

CITY OF THREE FORKS, MONTANA, JANUARY 9TH, 2024

JANUARY 9TH, 2024, The Three Forks City Council met at the Three Forks City Hall (Council Chambers), 206 Main Street and via Zoom. (Zoom is a virtual meeting tool which the City began using due to COVID-19 and social distancing guidelines and continues to use to encourage participation from the safety of one's home.) The meeting was presided over by Mayor Johnston. Mayor Johnston called the meeting to order at 6:05 P.M. due to technical difficulties getting Zoom logged in.

ROLL CALL: City Council members George Chancellor, Roxi McDermott, Gene Townsend, (Warren) Garret Buchanan, and Ed Tharp. Brooke McLees resigned Monday 1/8/2024. City Treasurer Kelly Smith, City Clerk Crystal Turner, Library Director Jaime Ewan, and Gallatin County Sheriff Sergeant Desmond Doonan were present at City Hall. City Attorney Susan Swimley attended via Zoom.

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

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

GUESTS: Gloria Howland

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

Gloria Howland commented regarding kennel license topic, that the City of Belgrade is now licensing people's cats! She said, "Three Forks would get a lot more income if it licensed cats too."

CONSENT AGENDA

Mayor Johnston read the Consent Agenda into the record as follows:

- a. Claims Paid 12/19/2023 due to Timeliness in the Amount of \$17,524.29
- b. Claims Paid 12/29/2023 due to Timeliness and to Mail Utility Bills in the Amount of \$52,764.11
- c. City Claims to be Paid
- d. Three Forks Rodeo Arena Board Claims to be Paid
- e. City Council Minutes of 12/12/2023

Councilman Chancellor moved to approve the consent agenda. Councilwoman McDermott seconded the motion.

Motion Passed Unanimously.

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PUBLIC HEARINGS

Public Hearing and Decision on a First Reading of an Ordinance Amending Title 6 Police Regulations, Chapter 4A Animal Control to Clarify the Definition of "Kennel", adding a Definition of "Additional Dog Permit" and "Doggy Day Care" and Edit the Requirements to Obtain an Additional Dog Permit

Mayor Johnston read the ordinance, which would be #402-2024 if approved, into the record in its entirety. He then encouraged the Council to return to page 1, "Does the Council want to allow Doggy Day Cares in the city limits? If not we need to add that into the definition the location where it would be allowed."

Councilman Townsend moved to not allow doggy day care. Councilman Tharp seconded the motion. Board Discussion: Garret Buchanan asked about someone watching his dog during the day saying "No one at all in the city limits - or could it be a condition that someone could ask for that later?" Gene clarified that is not per his motion.

There was no public comment.

Motion Passed 5:0

Mayor Johnston then read the definition for a Kennel and asked for Council input.

Councilman Townsend moved to not allow a kennel in the city limits.

Councilwoman McDermott seconded the motion. Board discussion: Gene said he does not think it is a good idea to have a true kennel. "I was nearby at Mike Lane's house and I can hear dogs barking from the Headwaters Vet/Kennel. I think it's a bad idea to have that in city limits - all the time dogs would be barking."

There was no public comment.

Motion passed 5:0.

Gene Townsend noted in the second "Whereas" in the resolution there is a typo of the word "permitted" used twice and the second one should be "permit". Crystal Turner noted she heard that when read aloud and will fix it. She also announced other errors heard while the ordinance was read aloud which should be made: 6-4-B is missing the word "to" when stating "including but not limited [to], in 6-4A-A.1 "for dogs of any age with" should also include "or without", in 6-4A-2-A the apostrophe in property Owner is incorrect, editing the Doggy Day Care and Kennel definitions to include "which are not allowed in city limits", and that once the existing Title 6, Chapter 4A, Sections 7 and 9 are omitted, that Nuisance Dogs would then be numbered as Section 9 so she will fix those and print a clean copy for the Council and Mayor. Garret Buchanan on 6-4A-4-B the last sentence could have "his or her" rather than just "his agent".

Kelly Smith asked if we should state the word "rabies" in between *current* and *vaccination*. "That's what we check for now, just rabies, or are we

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changing it?" Crystal agreed and will edit that as well. Kelly also asked about the definition of "residential dwelling" because of condos. She clarified that for condos or multi-family units, there has twice been a condition to limit the total number of dogs to the lot at three, not to allow three dogs per unit of a 3-unit multi-family building situated on one lot. Susan Swimley recommended the Zoning and Planning Board and City Council continue to review those in each conditional use application. Garret Buchanan asked if it is an option to not allow any additional dog permits in condos at all in this stage, adding, "Maybe add a definition and limit to two?" Susan added, "If the first person moved into the condo and has 3 dogs, do they get to use that all up and the other 2 units can't have them? How do we enforce it? It seems better left as a condition in the condo approval."

Councilman Chancellor moved to approve Ordinance #402-2024, an ordinance amending Title 6 Police Regulations, Chapter 4 Animal Control, Article A: Dogs, of the Three Forks Code to clarify the definition of a "kennel", adding a definition for an "additional dog permit" and "doggy day care", and edit the requirements to obtain a kennel and/or additional dog(s) permit. Councilman Tharp seconded the motion.

There was no further Council discussion.

There was no public comment.

Motion Passed 5:0.

REPORT OF OFFICERS

Three Forks Community Library Annual Report

Jaime Ewan introduced herself and reported that for the past five months as Director they wrapped up a great Summer Reading Program. During the Summer Program they held five events, all participants took home at least one book, and the program helps children maintain their skills during the summer months. (See packet for Jaime's handout for more detail.) Jaime reported she has tried to find ways to streamline processes at the Library in an effort to save time and money. She has switched to a delivery company for cleaning and standard supplies, instead of purchasing from Costco at regular consumer rates. She also has joined a discount book buying club rather than purchasing on Amazon.com, again at regular consumer rates. "The Friends of the Library dissolved and there are some new folks interested in trying to pick it up and restart that program. They are currently working to obtain a 501(3)c non-profit which will help them apply for grants," she said. She also said Mayor Randy Johnston, who now drives the Galavan bus for the Human Resource Development Council in Bozeman, delivers the shared books to other Gallatin County Libraries. "When Galavan did not have a driver, Three Forks Community Library lost this service to borrow and loan books to/from other libraries. By utilizing Galavan we do not have to pay an additional shipping or fuel charge. So, thanks to Randy for taking that job on!" she praised. Jaime

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concluded her report that there were 1,326 library card holders last year and over 23,000 people visited the library and walked through the doors.

Ed Tharp said good job to Jaime.

Gene Townsend commented about the building being old. Jaime said she forgot to mention, "We do have a \$10/year usage fee for outside county users of the Library." Gene asked about bills he just saw for painting recently, "Was that basement freshly painted?" Jaime answered yes, stating there was a daycare tenant for a few years so it just kind of needed a lot of repairs. "We haven't finished painting the full basement, we still have two room to repair and paint," she said. Mayor Johnston added when the repairs for the rain gutters occurred the repairman noticed the roof is sagging a bit. "We need to address that and investigate if a rafter needs repaired," he said. He added a new water heater tank was replaced this year too and asked Kelly Smith how Jaime's doing on the budget. Kelly replied the Library is at 45% of the annual budget spent, and we are at just over 50% of the year. "The revenues are less but Gallatin County did not get the tax bills out at the normal time, so once we receive the first half of tax payments the Library will probably be fine. She added the "Friends of the Library" had money in its account when it dissolved and gave that all to the city, which will be held until they get their own 501(3)c. Kelly also spoke of the ADA ramp to access basement, or replaced ADA doors at the main entrance, could be projects for HB 355 funds.

Gene thanked Jaime, "It's a tough job: a library." Jaime also announced she finished 60 hours continued education and got her State of Montana license as a certified librarian.

City Attorney Susan Swimley reported on prayer during public meetings. "The City doesn't have a policy for prayer in public meetings. The Fire Department has commenced using a Christian prayer during their meetings. This is not a problem so long as the prayers meet the specific criteria defined by the Supreme Court. I have also asked them to go out, to reach out to other entities, document the method of communication to other religions and non-religions to offer them the opportunity to come into the meetings to a offer prayer. These can be Christian, Catholic, Jewish, Muslim, Wiccan, Pagan, etc. but I am reporting this to you to be sure we're all on the same page. They can have prayer as long as they invoke an entire program. I have not heard back from the Department yet and they can't just sit and wait for others to come to them. They have to actively seek to engage/invite others. If they aren't responsive, I will come back to the Council to then ask you to pass a policy. By only holding a Christian prayer they are putting us in a liability situation that could separate church and state."

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Gene Townsend said the County Commissioners hold a moment of silence rather than a prayer, "Would that take care of that?" Susan Swimley replied yes, but they were offered that advice already and chose not to and wanted to do a prayer. George Chancellor asked if a prayer before meeting was called to order, would that not fall under the conditions? Susan said, "I think that is OK, but I will need to look into it more under case law." George added he has a hard time asking them not to pray for the safety of fireman and their families if anything happens. He is not going to tell them they cannot have a prayer, "That is not happening." Susan agreed and said that is not what is being done; they just need to start an outreach program, do the work, and invite different groups to offer prayer. Mayor Johnston stated the Gallatin County Sheriff Office has a chaplain, the Detention Center and State Prison have chaplains, "Would they still have to reach out if they had a designated chaplain?" Susan said that is a good question and she does not know the answer but will look into it. Mayor Johnston added the State Prison has just one chaplain for all the different religions. He takes care of all faiths. Susan said she would be happy to look into that, and added the Fire Department has been very responsive and cooperative so far. "I just wanted to let you know in case the department doesn't become cooperative." Garret Buchanan recapped making sure he understood this was to limit liability on behalf of the City. Susan agreed.

City Clerk Crystal Turner reported on the Local Government Review will be coming up this year. She recapped that every ten years the governing body must put out to the people a ballot measure on whether or not the public wishes to review its form of government. The County Election Administrator needs the resolution with ballot language no later than March 11th, so Crystal has the resolution scheduled for the Council's February agenda. "What the Council will need to be thinking is how many members it wishes to put on a study commission if the people choose to vote to review, and how much money to budget for the review process for consultants, notices, mailers, etc." Crystal added that most communities have opted for three people on their study commissions, and budgets range anywhere from \$2,000 to \$30,000 for a city our size.

City Treasurer Kelly Smith reported there are offered trainings for newly elected officials that were emailed to the Council. These would be webinars, held on Fridays at 9AM for 5 weeks provided by the Local Government Center and MMIA. She also asked George Chancellor and Gene Townsend when they planned to have the safes moved? George replied when he gets around to it. Crystal Turner added that her computer is has been on wi-fi which makes Black Mountain programs run slower and the goal was to get Wally Ziegler out with Kelly and her to learn more. "This is becoming inconvenient as the cash drawer is still at my desk and it falls to me because of that when I may be working on the phone or with a customer already, they have to get in my space to help the customer. It

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is hindering my work." George said he would ensure it gets done by the first of February.

Gallatin County Sheriff Sgt. Doonan reported for the 2023 year, "We closed the year with 2,260 calls for service in city limits of Three Forks. This is up from 1,900 the year prior. Quite a bit of surge, but there was more School Resource Officer (SRO) activity than normal. We really kicked off our youth and family outreach program this past year. The breakdown is as follows: 13 domestic disturbances, 14 family disturbances, 2 gunshot disturbances, 2 disturbances other than firearm, 140 traffic stops, 456 patrol checks, 8 sex crimes, 11 drug reports, we stood by for 84 civil calls (property disputes), conducted/presented 21 special events, and there were a total of 175 SRO calls. The SRO spends a considerable amount of time at Three Forks School and they cover the whole county. There were 105 9-1-1 hang-ups, 63 animal control, 8 vicious animals, 8 animal cruelty, 3 Code/ordinance enforcements, 23 thefts, 1 overdose, 6 suicide threats, 42 youth and family outreach. We are also staffed with four deputies and a sergeant in Three Forks now, so we have much better coverage for the year 2024," Sgt. Doonan stated.

Crystal Turner asked if he knew why there were more calls/coverage of the Three Forks School. Sgt. Doonan was not sure of the specifics.

REPORT OF COUNCIL COMMITTEES (if any)

Gene Townsend reported he sat on the Interviewing Committee for the Public Works General Laborer position. They reviewed a total of four applications for Public Works. "Two applications were received, and we held interviews, then decided to extend the posting and see if more applications would be submitted. We received two more, and interviewed those candidates. We have called one back for one of those to have a second interview and offered him the job. Anthony Benenato-Johnson will start on the 16th of January."

Mayor Johnston said he was thankful we hired a new person.

George Chancellor read the Three Forks Area Ambulance update (see packet).

UNFINISHED BUSINESS

Flood Mitigation Project Update (as applicable)

Kelly Smith reported staff met yesterday and the team is still hoping for FEMA award by end of February. "Probably not until fall or winter 2024 to start construction due to permitting. There is still no movement on the new maps," she added.

Water Project Update (as applicable)

Nothing to report. Randy Johnston will get in touch with Susan Hayes.

NEW BUSINESS

Election of Council President for 2-year Term per Resolution #360-2022

Mayor Johnston asked if there were any nominations for Council President.

Councilman Chancellor moved to nominate Gene Townsend for another 2-year stint. Councilwoman McDermott seconded the motion.

Gene Townsend said he would accept the nomination.

There were no other nominations or board discussion.

Motion passed 4:0 – Gene Townsend abstained.

Board Appointments:

Board of Adjustments & Appeals

Mayor Johnston read the board appointment memo into the record for Reagan Hooten's application.

Councilman Chancellor moved to appoint Reagan Hooten to the Board of Adjustments. Councilman Townsend seconded the motion.

Motion Passed Unanimously.

Zoning & Planning Board

Mayor Johnston read the board appointment memo into the record to reappoint Matt Jones.

Councilwoman McDermott moved to appoint Matt Jones to Zoning & Planning. Councilman Chancellor seconded the motion.

Motion Passed Unanimously.

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

There was no public comment.

MAYOR & COUNCIL ANNOUNCEMENTS

Mayor Johnston reported that Wally Ziegler has been working hard on getting more training and he has successfully earned two certificates: Code Enforcement Officer Safety Foundation's Code Official Safety Specialist 15 hours, and he completed a 3 hour training of High Risk Case Management. "In December, we met with the Gallatin County Sheriff Office and our attorney, trying to get Wally setup to be able to do more code enforcement. This [training] was recommended by the Sheriff's Office and I appreciate Wally doing them so quickly. We also decided at that meeting we would meet quarterly to check on progress." He added the City is still waiting on Jackie Keery to provide access to Zuercher, but with CJIN information redacted. Randy asked Crystal Turner to setup a new meeting with all those involved. Crystal recommended to wait until Wally's

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bullet-proof vest arrives, and the Sheriff Office provides him access to Zuercher.

Gene Townsend announced that the AARP senior exercise equipment arrived Friday night. He requested that before the January 23rd meeting, as the Chairman of Budget Committee, he would like to review the mid-year financial reports with Kelly Smith. He hopes we have money (tax revenues) from County by then as well.

AGENDA ITEMS FOR NEXT COUNCIL MEETING: January 23, 2024

- Public Hearing and Decision on a Resolution Naming Repair and Maintenance Projects Pursuant to State-Local Infrastructure
- (consent item) Three Rivers Development, LLC exemption application to convert Headwaters PUD Condos to Townhouses
- Budget Committee mid-year report

ADJOURNMENT

Motion to adjourn the meeting was made by Councilman Tharp. Councilman Chancellor and Councilwoman McDermott seconded the motion in unison. The meeting was adjourned at 7:32P.M.

Randy Johnston, Mayor

Crystal Turner, City Clerk