

**** Page 1** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL MEETING
CITY OF THREE FORKS, MONTANA, MAY 13TH, 2025**

MAY 13TH, 2025, The Three Forks City Council met at the Three Forks City Hall at 206 S. Main Street and via Zoom. (Zoom is a virtual meeting tool which the City began using due to COVID-19 and social distancing guidelines and continues to use to encourage participation from the safety of one's home.) The meeting was chaired by Mayor Johnston, who called the meeting to order at 6:02 P.M.

ROLL CALL: City Council members George Chancellor, (Warren) Garret Buchanan, Ed Tharp, Gene Townsend, Roxi McDermott, and Reagan Hooton were present. City Treasurer Kelly Smith and City Clerk Crystal Turner were also present at the meeting. Zoning Consultant Lee Nellis joined via Zoom at 6:27PM.

The record reflected a quorum with the attendance of six (6) Council members and the meeting was held.

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

GUESTS: Ryan Malmquist, Lisa Malmquist, Gloria Howland, Kevin Cook, Mike Stenberg, Andy Willet and Matt Wemple.

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

Matt Wemple of 523 2nd Avenue West - spoke regarding dust mitigation on the unpaved streets. He stated the dust is a serious quality of life issue and mitigation is only done once a year, which does not last for a year. "It's a busy street, a popular cut through for other traffic in town. Dust is a huge allergen and nuisance to many's health, vehicle and home conditions as well. I have photos I can forward. The traffic has increased exponentially in my 22 years living here," Mr. Wemple said. He is requesting the Council to consider dust mitigation multiple times a year.

The Mayor said last year we adopted the updated CIP, and for 2025 he will get with the Budget Committee to consider a long-range transportation plan. The Mayor would like to get all of town paved completely - thinks it is time. "I haven't been happy with the magchloride, they've been thinning it up. It seems to work for like two weeks, then it rains and is gone and muds up," the Mayor added. Mr. Wemple recommended running water trucks in between treatments may be an option as well.

CONSENT AGENDA

- a. City Claims Paid due to Timeliness on 4/17/2025 Totaling \$51,852.33

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- b. City Claim Paid due to Timeliness on 4/30/2025 to Mail Utility Bills Totaling \$205.44
- c. City Claims to be Paid
- d. Three Forks Rodeo Arena Board Claims to have checks ready for 4/26 & 4/27/2025 Junior & High School Rodeo Totaling \$27,054.83
- e. Three Forks Rodeo Arena Board Claims to be Paid
- f. Council Minutes of 4/8/2025
- g. Zoning & Planning Board Minutes of 3/24/2025
- h. Journal Vouchers, Revenue Vouchers (2/25-4/25) and Cash Report
- i. Pledged Securities from First Security Bank (Glacier Bank) through 3/31/2025
- j. Pledged Securities from Manhattan Bank through 3/31/2025
- k. Service Agreement with Arts Construction to Install new ADA Ramp at Library (\$11,486 - work already completed)
- l. Service Agreement with CK Architectural Fabrication for Railings on new ADA Ramp at Library (\$4,740 - work already completed)
- m. Service Agreement with Zak Tesoro Masonry, Inc. for Demolition and Repair of Brick Exterior where an Awning Used to be (\$6,700 - work already completed)
- n. Service Agreement with Invictus Security to Provide Security Services at the Three Forks Rodeo 7/18-7/19/2025 (\$43/hour for an estimated 56 manhours)
- o. Service Agreement with Ascent Technical Services, LLC to Provide ATMs and Wi-Fi at the Three Forks Rodeo on 7/18-7/19/2025 (\$500)
- p. Acceptance of the Open Space Levy Fund Grant Agreement for the Headwaters Trails System (\$100,000)
- q. Trick Rider Contract with Audrey Snellman for Performance at July 2025 Rodeo (\$800)
- r. Trick Rider Contract with Gracie Stolfus for Performance at July 2025 Rodeo (\$800)
- s. Water Project Draw #1 from Montana Coal Endowment Program (MCEP) in the amount of \$22,515.00, Draw #25 from Local Fiscal Recovery \$21,847.70, Draw #14 from ARPA Minimum Allocation Grant (MAG) in Amount of \$49,832.73, Draw #7 from ARPA Competitive Grants in the Amount of \$272,826.86
- t. Engagement Letter with Rudd & Company to Conduct Audit of Fiscal Year 24-25

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

Motion Passed Unanimously.

PUBLIC HEARINGS

Public Hearing and Decision for a Conditional Use Application for a Greenhouse / Plant nursery by Ryan Malmquist at 67 N 7th Avenue E, COS 789A
Councilwoman and Zoning Liaison Reagan Hooton read the staff report into the record.

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Ryan Malmquist introduced himself to the Council. Wants to provide community classes, continue his grandparent's tradition of the pumpkin patch and inviting the preschoolers around town, he plans to be open 9am-5pm Wed through Sundays.

Garret Buchanan asked how temporary is a *temp structure*? Ryan Malmquist replied it has no foundation, can be easily moved but he does not plan on taking it down annually. Mr. Malmquist plans to open this Thursday, pending this approval.

Public Comment: Gloria Howland said it would be a welcome addition to the town.

Councilman Chancellor moved we approve the Conditional Use Permit application for a greenhouse plant nursery for Ryan M at 67 N. 7th Avenue E, with the conditions (listed on the front). Councilwoman McDermott seconded the motion. Kelly Smith and Crystal Turner asked the Council in unison, with the recommended conditions? Councilman Chancellor and Councilwoman McDermott agreed. There was no further discussion.

Motion Passed Unanimously.

Public Hearing and Decision on a First Reading of an Ordinance Adding the Southeast Zoning District to the Zoning Code

Mayor Johnston noted this would be Ordinance #404-2025, and then read the ordinance in its entirety into the record.

City Attorney Susan Swimley stated from the standpoint of process, hopefully this is the first reading. "If there are major changes it may not become a first reading, it really depends on how you discuss this and form your motion," she said. She recommended proceeding to have Lee Nellis provide an overview, review staff's comments and questions before taking any public comment.

Lee Nellis, consultant the City hired to rewrite its Zoning Code, said this essentially covers all the performance standards for the property owner who wishes to develop the land southeast of the City.

Susan Swimley addressed the comments in the track-change document: 4th whereas has a question on the RFP in 2024 - the more information we provide the public, the better. She suggested leaving this "whereas" in. On page 2 #11-22-2, there is a process question on updating the zoning map, which goes hand in hand with the question on page 3 in 11-22-3.B regarding the 35-acres currently in City limits. "When it [this chapter and anything in the "Southeast Zoning District" designation] is adopted it will to everything in the city limits that are given this zoning designation, after its two readings without changes and 30 days for it to become law. Regarding page 4, 11-22-7.B questions the Zoning & Planning

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Board's recommendation of no permit/setbacks for 120SF accessory structures, Mrs. Swimley answered it would be the same with 11-22-7.F. She would advise the City require all property owners to get permits for everything they do, because if not buildings just appear without permits and we have to go back after-the-fact and do more work. "Then we get into a legal argument for how long it has been there, etc., less user-friendly to require permits for all structures but from the legal side it is recommended to have everyone get a permit," she recommended. Lee Nellis said he agrees with Susan on that last comment. "This is for a whole new show; there are regulations for lots not even created yet. The Board's comments on 120SF makes sense to make things easier, but they do not help people starting from scratch. Accessory buildings will be regulated by CCRs by the developer on this site," he said.

Susan Swimley stated regarding 11-2-9.C, she believes Lee and herself are in agreement, but she does not like the word "nuisance". "In order for me to enforce it, I first have to prove it is a nuisance. I propose striking the word nuisance and replacing it with *"mitigated by conditions of approval that restrict negative impacts that include..."* This takes me on a little sidetrack on the "1st reading" part because the Council would need to "move to approve with the following amendments" which would qualify as a first reading, then the second reading we would bring you the clean copy with all the recommended/motion changes. Regarding the last comment in 11-22-16.C, that is a correct cross-reference," she explained.

Gene Townsend questioned 11-22-4.G which mentions "heavy trucks". "Can you be more specific? Someone who lives in that area, someone who drives truck for a living and brings it home, or moving vans, garbage trucks?" he questioned. Lee Nellis answered it refers to commercial uses. Low-impact commercial is defined in the drafted impact fee ordinance and Service Area Reports (scheduled for the May 27th meeting). It would not apply to the truck driver bringing a truck home. Gene asked for the definition of a building envelope. Lee said it is defined by the setbacks: the space within the buildable area (the lot less setbacks). Gene then asked about the 35-acre comment, "Will this will apply to that land?" Susan Swimley replied those 35-acres already in City limits have no designation currently so yes, they would be zoned Southeast Zoning District.

Crystal Turner asked about Low-Impact Commercial Development being defined in the Search Area Report, should it be cross-referenced. Susan said it could, but Kelly Smith added that Lee Nellis is keeping a list of definitions which eventually will be its own chapter. Then the Zoning & Planning Board will review that chapter, and the Council will see it as well in order to adopt the definition as another ordinance chapter. Lee added "building envelope" could be added with a diagram as well.

Garret Buchanan asked for clarification on 11-22-8.A regarding potential adverse impacts of adjoining land and mitigation. "Will that be applied

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when the applicant is getting a CUP? How will that get enforced?" Lee replied, "It's up to the developer to address it and make them provide the options of how they will meet that requirement."

Gene Townsend said, "Lee mentioned some pages of definitions and I really feel the more we have [documented] it makes it easier for future Council people and administrations. So, I appreciate it."

There was a question regarding who will enforce building envelope or sheds, or even parking. Lee said, "Eventually, it will become a city obligation since it will be imposed by municipal zoning. They [the developer or HOA once built out] will be required to maintain some on their own, like their landscaped buffers."

Crystal Turner suggested to cross-reference the Landscaping chapter number, which will be #23, in 11-22-11.D.

Public Comment: Kevin Cook said the City did a great job on this chapter. Mike Stenberg thanked Lee Nellis for his collaboration to draft this chapter and regulation. Andy Willet thanked the Planning Board, who spent a lot of hours going over this and thanked them.

Reagan Hooton asked if the Council wanted to go with the recommendation of the Zoning & Planning Board not to permit small sheds, or keep setback on the 11-22-7. Kelly Smith commented it was her recommendation because the County does not require permits for the certain square footage, and this was to make her job easier, but she understands the reason for not doing it. Garret Buchanan said that makes sense, but clarifying the confusion between County and City ordinances moving forward, in an undeveloped section of town, having as many guardrails in place is a smart choice. "I recommend keeping it as written where there are setbacks," he said.

Crystal Turner recited the agreed changes into the record: in 11-22-7.F adding "within the setbacks provided by B above" after the words "accessory structures" in the first sentence; to 11-22-9.C to replace the word "nuisances" with "adverse impacts"; in 11-22-11.D to add in parenthesis "(see Chapter 23)" after the word "landscaping".

Susan Swimley said, for ease of context and process, the Council's motion should state that the Council has considered public comment, and you find that this proposed chapter is in the best interest of the public's health and safety, and then say *with the amendments Crystal just read*.

Garret Buchanan said he believes this is a good guideline to keep the City on the rails moving forward and it is looking out for the future of the town, so he moved to accept this as a first reading with the following amendments that were listed by Crystal. Gene Townsend clarified the ordinance #404-2025. Councilwoman McDermott seconded the motion.

Motion Passed Unanimously.

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Public Hearing and Decision on a First Reading of an Ordinance Adding a Landscaping Chapter to the Zoning Code

Mayor Johnston noted this would be Ordinance #405-2025 and then began reading the ordinance in its entirety into the record. When the Mayor got to the landscaping table within the ordinance, Susan Swimley recommended that instead of reading every line in the table, say there are different categories for different residential, then multifamily up to 5 dwelling units per acre with a width in buffering, multifamily over 5 units/acre and again go through the different widths of buffers, and the Downtown Commercial with the different widths of buffers, Highway commercial with the various buffers, New uses, and we have the Industrial to the inside building and outside building different buffers, then began reading again in 11-23-7.

The Mayor picked back up reading word for word into the record at Section 11-22-7.

Susan Swimley recommended the Council follow the same course as was done on the last ordinance hearing, asking Lee to give an overview, she will walk the Council through the questions on this proposed ordinance, and then discuss any amendments to satisfy the first reading. "I will put on discussion for another time as to why we read word for word," Susan told the Council.

Lee Nellis said he appreciated the Mayor's endurance to read that ordinance. "Landscaping is the single most important piece on how we develop communities. How we manage stormwater, shading paved areas, and it takes a lot of detail to make landscaping show up right. These always focus intently on maintenance as well, you don't ask people to invest a bunch of money into landscaping and then not water it. There are lots of ways to do the landscaping buffers and screening, this chapter tries to provide a wide variety of options to meet that regulation. Section 15-D says you have to landscape your front yard. The City can enforce that to the extent it can enforce it," Lee said.

Susan Swimley reviewed the comments that were in track changes in the copy before the Council: page 1, 3rd whereas, she recommends keeping that in the ordinance. Page 2, #11-23-2 applicability is exactly what Lee was just discussing, 1- and 2-family dwellings. Her interpretation of this statement is that although the City does not specify how to landscape, but noting that a full landscaping plan is required upon issuance of a zoning permit. "So, the application must spell out how it will be addressed. We probably don't care how, but that they need to do it. Everywhere else, let's say I get a CUP to squeeze an apartment building in between two single-family homes, it would require some buffering in between those two uses. If I simply want to add a duplex, the cost and time to prepare a full landscaping plan does not seem reasonable." Lee said in each zoning

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district is will be repeated, like it is written in 23-15.D. The comment for 11-23-7.B is just a reminder to include a certificate of occupancy or certificate of compliance, whichever the City will call it, in Chapter 4 "permitting".

Susan Swimley said regarding the comment on Page 4 in Section 11-23-7.A, the comment that it reads odd she said: instead of having rear and side yard requirements, you could propose landscape buffering, but none in the front yard because they face streets. Lee Nellis agrees and provided the example, "If Taco John's goes in and abuts against residential in the alley, it would be required to do a buffer."

11-23-15 on page 6 the comment reminds the author to add that when we the City gets to that section. Lee replied that if no Downtown Streetscape Plan exists, he recommends amending the language now to remove it and reletter this section accordingly. The comment in this same section, but C, again is just a reminder to include xeriscape materials in the definition list.

Susan continued, regarding the comment on 11-23-16.B has a recommendation to reduce the link to the County's reference. Susan said, "I would say "as amended" or "as available" after the direct link, and that way the City will not have to recodify the ordinance if that exact page changes."

Susan had the same recommendation for 11-23-18.A because it references specifically, ".1" eventually .2 and etc will come out, so add "as amended".

Susan Swimley recapped the edits so far for a motion that would need to strike 11-23-15.A and renumber the remaining sections accordingly, add the words "as amended" to 11-23-16.B, and add the words "as amended" to 11-23-18.A as well.

Public Comment: Kevin Cook said regarding the last section about plant material and 2" ornamental tree and 2.5" caliper for large trees "A lot of our trees come from Kalispell, and Idaho. The availability of larger trees like that are fairly limited especially late in the season. Typically find 1 and 1.5" calipers only. City of Bozeman requires a 1" and 1.75" respectively." Susan Swimley replied that it would be nice to considered better than the City of Bozeman and everyone laughed. Ed Tharp asked that the developer could do bigger though than the minimum in the ordinance? Mr. Cook replied yes, but availability may be difficult [meaning that condition may not be easily met if the availability is not there]. Kelly Smith said larger caliper trees will be more expensive for the installed. Lee Nellis said the tradeoff is it will take longer to get to the caliper if the City reduces the minimum. An inch caliper is roughly 4-5 years of growth. It is more costly to plant a larger caliper, but it depends on where the City wants to start and how it wants to see

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its urban forest. Garret Buchanan asked if 1-inch compares to 4-5 years' growth? Kevin Cook said yes. Mayor Johnston added groundwater helps, and how much water them. Kelly Smith remind the Council the landscaping specifications in this chapter are for the whole town not just the southeast. George Chancellor said he bought 1.5" and they grew right away. Garret Buchanan said he was fine with amending to a smaller size, Reagan Hooton and Ed Tharp agreed too. The Council agreed to keep the shrubs at a 2 gallon minimum.

Garret Buchanan asked for 11-23-3 if there is a definition of "phases" for clearing a property? Lee Nellis said you could have an acre open at a time, if you fill up a half-acre with the xeriscaping or whatever, then you can expand to the next acre. The phases can vary in both size and time. Trying to pin this down and define it will be very difficult for staff. Lee will make a note to better explain "phases" in the definitions, but it will be different with each site. Gene Townsend questioned why are we doing a landscaping ordinance at all, when some people can barely afford grass seed? Lee replied that we are bringing a landscaping ordinance the same, for example, a new ice cream factory or a single-family home. The requirements are different, but it is not just an aesthetic requirement. Landscaping helps cool paving, homes and businesses, it provides habitat for birds and animals, more plants provide fresh and clean air for the community, and it makes a sense of community as Three Forks did years ago with the planting of boulevard trees. Those trees define Three Forks' character. Susan added that when you see a landscaped home and it is taken care of, you see permanency. When you do not have landscaped areas maintained, it does not demonstrate the same permanency. Gene commented on the City's attempt to maintain a treescape on Main Street but there is no requirement to replace the trees if they die, and the City has got stuck with the bill to trim them when property owners did not when we have nothing to back it up. He added, "I don't know any community that has 100% adherence, but when someone asks me why you are doing this, I wanted to have some answers to the public. I am not opposed it and I like it, I just wanted to have some reasoning for the public," Gene said.

Mayor asked Crystal to recite the changes thus far: 11-23-15 remove the draft A "Landscaping along downtown streets shall be provided as specified in the city's downtown streetscape plan." And reletter accordingly (B becomes A, C becomes B, D becomes C); 11-23-16.B as "as amended" in parenthesis at the end; same in 11-23-18.A; changing 11-23-18.B to read: The Minimum size of new plant materials installed in required plantings shall be as follows: large trees - 1 ¾-inch caliper; understory or ornamental trees - 1 ½-inch caliper; and shrubs, ornamentals - 2 gallon."

There were no questions or comments from the public.

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Garret Buchanan stated that once it was explained on the record, 11-23-7.A made sense to him, but was there any Council decision to rework that language? Reagan Hooton said it made sense to her. The Council will leave the language as is, understanding it as Susan explained.

SS - council Ok . Councilwoman Hooton moved to approve the first reading of Ordinance #405-2025 with amendments as read into the record. Councilman Townsend seconded the motion.

Motion Passed Unanimously.

REPORT OF OFFICERS

City Treasurer Kelly Smith stated she wished to schedule a meeting with Budget Committee, possibly the first week of June to review the current budget expenses, look at CIP, and prepare for FY2025-2026. It was agreed to set the meeting for 6/3/2025 @ 2PM.

Kelly also reported that the Legislature made minimum required parking so our ordinances will be updated to reflect that new law.

REPORTS FROM COUNCIL COMMITTEES (if any)

Gene Townsend reported the Water/Sewer Committee met a couple weeks ago to discuss increasing the base rates. The Committee is recommending a \$5 increase to both the water and sewer base rates. Gene included that the Committee also discussed the ongoing water supply and water main replacement projects. Great West is working to get the new wells drilled up to DEQ to get them approved to be used as public supply wells. He thanked Kevin Cook for granting the easements to allow the City to drill these wells. Garret Buchanan added the City is trying to get these projects completed as timely as possible to use the grant funding, much of which expires the end of 2025. Mayor Johnston said there was a project meeting with the contractor today as well, "Susan Hayes explained to us where O'Keefe is up on there on Well 13. She has the as-builts ready to submit to DEQ and is working hard to get it all done to meet the grant fund requirements. She plans on providing an update at our meeting on the 27th."

Gene explained that the Committee makes the recommendation on the Council for water/sewer changes, and Crystal added this resolution has already been drafted and notices sent to the papers so this will be heard on the June 10th agenda.

UNFINISHED BUSINESS

Flood Mitigation Project Update

Kelly Smith said the project continues moving ahead; Jeremiah plans to get the 60% design to get to FEMA. MDT agreed to the four culverts designed

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which she sent the specs to Three Forks Lumber in hopes he can put a bid to build them. Monday, Kelly leaves for New Orleans to attend the national conference for floodplain and she will present with the team.

Water Project

See above.

NEW BUSINESS

Board Appointment: Library Board of Trustees
Mayor Johnston read the appointment memo.

Councilman Chancellor moved to accept Lindsie Diebold to the Community Library Board of Trustees. Councilwoman McDermott seconded the motion.
Motion Passed 5:0; Garret Buchanan abstained. (Mr. Buchanan is married to Ms. Diebold.)

City Clerk Crystal Turner reported forgot to mention that the Chamber of Commerce had emailed the City saying they do not have the means to put up and take down the Christmas decorations any more. They asked if the Council wished to take it on, and if so they would donate the decorations to the City. Crystal also reported that Gallatin County Commission had also emailed regarding the Drought and Deluge project that Commissioner Boyer presented to the Council roughly a year ago. "This is finally up and running and they would like to have a Three Forks representative, as well as continued funding support/commitment, if the Council chooses to," she said.

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

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

MAYOR AND COUNCIL ANNOUNCEMENTS

There were no Council announcements.

Mayor Johnston reported he met with MDT on 5/6/2025. The first issue was the culvert along trail on Madison overpass, starting to collapse. It is a 30-inch diameter culvert. He is going to meet with Trevor Little, hydrologist for the State, but thinks it will be hard to fix. He is working on it though. He also spoke with them about Street/Highway from Date to Ivy because the heavy truck traffic has roughed up the road quite a bit. They will get with their superintendent and see if they can use their equipment to overlay the ruts. Gene Townsend asked what they fill the ruts in with, and Mayor Johnston replied asphalt.

The Mayor reported he is still working on the request from neighbors for the crosswalk on Main and Cedar - MDT will put new crosswalk signs up on

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both sides. "I spoke with them about paint, and they will put new one near the pizza place," he said. Last, the Mayor talked to them about striping, "We used to get Talc Road striped, I asked the State why they had not striped it for a couple years and they told me to get ahold of Preston Pierce at the County Road Department to get that on the schedule."

Gene Townsend asked about the speed limit reduction request near John Q. Adams Park. Crystal replied there has been no update from MDT yet.

Gene Townsend announced, for anyone wishing to help, "Thursday morning at 10AM if you are interested in helping the City plant trees, we purchased two fairly good-sized evergreen trees to be planted at John Q. Adams Milwaukee Railroad Park. Most likely be along the service road there, to get more screening from the businesses near the park."

Reagan Hooton said she did not know if everyone knows that Three Forks has a community band and choir. There is a fundraiser on the Monday the 19th at 7PM - teach dance, have a jazz night with live music. This includes the Three Forks Community Band and the School band. Admission is \$5, and this will be held at the school cafeteria.

Gene Townsend announced the Public Works Department has been working to improve the beach area of Bellach Park (the pits/ponds) and before they were even done last Friday, folks were setting up before they were finished.

The next meeting will be on May 27, 2025, and will have the following items:

- Public Hearing and Decision on Sarah Ralston Jorgenson Application for a Kennel Permit
- Public Hearing and Decision on a Resolution Accepting the Amended March 2025 Service Area Reports and the Impact Fee Advisory Committee's Recommended Impact Fees for Fire, Water, Wastewater, Transportation, and Municipal Buildings

ADJOURNMENT

Motion to adjourn the meeting was made by Councilwoman McDermott, seconded by Councilwoman Hooton. The meeting was adjourned without a vote taken by the Mayor's gavel at 8:38P.M.

Randy Johnston, Mayor

Crystal Turner, City Clerk