and plan accordingly to promote more public participation. There was an energetic discussion regarding getting more information out to the public. Mayor Hamilton stated that the City is working on a new website which will enhance city information and help get the word out for city happenings, but it does not help with what other entities are doing. The Mayor added that he has been working for quite some time on getting the Belgrade News to have more Three Forks coverage. He admitted it has been a slow process.

MAYOR & COUNCIL ANNOUNCEMENTS

There were no Council nor Mayor announcements.

AGENDA ITEMS FOR NEXT COUNCIL MEETING:

- Second Reading of an Ordinance Amending the Definition of in Title 11, Chapter 2 of the Three Forks Zoning Ordinance to Include Multi-unit Hotel and Motel Buildings
- Second Reading of an Ordinance Amending Title 11 Section 7 Neighborhood Highway Business District, and Title 11 Section 8A Central Business District to Include Multi-unit Hotels or Motels as Permitted Conditional Uses

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. (9:25.M.)

Steven B. Hamilton, Mayor

Crystal Turner, City Clerk

NOVEMBER 9th, 2016, 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 2016.

PRESENT: Council members George Chancellor, Deb Mickelberry, Teri Whitesitt, Sharon Smith, Ed Tharp, and Dennis Nelson. Also present was 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. The Mayor reminded the public to review the "Policy and Conduct at Public Meetings" which is printed on the backside of every agenda, and to conduct themselves in an orderly manner.

GUESTS: Gloria Howland, and Kelly Bugland.

Mayor Hamilton asked if there were any **PUBLIC COMMENTS/CONCERNS** that were not on the agenda. Gloria Howland asked if the Library's internet is included in their funding because it is very slow and took her almost fifteen minutes to open her email account. She felt maybe they needed an upgrade. The Mayor stated he would relay this to the Librarian.

CONSENT AGENDA

- 1.** Approval of Claim to Mail Utility Bills in the Amount of \$174.84
- li.** Approval of Claims per List(s)
- lii.** Approval of Meeting Minutes of October 25, 2016
- liii.** Approval of the Fair Board Meeting Minutes of September 6, 2016

Mayor Hamilton asked if there is anyone who wished to segregate any item from the consent agenda item.

Councilman Chancellor moved that we approve the consent agenda.

Councilman Nelson seconded the motion. There was neither board discussion nor public comment.

Motion Passed Unanimously.

PUBLIC HEARINGS

Public Hearing and Decision on a Second Reading of Ordinance #370-2016 Amending the Definition of Title 11, Chapter 2 of the Three Forks Zoning Ordinance to Include Multi-unit Hotel and Motel Buildings

Mayor Hamilton introduced the ordinance and stated that unless there was a specific request for him to read the ordinance in its entirety into the record, he would not be reading it aloud. No one spoke that they wished him to read the ordinance aloud.

Councilwoman Whitesitt moved that we approve Ordinance #370-2016 amending the definition in Title 11, Chapter 2 of the Three Forks Zoning ordinance to include multi-unit hotel or motel buildings. Councilwoman Smith

seconded the motion. There were no public comment or board discussions.

Motion Passed Unanimously.

Public Hearing and Decision on a Second Reading of Ordinance #371-2016 Amending Title 11, Section 7 Neighborhood Highway Business District to Include Multi-unit Hotels or Motels as Permitted Conditional Uses

Mayor Hamilton introduced the ordinance and stated that unless there was a specific request for him to read the ordinance in its entirety into the record, he would not be reading it aloud. No one spoke that they wished him to read the ordinance aloud.

Councilwoman Smith moved to approve Ordinance #371-2016 amending Title 2, [should be Title 11], Section 7 Neighborhood Highway Business District to Include multi-unit hotels or motels as permitted conditional uses.

Councilwoman Whitesitt seconded the motion. There were no public comment or board discussions.

Motion Passed Unanimously.

REPORT OF OFFICERS

City Treasurer Kelly Smith reported that the loan to the Trail System has been paid in full, and that the middle school made \$1,200 in their fundraiser for the Larsen/Swanson family.

City Clerk Crystal Turner reported that she and Kelly worked with Ralph Johnson last week to go over the Memorandum of Understanding (MOU) the County recently entered into with the Town of Manhattan regarding their 1-mile extra-territorial zoning. She stated that in roughly 2006 the Council worked on this same document and it has sat at the County Attorney's office for roughly this whole time. The City of Three Forks had adopted its Growth Policy, and held public hearings to adopt what it felt were specific zones in the 1-mile jurisdiction. Staff will work with the Planning Board to update the Growth Policy, and Crystal will review and compare the MOU with Manhattan to the draft we had for Three Forks to ensure nothing is missing. Then we can send our draft back to the County for review and hopefully adoption.

REPORT OF COUNCIL COMMITTEES

Dennis Nelson reported that he and Dave Hargrove met with Fire Chief Keith Aune regarding the need to refill the cascade units for the SCBA bottles. The Fire Department has a trailer in the fire hall with a container for refilling the SCBA bottles. The Town of Manhattan has offered to allow us to utilize their refill system. Since both departments are shorthanded Dave Hargrove and Denny have volunteered to drop-off and pick-up bottles

and have a standing appointment time for one of Manhattan's staff to refill them. Manhattan does not want any money for this, they just want to help us and keep their system operating frequently. The portable trailer needs to stay put until we can get it inspected and recertified because of safety concerns when using pressurized tanks. He also reminded the Council that the joint City/Rural meeting will occur in January 2017. George Chancellor asked if the containment capsule on the trailer could be transferred to the truck for safety purposes rather than remaining on a trailer. Denny responded not really because the trailer will be used for filling bottles during training as well, but in its current condition it would not be a trailer he or Dave would recommend taking on scenes. Kelly Smith said that we budgeted for the compressor out of impact fees, so she will research if additional bottles or fixes to the trailer can be paid with impact fees. Kelly Bugland asked how many departments have traveling cascade units. Denny answered that many departments have traveling cascade unit, with them built into their trucks, and the smaller containment unit can is mounted right inside the door. The City of Three Forks actually has two: one in the command vehicle which holds three canisters, and the trailer one. Kelly Bugland recommended that on mutual aid calls that most departments already have one, why purchase a new one when you should be able to refill using another department's refill system. The Mayor asked if it would be worthwhile to setup an Interlocal agreement with Manhattan for the use of their compressor to fill our bottles. Denny did not believe it was necessary.

Ordinance Committee - Teri Whitesitt said they met 11/1/2016. The business district display of items discussion was on that agenda as well as the impact fee waiver, but Rob Norman provided some great comments on the existing ordinances and amending those rather than implementing new ones. No decisions were made on this topic yet. The committee will gather more input from the business community and try to meet again.

The committee really wanted to meet more to discuss the food bank and their request for a reduced or waived impact fee. The committee feels it is best to write an ordinance that if there is a building on a municipal lot and that building is moved to another municipal lot, only the fire impact fees could be requested to be waived. The committee is not supportive of a blanket non-profit waiver ordinance. Denny added that real estate taxes have been paid on the property which also funds the fire department and that wording should be included in the ordinance. There was discussion regarding not needing an ordinance for that, and for this request the Council could use a strongly worded motion to address those findings.

Mayor Hamilton thanked the ordinance committee for meeting and reviewing that appeal. Teri Whitesitt asked if they could have the tabled appeal request by the Headwaters Area Food Bank on the next agenda. Kelly and Crystal will draft a suggested motion for the council to review based on taxes paid, etc.

UNFINISHED BUSINESS

SRF Draw Request #20 in the Amount of \$6,263.00 and WRDA #4 in the Amount of \$3,039.94

Mayor Hamilton introduced the draw.

Dennis Nelson asked if all the extra time Smith Contracting is using the engineers would be taken out of our overall budget. Kelly Smith responded that the draw requests show that we pay Great West Engineering for the Unscheduled Employment of the Engineer, but we deduct it from Smith Contracting's invoiced amount.

Councilman Nelson made a motion that the Mayor be allowed to sign off on both of these draws. Councilman Tharp seconded the motion. There was neither board discussion nor public comment.

Motion Passed Unanimously.

Dennis Nelson reminded the Council that there will be a wastewater project construction meeting tomorrow at 1:30PM. He received an updated schedule from Smith Contracting which shows the project being complete about December 14, 2016. Kelly Smith informed him tonight though that UV testing would probably not occur until mid-January.

Dennis added that DN Tanks is on site working on the water project. The cover is on order and should be here the week of Thanksgiving and then working on installation the first week of December. The sealing and cleaning of the inside of the tank will probably not occur until spring, but we can use change orders to stop the calendar days of the project. Kelly Smith has contacted Joel Pilcher of Great West Engineering to ensure we have worked days documented for the project, and that is in alignment with the contract.

NEW BUSINESS

A Resolution 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.

Councilman Nelson made a motion that we adopt Resolution #264-2016, a resolution providing for appointment of the Gallatin County Sheriff Deputies to be cross deputized to enforce Three Forks municipal ordinances. Councilman Chancellor seconded the motion. There was no public comment.

Motion Passed Unanimously.

**Proclamation Declaring the Week of November 28 through December 4, 2016 in
Memoriam of MHP Trooper David J. DeLaittre #269**

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

The Mayor explained he has already signed the proclamation, and would pass the proclamation down to the Council members for their signature if lieu of a vocal vote. George Chancellor signed the proclamation and handed it to Debra Mickelberry, who signed it and handed it to Teri Whitesitt, who signed it and handed it to Sharon Smith, who signed it and handed it to Ed Tharp, who signed it and handed it to Dennis Nelson.

PUBLIC COMMENTS/CONCERNS

There were no public comments or concerns.

MAYOR & COUNCIL ANNOUNCEMENTS

There were no Council or Mayor announcements.

AGENDA ITEMS FOR NEXT COUNCIL MEETING, which may not be until the first meeting in December:

- Decision on impact fee appeal by the Headwaters Area Food Bank

ADJOURNMENT

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

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

DECEMBER 13th, 2016, 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 2016.

PRESENT: Council members George Chancellor, Deb Mickelberry, Teri Whitesitt, Ed Tharp, and Dennis Nelson. Sharon Smith was excused. 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 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: Desirae Munoz, Charlie Christensen, Kim Gelder, Ed Covey, Gloria Howland, Marjorie Hennessy, and John (David) Whitesitt.

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

- liv. Approval of Claims paid 11/22/2016 due to timeliness in the amount of \$31,197.79
- lv. Approval of Claim to mail Utility Bills in the amount of \$156.80
- lvi. Approval of Claims per List(s)
- lvii. Approval of Meeting Minutes of November 9, 2016
- lviii. Approval of Three Forks Rodeo Grounds Board Meeting Minutes from October 5, 2016
- lix. Approval of Records Disposal Request #4
- lx. Approval of Amendment #8 to Great West Engineering Contract for the Wastewater Project, Increasing the Contract price by \$5,000 for Mediation

Mayor Hamilton asked if there is anyone who wished to segregate any item from the consent agenda item. Councilman Nelson asked to pull two items: Claim #142346 to Ralph Johnson for work in October and November, and consent item g) for Amendment #8 an increase of \$5,000 due to mediation. Mr. Nelson continued that Claim #142346 was an item not planned for nor brought up to the Council or Budget Committee in the past. Mayor Hamilton explained that is for the City Planner holding office hours, which he reported on at the last meeting. Mr. Nelson said he remembered the Mayor report but the additional cost was never brought to the Council's attention. The Mayor stated it is not a requirement to hold monthly office hours but he would be recommended it if we had unusual or unique applications. Crystal Turner said that although they did not have an applicant present during the last office hours, she and Kelly utilized the time to review the Growth Policy and the Interlocal Agreement between Gallatin County and Manhattan and both she and Kelly felt this was a good use of city resources (staff and funds). The Mayor said he will call and confirm with Ralph Johnson tomorrow to hold the office hours or not, and not go over his monthly stipend amount.

Regarding the Great West Engineering contract amendment, Susan Swimley said that for over a year ago Smith Contracting stated they wished to go to mediation over the City's denial of a change order they had proposed. The City has been waiting for Smith Contracting's response for a date to hold mediation. In preparation, Great West will have to go back, review and compile all the documentation to show the mediator the contract requirements Smith is disputing. This is work not covered in Great West's original contract and is above their scope of work. Mrs. Swimley said that Great West is more familiar with this and so would be cheaper for them to do all the research rather than her doing it at an hourly rate.

Councilwoman Whitesitt noted a change in the minutes of November 9th, 2016 on page four where it says "business committee" should read "business community".

Councilman Nelson moved that we approve the consent agenda [as amended].

Councilman Tharp seconded the motion. There was no board discussion. Ed Covey asked what a consent agenda was and Crystal Turner explained it is the list of items under #VI on the agenda which typically do not warrant public discussion and then is approved/denied in one motion.

Motion Passed Unanimously.

There were no public hearings scheduled at this meeting.

REPORT OF OFFICERS

City Treasurer Kelly Smith reported that the Annual Financial Report (AFR) is complete if anyone is interested in reviewing it. She also reported that the auditors will be onsite next week to conduct the FY15/16 audit.

County Floodplain Administrator Sean O'Callaghan was in this area reviewing new addresses last month and noticed our fire training center might be in the floodway. Kelly reported that Mr. O'Callaghan came down and met with her today to discuss an action plan to bring this property into compliance. Dennis Nelson added that he was aware of this and that it was discussed at the Rural Fire Board meeting last week that they should meet with George Reich of the Willow Creek Fire Department, and should put a hold on all trainings held there until this is resolved.

City Clerk Crystal Turner did not have a report.

City Attorney Susan Swimley reported that she has been working with Great West Engineering regarding the mediation with Smith Contracting. She also reported on working on the new constitutional rights of victims and preparing the proper forms to provide to victims of crimes. Zoning enforcement, which is a misdemeanor, may or may not be related to Marcie's Law yet - there will probably be a lawsuit in order to figure that out. The law enforcement contract with the Gallatin County Sheriff's Office would probably have increased roughly 40% in cost due to the significant amount of added work the deputies are now required to provide to victims of crimes.

Ed Covey asked what Marcie's Law is. Mrs. Swimley explained it was a law put before the voter's this past election, which was approved, that provides additional rights to the victims of crimes.

Asst. Fire Chief Whitesitt reported on training held this past fall, which included a number of firefighters attending a first responder course. There are currently four firefighters now certified to be Emergency Medical Responders (EMR's). The training was 56 hours for each firefighter and he thanked all those who have participated. He apologized for missing the last quarterly report but due to the EMR training he had to miss the Council meeting. He reported on the October calls: 1 electrical wire down, 1 motor vehicle (commercial), 1 structure fire, 2 vehicle fires, 1 structure fire high life, 6 motor vehicle crashes (MVC),

and 1 grass fire. This totaled 57 hrs and 29 minutes of man hours for October. In November there were 5 MVC, 1 unknown outside fire, 2 gas odor calls, 2 alarm high life, and 1 Hazmat which totaled 20 hours and 32 minutes of man hours. To date in December there have been 3 MVC and 2 structure fires, totaling 19 hours and 13 minutes. The Council and public thanked Asst. Fire Chief Whitesitt and the rest of the firefighters who volunteer their time to train and respond.

REPORT OF COUNCIL COMMITTEES

Water/Sewer Committee - Dennis Nelson reported that the new dome cover has been installed on the old concrete tank.

UNFINISHED BUSINESS

Public Hearing and Decision on a Request for Impact Fee Waiver by the Headwaters Area Food Bank

Mayor Hamilton said that without changing the ordinance, that with an appropriate finding the Council would be able to waive the fire impact fee. He suggested the Council review this request in two parts: one for the fire impact fee and another for the water and sewer impact fees.

Charlie Christensen, on behalf of the Headwaters Food Bank Board, said that he has had many conversations with City staff and has a better understanding of the expenses that impact fees pay for. He thanked the Council for simply entertaining the Board's request.

Dennis Nelson said he does not have a problem with a waiver of fire impact fees, but does feel water and sewer impact fees should be paid in full. Teri Whitesitt asked Charlie if the Board had discussed a payment plan at all, such as five-years or eight-years. Charlie reported that there is a 20-year lease, in five-year increments, for this building to be on this lot. Dennis believed five years was sufficient time for the Food Bank to pay off water and sewer impact fees.

Councilwoman Whitesitt moved that we approve the waiver of the fire impact fee for the Headwaters Area Food Bank in the amount of \$1,003.00, finding that this building was built in 1996, which was prior to the adoption of the City of Three Forks' impact fee schedule. I further find that the lot the building was moved from, and the lot the building is being moved to, has paid property taxes. Historic research shows an upward trend of tax dollars going directly to the Fire Department, and in the last seven years, a minimum of 20% of taxes collected have gone directly to funding

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

Motion Passed Unanimously.

Councilman Chancellor mad a motion that we approve a payment plan for water and sewer impact fees totaling \$4,931.00, to be paid over a five-year plan, with monthly payments being \$82.19 per month for a period of sixty months. Councilwoman Mickelberry seconded the motion. Ed Tharp asked what the Food Bank time for actual construction would be. Charlie responded that they are at least 60 days out before they begin any construction. Crystal Turner asked about the due date for monthly payments. It was agreed upon by all that payments would be due by the 15th of each month, starting in February (after a State building and City zoning permit is obtained).

Motion Passed Unanimously.

Wastewater Project

SRF Draw Request #21 in the Amount of \$497,906

Mayor Hamilton introduced the draw. There was discussion regarding the remaining funds of roughly \$800,000 for the project, as well as nearing substantial completion.

Councilman Nelson made a motion we approve the draw in the amount of \$497,906. Councilman Chancellor seconded the motion.

Motion Passed Unanimously.

Water Project

WRDA Draw Request #2 in the amount of \$52,982.06

SRF Draw Request #10 in the amount of \$17,837

Mayor Hamilton introduced the draws simultaneously.

Councilman Nelson made a motion that we allow the Mayor to sign off on the two draws, the WRDA draw request #2 and the SRF draw request #10 in the amounts of \$52,982.06 and \$17,837. Councilman Tharp seconded the motion. There was neither public comment nor board discussion.

Motion Passed Unanimously.

Possible decision to go out to bid on steel tank rehabilitation

Mayor Hamilton reminded the Council that the City went out to bid last spring on the steel tank and we received just one bid which was more than twice the engineer's estimate. Dennis Nelson agreed and added the remaining items to be completed to finish this project are the dome lid of the concrete tank to be installed, rehabilitation of the inside of the

concrete tank (both of which are in process), and finally the repainting of the steel tank. He then asked Mrs. Swimley if we would need to go back out to bid. Susan Swimley said that Crystal asked her this same question last week and she apologized for not responding yet. "Discretion being the better part of valor, since it was so much more than the engineer's estimate and we are far beyond the initial bid and bid phase timeline, as well as being so far above the state law for bid requirements, I recommend going back out to bid," Mrs. Swimley stated. Dennis said it could save the City about \$7,000 by not having to go back out for bids, but he agreed with Mrs. Swimley's recommendation. He added that he wanted this to be a council decision, not just a committee decision.

Councilman Nelson made a motion we contact Great West and have them proceed with representing the steel tank refurbishment, to go back out to bid for it, and also to investigate any possibility of doing a split bid on that as well. Councilman Tharp seconded the motion. There was no public comment or board discussion.

Motion Passed Unanimously.

Mayor Hamilton explained that he just received a text from Fred Phillips who will be here shortly to provide an update on the sewer project.

NEW BUSINESS

Request for Consideration of Alternate Average of Sewer Rate for Joe and Jodi Robbins

Mayor Hamilton read the Robbins' request into the record. He asked Kelly Smith to explain the readings on the backside of the letter. She explained that Mr. Robbins had come into the City office and asked why his bill was so high when it was just he and his wife. Kelly had reviewed his usage readings with him and he realized the sewer rate was based on last winter when their child, child's spouse and children lived with them briefly. They have since moved out and upon reviewing their current water usage, asked if it was possible to use the months while just he and his wife were living the house. The months he requested be used are April through July of 2016.

Per ordinance #9-4-1, the Mayor asked for the Council's approval to use the months of April - July. Dennis Nelson asked if we had comparative usage in these same months in 2014, or even 2013 to compare their two-person household usage. Kelly Smith reported yes, they consistently used less than when their four family members lived with them this past winter.

Councilman Nelson made a motion to use April, May, June and July as an average for Joe and Jodi Robbins for the next year, and then review it again just to double check next year just to check that those months are fair because if they irrigate up there (Crystal Turner interrupted that they have an irrigation account and the City reviews this for every account every year). Councilman Tharp seconded the motion. Gloria Howland stated it seemed fair.

Motion Passed Unanimously.

Board Appointments:

Zoning & Planning Board

Mayor Hamilton read the board appointment memo into the record.

Councilman Chancellor made a motion that we reinstate John Zuelke and Kelly Smith to another three-year period on the Zoning & Planning Board. Councilman Nelson seconded the motion. There was neither public comment nor board discussion.

Motion Passed Unanimously.

Three Forks Area Ambulance District

Mayor Hamilton read the board appointment memo into the record.

Councilwoman Whitesitt made a motion to approve Tara Forsberg for the Ambulance Board. Councilwoman Mickelberry seconded the motion. Mayor Hamilton stated that this will be for the remainder of the term expiring September 1, 2017. There was neither public comment nor board discussion.

Motion Passed Unanimously.

PUBLIC COMMENTS/CONCERNS

Fred Phillips arrived and thanked the City of Three Forks for its business and delivered a gift basket of treats. He reported that this project has dragged on and has been difficult - it is over one year past the expected completion date. The last piece of equipment was installed today, which is the UV system. Fred believed they will provide training tomorrow and see if everything is running as designed. Ryan Pearson will be onsite tomorrow for the training and he hoped that both Wendell Ewan and Steve Johnston would be present at that training. Then Great West Engineering will go through and do a final inspection to confirm all items have been installed as designed, and ultimately provide a report stating everything is operational. Once a letter from Great West of substantial completion is issued, it starts a 30-day clock for the contractor to complete their last punch-list items. There was discussion by the Council regarding if

**** Page 157 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF
THREE FORKS, MONTANA, FOR ALL OF 2016.**

items are not complete within the 30-days what actions take place. Dennis Nelson asked Fred to explain the liquidated damages component of the contract to the public, which Fred did and would be the process if items are not complete in those 30-days.

MAYOR & COUNCIL ANNOUNCEMENTS

There were no Council or Mayor announcements.

AGENDA ITEMS FOR NEXT COUNCIL MEETING: 12/27/2016 or 1/10/2017

- Library Annual Report

ADJOURNMENT

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

Motion Passed Unanimously. (8:22 P.M.)

Steven B. Hamilton, Mayor

Crystal Turner, City Clerk