

**** Page 1** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL MEETING
CITY OF THREE FORKS, MONTANA, JUNE 11TH, 2024**

JUNE 11TH, 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 6:04 P.M.

ROLL CALL: City Council members George Chancellor, Gene Townsend, (Warren) Garret Buchanan, Ed Tharp, Roxi McDermott, and Reagan Hooton. City Treasurer Kelly Smith, Office Assistant/Code Enforcer Wally Ziegler, and Gallatin County Sheriff Sgt. Desmond Doonan were present at City Hall. City Clerk Crystal Turner was excused (but finalized the meeting minutes upon return). City Attorney Susan Swimley and City Engineer Jessica Salo attended via Zoom.

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

The **Pledge of Allegiance** to the American Flag was led by Mayor Johnston. Mayor Johnston reminded the audience this meeting was audio and video recorded and may be streamed via Zoom and on our Facebook page. The Mayor also reminded all to familiarize themselves with the policy of conduct for this public meeting on the back of their agenda.

GUESTS:

Gloria Howland, Kira Gifford, and Richard Russell were present at City Hall. Jennifer Bushnell of the Jackpot Casino attended via Zoom.

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

Kira Gifford asked the Council if her agenda item could be moved up to the beginning of the meeting because she had hungry kids at home she needed to return to. The Mayor agreed and read **NEW BUSINESS** item **A** to be heard now.

Kira Gifford said she is one of the customers who has a private drinking water well and is not on City water, so their sewer rate is always based on household size rather than their winter water use being averaged. "We have a larger family, but we do not make use of our water as frequently as some would, especially with five girls in the house. Our bill has remained at a fixed rate of six people in the household for year, and we have a commercial facility in town which does utilize both City water and sewer services. These are not public showers, but they are available to the members with three toilets there - compared to just two toilets in our home. We have roughly 450 members at the gym and the bill has constantly been less there than home with people constantly using city

**** Page 2** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL MEETING
CITY OF THREE FORKS, MONTANA, JUNE 11TH, 2024**

water there. I am requesting we use the lowest three months from that facility as our home's sewer average."

The Mayor asked her what her usage is at the gym. Kira replied, "It's increasing because membership has increased. Looks like average would be 923 cubic feet, which is December to March that would be the lowest usage. Obviously January is a lot higher at the gym."

Gene Townsend questioned the Council providing comments on this public item request. Kelly Smith and Mayor Johnston said we moved the item up. Councilman Buchanan made a motion to move up the agenda and Councilman McDermott seconded the motion.

MPU.

Garret Buchanan clarified that Kira's petition is only for their home. Kira replied yes. Roxi McDermott asked for people that just have sewer - how does that work? Randy Johnston said it is based on number of people in the home. Kelly Smith explained the ordinance.

Kira said, "We are only using sewer [at the home], but paying a higher amount [for just sewer] than both water and sewer at the gym. So I'm petitioning to use the average use of the gym on my home."

Gene Townsend said he is against changing this. "The sewer ordinance established rates for people not on City water. If we were to do this for you, we would probably have to do it for all. I also don't necessarily agree with you on water usage, when you are just talking about bathrooms. Homes have dishwashers, clothes washers, not sure how long your kids take a shower but when my kids were young they took forever. I'm not in favor of it, but we could put a meter on your sewer and see how much we are actually treating." Mayor Johnston argued it would be easier to install a meter on their water to see. He added that this started in the 1990s and provided history on why it came up as "household size". There were folks that had five people on a well, and some with just one in the home and they were paying the same amounts for sewer so that's why the City broke it down to household size. Mayor Johnston said another part of how the City determined household size was important was because you do not know if a house has a running toilet or other leak - and all that water gets treated. "We have a \$6,000,000 wastewater treatment plant that the fees pay for that to work properly," he added. Kira asked if a meter was to be installed on her water line, which is a private well, how would that information be correlated to the City to help prove they do not use as much water as they are being charged a sewer rate for? She added they do have a washing machine that runs twice a day at the gym. Mayor Johnston added, "I'm not sure what the Council's thoughts are, but you would have to pay or the plumbing to install a meter." The Mayor then asked Kelly to look up [in Utility Billing] the usage of his daughter's home, which is a 2-adult, 2-children household. While Kelly looked that up, Gene said, "I think comparing from Gene's use, to Ed's, to Roxi's is a poor way to

**** Page 3** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL MEETING
CITY OF THREE FORKS, MONTANA, JUNE 11TH, 2024**

determine use. When we were allowing people who were not on City water to connect to our system, because they County wasn't allowing any more septic systems in the City limits either, it was a gift from the City. By allowing them to connect to our sewer system they could build on a lot they already had a well dug on. I believe those rates were established with the help of Rural Water and our engineering team. These things also had to be reviewed by the Public Service Commission as well back then." Kira asked how many in town are on private drinking wells. Kelly replied that there is roughly 25. She also said to the Mayor's question, his daughter is using a little higher than a 4-person household. The Mayor said, "The winter months determine your sewer rate, when you are not irrigating."

Councilman Buchana moved to approve her petition. Reagon Hooton questioned, "If we second that just means we vote?" Yes. George Chancellor added, "If no one seconds the motion, it dies." Kira said, "May I just take it off the table and do a little research and come back later?" The Mayor said yes. Kira said, "Well I make that motion, second it, and I vote yes."

CONSENT AGENDA

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

- a. Claims Paid due to Timeliness to Not Incur Late Fees on 5/23/2024 in the Amount of \$13,685.07
- b. Three Forks Rodeo Arena Board Claims Paid due to Timeliness on 5/23/2024 in the Amount of \$1,241.01
- c. Claim Paid due to Timeliness to Mail Utility Bills on 5/31/2024 in the Amount of \$180.22
- d. City Claims to be Paid
- e. Three Forks Rodeo Arena Board Claims to be Paid
- f. Council Minutes of 5/14/2024
- g. Zoning and Planning Board Minutes 4/18/2024
- h. Service Agreement with Solutions Engineered, LLC to Assess and Design Trail Maintenance and Assist with Bidding and Construction Services (\$7,500)
- i. Request for Record Destruction #28 for Forms Listed in Retention Schedule #8 Including ACH Signup Forms No Longer Used After 2021, Employment Eligibility Forms (I-9s) through 12/2021, Personnel Records of Former Employees/Volunteer Firefighters (Nothing Pertaining to Permanent Records) after 2019, Job Postings and Applications for Various Positions Through 10-2021, and Business License Applications through 9/30/2021
- j. Change Order #1 to Contract with O'Keefe Drilling for the Water System Improvements Project Increasing the Total Contract by \$6,420 for a total of \$566,570 (Increase is due to Utilizing Stainless Steel Casing Rather than the Bid's Dielectric Couplings)

**** Page 4** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL MEETING
CITY OF THREE FORKS, MONTANA, JUNE 11TH, 2024**

k. Draw Request #19 for the Water Project in the Amount of \$16,759.14 of Local Fiscal Recovery

Councilman Gene Townsend moved to approve the Consent Agenda. Councilman Tharp seconded the motion.

Motion Passed Unanimously.

PUBLIC HEARINGS

Public Hearing and Decision on a Resolution Requesting to Close all City Departments on Friday, July 5, 2024

Kelly Smith said this is for the City Council to decide on whether or not to close the City departments on Friday, July 5th since the holiday is on a Thursday. "This does not mean you have to decide to close the offices, we just wanted to put it before you," she said.

Mayor Johnston read the resolution in its entirety into the record, noting this would be Resolution #420-2024 if adopted.

Gene Townsend said we need to notice the community very well.

Councilman Chancellor made a motion to approve Resolution #420-2024, closing all City Departments on Friday, July 5, 2024. Councilwoman Hooton seconded the motion.

Motion Passed Unanimously.

Public Hearing, Comment and Input on Working Draft of Capital Improvements Plan (CIP)

Mayor Johnston said he picked up his copy last Friday and has a couple questions to discuss, but asked if the Council members had any priorities in mind yet. "There is a lot to look at in here, but maybe we can continue this discussion through June 25th and have a little more time to read through it," he recommended. Garret Buchanan asked if the Council can keep things moving along by pulling our most important items now, and then keep shifting it as we see fit and read more, correct? Mayor Johnston said yes.

Jessica Salo said she hoped this was a more complete document for the Council and is eager to hear the Council's priorities. "We just learned about the City's award for the wastewater PER grant, so I think it would be good to move that up the list and then followed possibly by storm water before paving because you want to make sure you all have the infrastructure underground before paving any streets." Kelly Smith asked Jessica to explain what a PER is for the newer council members. Jessica explained a PER stands for a Preliminary Engineering Report which would go through everything with that system: treatment, collection, distribution - all studied and identified what the most critical part is and then determine a funding plan considering grants and loans as well as user rates to pay for that project. Gene Townsend and Garret Buchanan

**** Page 5** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL MEETING
CITY OF THREE FORKS, MONTANA, JUNE 11TH, 2024**

discussed putting small projects on the list too, just so we do not forget them; and what we think are not big projects now may be more important to future council members. The Mayor recommended everyone read these 156 pages and come back better prepared to only discuss this issue on the 25th.

Councilman Chancellor moved to table this public hearing for comment and input on the working draft to the Capital Improvements Plan until June 25th. Councilman Townsend seconded the motion. Reagan Hooton asked if there was already public comment today that anyone wished to relay to the Council. The public in the room both said they would like to have more time to read over it. Richard Russell said, "It's important to get it right." The Mayor said, "We can't promise it will be right, but we have put a lot of thought into it." Everyone laughed but agreed it is important and wanted to dedicate specific time to this item.

Motion Passed Unanimously.

REPORT OF OFFICERS

City Treasurer Kelly Smith reported that the City received a letter for an award of an MCEP grant for \$27,500 - so all the funding we applied for to do the zoning rewrite has been awarded. She also reported the CDs are renewing, and unless the Council wished otherwise she recommended letting them automatically renew since we did not need access to that cash at the moment. The Council was fine with the CDs renewing.

Sgt. Doonan reported the average is 200 calls for service per month. March reported 214 calls for service, 238 for April, 181 for May, and 61 so far for June. Everything seems pretty on track, and we are just getting geared up for rodeo weekend. Gene Townsend said he saw there is a new deputy living in Three Forks and asked, "Is he assigned to Three Forks specifically?" Sgt. Doonan said that he was, but it now stationed out of Bozeman. But at the next bid, he may be back stationed to Three Forks."

Code Compliance/Office Assistant Wally Ziegler reported that his report is always the same: Continuing to work street to street in town and educating the public about our ordinances.

Wally also reported for City Clerk Crystal Turner report:

- RFP for the Zoning & Subdivision Regulations updates was published on the City's website, FB page, and in the Chronicle, sent to the Montana Association of Planners as well, all on 5/31/2024. We will be accepting proposals through 6/25/24.
- RFP for the Trails maintenance along Frontage Road went to all the same posting locations on 6/6/2024. We will accept proposals through 6/28/24.
- All MMIA updates, other than if they'll need more information on the WC Presumptive Coverage, have been submitted for FY24/25.

**** Page 6** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL MEETING
CITY OF THREE FORKS, MONTANA, JUNE 11TH, 2024**

- Kelly ordered the flashing stop signs for 7th Avenue E. Should be here by the end of the month.
- The Personnel and Hiring policy updates are ready and were emailed out a couple weeks ago. They will be on the 7/9 agenda.
- Two new Wading Pool attendants were hired and completed CPR training and orientation. The Wading Pool will open on 6/17/24.
- Fireworks regulations have been set by the Mayor and scheduled to be advertised in the Three Forks Voice starting June 26th.

Susan Swimley asked that the City include \$10,000 to be put in the budget for next fiscal year for a 5G cell tower ordinance. Mrs. Swimley said she thinks the only other city/town doing this ordinance is Montana City, but thinks it would be prudent for Three Forks to have this ordinance ready.

REPORT OF COUNCIL COMMITTEES (if any)

Gene Townsend said the Budget Committee meeting will be held June 18, 2024, at 3PM at City Hall, and commented that they will address the ordinance change Susan requested as well.

George Chancellor read the Three Forks Area Ambulance monthly report of calls for service into the record.

UNFINISHED BUSINESS

Flood project - Kelly Smith reported the City is still waiting for USFWS comment on the Utes Ladies Tresses opinion.

Water Project - there was nothing new to report.

Sewer Discussion Regarding Solar - Does Council want to Continue to Pursue? Mayor Johnston said on page 27 of the CIP it does reference solar panels at the sewer lagoons. He asked Kelly to provide more information. Kelly Smith reported that roughly four years ago a vendor approached the City about installing solar at the sewer lagoon. She received two quotes and wants to know if we should do an RFP to get prices. "At that time the Council did not seem too interested. However, Steve Johnston believes it would be a good addition to offset some of the electric costs and asked her to get quotes so we could at least consider how much a project like that would cost. We spend \$60,000/year or more on power at the sewer lagoon alone. There is a tax refund for this, but since we don't file taxes, it has been opened up to allow for governments up to \$50,000 refunded. It would take about 8.5 years to pay itself back," she said. Reagan Hooton asked how much power it would generate. Kelly offered Reagan to look at the proposals but she was unsure since she did not really know what she was looking at. Gene Townsend said Kelly was being nice, because about four years ago he was supposed to be doing more research on this. The guy that provided the quote previously just did not

**** Page 7** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL MEETING
CITY OF THREE FORKS, MONTANA, JUNE 11TH, 2024**

give a great impression that it would be done well with that firm. "I do think it is a good idea, and this could reduce our cost and even pay the City with the electrical costs increasing," Gene added. George Chancellor said that he heard solar panels are less effective year by year so warned that there is good data on a 8.5 year payback. Garret Buchanan agreed, he installed solar panels on his own residence and yes, every year they get slightly less efficient because each panel reduces its absorption of the sun. The panels eventually do need to be replaced - the one at one house said replacement 10-15 years. Every panel is different, and every install is different. Before we dive into too much, we need to get as much information as possible. Gene Townsend said he thinks the City should pursue it now, even though it is on the draft CIP list already.

"Northwestern Energy is not the best outfit to work with regarding solar panels - they won't give you credit for any additional power you produce. We even looked into water turbines from the big tank on the hill and water coming into town - because it would be working all day and night. But Northwestern Energy said the best they can do is make your bill a net zero bill, not pay you for the over electricity you generate. I also know there is a proposal for a 900-1,000 acre solar plant in Broadwater County, so I do think it is something we should look at for the City," Gene said. Garret said he would give Gene the contact information for the two companies he worked with. Kelly said we have only gotten two quotes so far, and they are over \$80,000 so the law states the City will have to go out for actual bids since the total cost exceeds \$80,000. She thought if there was not interest in this, we could remove it from the draft CIP. Garret and Reagan both said they are interested in pursuing this option.

Councilman Tharp motioned to pursue more research and see what's out there and to see if it is feasible or not for the wastewater treatment facility.
Councilwoman Hooton seconded the motion.

Public Comment: Gloria Howland said it seemed worth pursuing. Richard Russell said, "To second what Gene said, Northwestern Energy has the control on energy and the independence or freedom from that financial burden would be good. Regardless of how much you are saving."

Motion Passed Unanimously.

NEW BUSINESS

Request for Alternate Sewer Average Rate by Gifford

This was discussed earlier.

Request by VFW for City to Purchase Flag Replacements at Veteran's Park (Roughly \$800)

The Mayor explained that in the packet it shows that in a meeting on 1/9/2023, which he read into the record, noting the Budget Committee said they did not want to tie the hands of future Councils to the annual expense of flags and recommended the VFW come to the City to request when

**** Page 8** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL MEETING
CITY OF THREE FORKS, MONTANA, JUNE 11TH, 2024**

flags are needed. George Chancellor said I recall also that we made the request to the VFW to install their own flag pole; to date there is still not a Space Force flag pole so he does not believe there is a reason to buy a Space Force Flag yet. Other than that, George is ok with the \$600 purchase without the Space Force Flag.

Councilman Chancellor moved to purchase the flags at Veteran's Park for the existing flag poles. Councilwoman McDermott seconded the motion. There were no further comments.

Motion Passed Unanimously.

Board Appointments

Three Forks Community Library Board of Trustees

Mayor Johnston read the Board Appointment memo into the record.

Councilman Chancellor motioned to approve Kelly Gesker to the next term on the Library Board. Councilman McDermott seconded the motion. There was no public comment or Council comments.

Motion Passed Unanimously.

Three Forks Rodeo Arena Board

Mayor Johnston read the Board Appointment memo into the record.

Gene Townsend commented that Adam has been on the board for a number of years and provides a lot of financial information and brought us into the 21st century a bit by adding ATMs at the rodeo and credit cards. Casey has been the chairman now for several years and has done a great job. He is a hard worker and always helping; he is progressive and improved a great deal at the rodeo grounds.

Councilman Chancellor motioned to reappoint Adam Miller and Casey Elmore for the next term for the Three Forks Rodeo Board. Councilwoman McDermott seconded the motion. There was no public comment.

Motion Passed 5:0, Gene Townsend abstained.

Board of Adjustments

Mayor Johnston read the Board Appointment memo into the record. Mayor Johnston asked if the Council had any questions to ask of Richard. Gene Townsend said he does not have any questions, but appreciated Mr. Russell standing up and trying this out. "We have a hard time getting folks to serve on boards, so I just want to thank you," Gene said. Richard Russell said he moved here from Boise and a friend of his here in town recruited him to join this board, "It seems like it's right up my alley based on my work experience so I look forward to it," Mr. Russell said.

Councilman Townsend motioned to accept Richard Russell on the Board of Adjustments. Councilman Tharp and Councilwoman McDermott seconded the motion in unison. There was no public comment.

Motion Passed Unanimously.

**** Page 9** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL MEETING
CITY OF THREE FORKS, MONTANA, JUNE 11TH, 2024**

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

Gloria Howland had a question about water/sewer bill request earlier tonight, "Can you even compare a business to a residence?" Kelly Smith replied that theoretically it is the same since it is based on usage. Mayor Johnston added, "That's why we have meters."

MAYOR & COUNCIL ANNOUNCEMENTS

Mayor Johnston followed up on Susan Swimley's report of utility companies coming in and putting in lines. "When I started in the 1990s, we didn't have anything to protect the city and Northwestern Energy came in and dug up our alleys and now we have a better ordinance about putting things back the way these utility companies find them. If you drive down Elm Street you will see a huge divot and that's from the utility company not compacting it back the way it should be."

The Mayor also offered tours with council members and wondered if they had any input. Reagan Hooton said she was impressed with treatment plant tour because its covered, what we do to treat it, using the UV light, it was pretty cool. As far as the drinking water, it was interesting to see all the wells and where they were. Roxi McDermott said she is a visual person and the tour was very helpful to her because we can talk about it all day long and that does not resonate with her.

AGENDA ITEMS FOR NEXT COUNCIL MEETING: June 25, 2024

- Continued discussion on the Capital Improvements Plan

ADJOURNMENT

Motion to adjourn the meeting was made by Councilwoman Hooton, seconded by Councilwoman McDermott. The meeting was adjourned by acclimation at 7:45P.M.

Randy Johnston, Mayor

Crystal Turner, City Clerk