

**TOWN OF MANHATTAN
Regular Meeting
January 14, 2021
MINUTES**

Mayor Glen Clements called the meeting to order in the Town Meeting Room, at 207 S. 6th St. at 7:00 P.M. Present were Council Members Callie Hamilton, Betsy Mancuso, and Dan Ryan. Greg Schack was present by Zoom. Also present were Town Attorney Jane Mersen, Officer Rocky Hamilton, Deputy Clerk/Treasurer Tonya Owens, and Clerk/Treasurer Pam Humphrey. Four members of the public were present. Four people were present via Zoom.

PUBLIC COMMENTS:

None

RESOLUTION NO. 21-001 – GALLATIN COUNTY HAZARD MITIGATION AND COMMUNITY WILDFIRE PROTECTION PLAN:

Motion- Hamilton; Second- Ryan; Vote- Unanimous: Motion passed to approve Resolution No. 21-001, resolution of the Town Council of the Town of Manhattan, MT approving the Gallatin County Hazard Mitigation and Community Wildfire Protection Plan.

Patrick Lonergan, DES Manager: He presented the plan to the Council. It is the consolidation of two different documents into one product. The Hazard Mitigation Plan is required by the Disaster Mitigation Act of 2000. The Community Wildfire Protection Plan is a recommendation for communities from the Healthy Forest Restoration Act of 2000. Both documents identify risks in the community. It is also tied to mitigation of the events when they occur. Adoption of the Plan is required to access mitigation funds, either in the form of grants before an event and Federal or State funds after an event has happened.

The Council clarified that plan is a guide. There are no regulations imposed by the documents. They are a guideline, with no specifics, and are broad scoped. Applicants for FEMA funds must be political subdivisions.

COUNCIL RULES OF PROCEDURE:

Motion- Mancuso; Second- Hamilton; Vote- Unanimous: Motion passed to approve the Council Rules of Procedure.

Mayor Clements discussed the reason for the Council Rules of Procedure.

Mayor Clements allowed a Manhattan resident to not state her name and address and not have her information entered into the public record. She read her comment asking the Council to amend the Rules of Procedure.

Gretchen Engbretson, 206 S 5th St: She stated that she agrees that the public should choose if they state name and address during public comment. She asked if the address must be in the minutes.

Buck Buchanan, Manhattan resident: He stated that an address is not important, but the name is. He complimented the Council on the use of Zoom meetings. He suggested

just using the person's name and the street name. The public and Council need transparency.

Councilwoman Mancuso: She stated that Montana has the strictest open public meeting sunshine laws. The Town needs to keep the level of standard to keep the Council and public both accountable.

The Council and staff discussed some alternatives, but all agreed that there needs to be accountability and transparency.

Jane Mersen, Town Attorney: She stated that the Council considers something at a public meeting that has been requested anonymously by a citizen, they need to know the author or understand where it came from. For public comments, the Council needs to know who is making the comment to give the comment the credibility it is due or not due. The Council needs to know the name, so the person needs to give their name, so they are accountable for their statements. If someone is concerned for their safety related to the comments they are going to make or have made in the past, they should contact the police. She agreed that commenters should state name and residency.

Councilwoman Hamilton: She stated that the Town needs to maintain access to in person meeting opportunities. Zoom only meeting can alienate people that do not have access.

FIREWORKS ORDINANCE:

A draft of the ordinance was presented. The Town Attorney updated the hours and locations from the current ordinance. A permit will be needed to light fireworks in a public area. If the rules cannot be followed, the Town may need to consider prohibiting fireworks in the future.

Council discussed that the changes are a compromise and can be enforced.

Alissa Farley, Manhattan resident: She requested a guideline for when fireworks are banned. She also requested changing the type of fireworks allowed.

Rocky Hamilton, Police Officer: He stated that if the restrictions are too tight, the Police Department will be stretched for response to other issues. He cautioned the Council on making the time frames too tight.

Ell Bennett, 306 Pine St: He stated that the hours are the same as before. The problem will continue to be the same.

The Ordinance was set for first reading at the February meeting.

BOARD APPOINTMENTS – BOARD OF ADJUSTMENT:

Mayor appointments with Council approval

Motion- Hamilton; Second- Mancuso; Vote- Unanimous: Motion passed to approve the Mayoral appointment of Diane Letendre to the Board of Adjustment for a three-year term.

Motion- Mancuso; Second- Hamilton; Vote – Mancuso, Hamilton – Aye, Ryan, Schack – Nay. Mayor voted Aye to break the tie: Motion passed to appoint Jennifer Love to the Board of Adjustment for a three-year term.

PARK FACEBOOK PAGE:

Motion- Ryan, Second- Schack: Vote- Unanimous: Motion passed to approve the Park Board Facebook page with the Park Board President as the administrator along with the Town Clerk/Treasurer.

Councilwoman Hamilton: The Park Board would like to start a Facebook page to share information about things happening at the park. The Park Board president would be the administrator as well as one town employee.

Gretchen Engbretson, Park Board President: She stated that it is a way to get information out there. She would ask if there were anything posted that is not just a park advertisement.

MAYOR'S REPORT:

- Public Works report has been sent to the Council.
- Kings have offered the Town first right of refusal to purchase the lots next to the Town Office. A Special meeting set for Thursday the 21st at 7:00 pm to discuss the purchase.

Councilwoman Hamilton requested a Capital Improvements Plan meeting before the next budget. They are waiting on the plan to do an impact fee review.

Mayor will direct department heads to turn in their CIP plans. He will set the meeting date after talking to the department heads.

CONSENT AGENDA:

Motion- Hamilton; Second- Ryan; Vote- Unanimous: Motion passed to approve the Consent Agenda.

Chicken Coop Application: Joe and Betsy Mancuso, 113 N 4th St.

Kennel License Application: Bob Ulrich, 710 Jefferson

Town Business Licenses: Kristensen Excavation, Radick and Company, Chamberlin Construction, Treasure State Excavation LLC, and The HVAC Experts

Approval of Minutes: Regular Meeting minutes from December 10, 2020.


Claims: Dated 12/11/20 – 01/14/21 totaling \$ 283,329.41.

ADJOURN:

Motion- Schack; Second- Hamilton; Vote- Unanimous: Motion passed to adjourn the meeting.



Mayor



Clerk/Treasurer

**TOWN OF MANHATTAN
Special Meeting
January 21, 2021
MINUTES**

Mayor Glen Clements called the meeting to order in the Town Meeting Room, at 207 S. 6th St. at 7:00 P.M. Present were Council Members Callie Hamilton, Betsy Mancuso, and Dan Ryan. Greg Schack was absent. Also present were Town Attorney Jane Mersen, Public Works Supervisor Jeff McAllister, Deputy Clerk/Treasurer Tonya Owens, and Clerk/Treasurer Pam Humphrey. No members of the public were present. Four people were present via Zoom.

PUBLIC COMMENTS:

None

RESOLUTION NO. 21-002 – PURCHASE OF LOTS:

Motion- Mancuso; Second- Hamilton; Vote- Unanimous: Motion passed to approve Resolution No. 21-002, resolution, as amended, of the Town Council of the Town of Manhattan, MT approving the Purchase of Lots 9-13 of Block 12 of the Original Plat (C-48-7) of the Town of Manhattan.


Discussion included the potential uses of the lots in the future. The bank will require an appraisal/violation. There will be a contingency in the buy sell agreement for a valuation.

Therese King, Owner: The property was appraised in November of 2019. It was appraised at approximately \$288,000 at that time.


Dave Rowell, Building Official: He stated that he feels that the price is in line with residential lots in the area. In the past year real estate values have increased by 60% in the last year. He suggested some overflow parking for the park in the immediate future.

ADJOURN:

Motion- Ryan; Second- Mancuso; Vote- Unanimous: Motion passed to adjourn the meeting.



Mayor



Clerk/Treasurer

**TOWN OF MANHATTAN
Regular Meeting
February 11, 2021
MINUTES**

Mayor Glen Clements called the meeting to order in the Town Meeting Room, at 207 S. 6th St. at 7:00 P.M. Present were Council Members Callie Hamilton, Betsy Mancuso, and Dan Ryan. Greg Schack was present by Zoom. Also present were Town Attorney Jane Mersen, Chief Dennis Hengel, Officer Rocky Hamilton, Deputy Clerk/Treasurer Tonya Owens, and Clerk/Treasurer Pam Humphrey. Four members of the public were present. Thirteen people were present via Zoom.

PUBLIC COMMENTS:

None

ORDINANCE NO. 21-001 – AMENDING FIREWORKS ORDINANCE:

Motion- Hamilton; Second- Mancuso; Vote- Unanimous: Motion passed to amend section A6 of the draft ordinance to “does not include public streets and alleyways”.

Public hearing and second reading set for March 11, 2021 meeting.

Jane Mersen, Town Attorney: She outlined the changes from the current ordinance. The dates and times that displays were allowed were changed. The location allowed was also changed to on personal property only. A bond would be required for a public display, along with proof of liability insurance with the Town named as an additional insured.

El Bennet, 306 Pine St: He stated that he did not think the changes were enough. He would like to see July 3rd eliminated also. He discussed the current Montana law. He asked about what a public display consists of.

Corrie Lucier, 292 Northwest Passage: She stated that she grew up here and worked at the fireworks stand when she was young. Fireworks are fun for the children in our community.

Dennis Hengel, Chief of Police: He clarified what a public display is defined as. There is no training from the state on identifying the different types of fireworks. The purpose of the ordinance is to increase safety. It has not been a problem for the police to have lighting off in the streets.

Sergeant Rocky Hamilton: He stated that it is almost impossible to enforce the types of fireworks, there is no evidence left once it explodes and it cannot be proven beyond a reasonable doubt.

Written Comments:

Milligan Family: Opposed to potential restrictions and/or banning of fireworks.

DeeAnn Langel: Supported Old Glory Fireworks, opposed to restrictions.

Council discussed the location changing from the street to private property possibly creating a bigger risk. Enforcement of the types of fireworks is nearly impossible.

APPLICATION FOR EXTENSION OF PRELIMINARY PLAT- MANHATTAN ORCHARDS/THE HOMESTEAD IN MANHATTAN:

Motion- Hamilton; Second- Mancuso; Vote- 1 Aye (Hamilton), 3 Nay (Mancuso, Schack, Ryan): Motion failed to extend the preliminary plat for Manhattan Orchards/The Homestead in Manhattan.

Doug Chandler, Allied Engineering: He is the engineer for the development. They are requesting the Town extend the Manhattan Orchards 2006 plat. The delay is due to water rights issues and the Covid pandemic. Water rights and water service has been a problem. They had a change of use application filed around 2016 that was involved in an ownership dispute. That dispute is not settled at this time. The Change of Use will be taken up again by the DNRC when the dispute is settled. They did some work related to changing the access through the school property, which was costly. They are requesting as long of an extension as the Council would allow. They felt that there was not an expiration date on the last extension. They are also planning to propose a lot of changes from the original plat.

Jane Mersen, Town Attorney: She stated that the delay from 2016 to now needs to be found to be reasonable by the Council. There is no expiration date for the previous extension in the minutes, however, the Town Code says that extensions are for one year unless there is a written agreement setting it for longer. The Town kept working with Manhattan Orchards through 2018. They did not discuss that the plat was expired. They talked about the changes that would be allowed with an agreement. An agreement has not been arrived at. She recommended that the delay was reasonable. If the Council allows the extension, they need to be clear on how long it is for. A written agreement will have to be in place also.

Councilman Greg Schack: He asked when the preliminary plat application expired. He stated that he feels that the Town has been very accommodating since 2006. A lot has changed since then. It is on the onus of the developer to stay up to date. A review of the plat should be done before an extension is approved. He would like the Planning Board and engineer to review the 2006 plat.

Councilwoman Mancuso: She stated that it is up to the Council to decide if the reasons for the delay are reasonable. She asked them to explain why they waited until 2021 to apply for the extension.

Susan Swimley, applicant's attorney: She stated that they were working on an agreement, but the agreement was stopped for various reasons. They have tried to proceed as diligently as possible. There was a lack of communication on the extension.

Councilman Ryan: He stated that since the previous extension a lot has changed in the community. He feels that the plat needs to be reviewed by the Planner. The biggest issue is water.

MANHATTAN TRAILS SYSTEM PRESENTATION:

Motion- Hamilton; Second- Ryan; Vote- Unanimous: Motion passed to endorse the Manhattan Trails System.

Buck Buchanan, 315 N 5th: He presented the Manhattan Trail plan to the Council. He showed the route of the trail from the west edge of Manhattan to meet up with the Headwater's Trail. He has already presented the plan to the Planning Board, who

endorsed it. He asked the Town Council to endorse the project. Second, they need an entity to hold the easements in perpetuity. He will also present at the County Roads meeting. They would need the Town or County to hold the easements. Lastly, they need letters of support for the project for grants. Costs are coming in around three million dollars. They will begin applying for grants as soon as the cost estimates are in. They will also be doing fundraising. If the Town held the easement, they would need to make sure the easement stays in existence. Access to and from the state ground needs to be in place before the Town or County could get the easement. He will get back to the Council with the easement information.

Council asked about the location of the trail and what holding the easement would mean for the Town. They voiced their support for the project.

SPEED LIMIT ON DRY CREEK BY SCHOOL:

Councilwoman Hamilton: She gave a history of the speed limit on the road by the school. It was raised by the state at one point. She asked the Council to request another speed study and to lower the speed limit to 15 mph.

Chief Hengel: He indicated that last study resulted from a request from the school as well as a crash on the corner. The result of the study was an increase of the speed limit with a reduction to 25 with the flashing lights. He stated that the Police Department supports doing a study and lowering the speed limit. He will check into the process to get a new speed study done.

Buck Buchanan, 315 N 5th: He spoke in favor of reducing the speed limit on the corner.

T-MOBILE WATER TOWER LEASE:

Motion- Ryan; Second- Mancuso; Vote- Unanimous: Motion passed to table T-Mobile water tower lease agreement until the March meeting.

Jane Mersen, Town Attorney: She has been working with T-Mobile for a few months to draft an acceptable agreement for both entities. The agreed amount is \$2000/mo for 20 years plus another 9 years.

Councilwoman Mancuso: She stated that she is concerned about cellular technology not being safe for the members of the community. She cited some sources that talk about the dangers of 5G technology. She stated that she is opposed because it poses unknown and known dangers to the residents.

JENSEN-230 N 4TH COMPLAINT FOLLOW-UP:

Motion- Mancuso; Second- Hamilton; Vote- Unanimous: Motion passed to direct the Town Attorney to file a complaint against Mr. Jensen.

Mayor Clements reviewed the history of the issue.

Jane Mersen, Town Attorney: She indicated that the options are to let the violation continue or to direct her to file a complaint against the person. The issue would go to Manhattan City Court if the abatement cost is less than \$3000. If it is over \$3000, it needs to go to District Court.

The Council discussed that the neighbor also had a violation of fence height so the same violation procedure would also need to be followed for that issue.

PLANNING BOARD APPOINTMENTS:

Motion- Mancuso; Second- Hamilton; Vote- Unanimous: Motion passed to re-appoint Tom Wells to the Planning Board for a two-year term.

Motion- Hamilton; Second- Schack; Vote – Unanimous: Motion passed to approve the Mayoral re-appointment of Daniel Simser to the Planning Board for a two-year term.

MAYOR’S REPORT:

- Board terms have been updated on the website, and the Board Application is also on the Boards page.

Councilman Greg Schack informed the Council that he has decided to step down from his Council position. The Council will seek an interim member to finish Greg’s Term.

CONSENT AGENDA:

Motion- Ryan; Second- Hamilton; Vote- Unanimous: Motion passed to approve the Consent Agenda.

Chicken Coop Application: Taylor McDowell- 312 N 5th St.


Kennel License Application: Teresa Johnson- 101 W Washington, Joni Dietz- 121 N 8th St, Morgan & Shawna Taylor- 106 N 2nd St.

Approval of Minutes: Regular Meeting minutes from January 13, 2021 and Special Meeting Minutes from January 21, 2021.

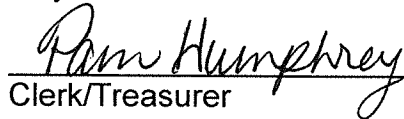
Claims: Dated 01/14/21 – 02/11/21 totaling \$ 163,640.45.

ADJOURN:

Motion- Schack; Second- Ryan; Vote- Unanimous: Motion passed to adjourn the meeting.



Mayor



Clerk/Treasurer

**TOWN OF MANHATTAN
Special Meeting
February 18, 2021
MINUTES**

Mayor Glen Clements called the meeting to order in the Town Meeting Room, at 207 S. 6th St. at 6:00 P.M. Present were Council Members Callie Hamilton, Betsy Mancuso, and Dan Ryan. Also present were Chief Dennis Hengel, Fire Chief Mike Ulmen, Public Works Supervisor Jeff McAllister, Deputy Clerk/Treasurer Tonya Owens, and Clerk/Treasurer Pam Humphrey. Librarian Trudy Dundas was present by Zoom. One member of the public was present. Six people were present via Zoom.

PUBLIC COMMENTS:

None

BOARD APPOINTMENTS – BOARD OF ADJUSTMENT:

Motion- Mancuso; Second- Ryan; Vote- Unanimous: Motion passed to appoint Ashley Flammond and Becky Clements to the Board of Adjustment. They will fill the remainder of the terms of the two vacant seats that expire at the end of 2021.

Mayor Clements removed himself from the appointment process due to a conflict of interest with one of the applicants.

CIP WORKSHOP:

Public Works Supervisor Jeff McAllister presented the public works capital improvements list.

Librarian Trudy Dundas did not have any capital improvement plans as the Library is currently in the school building.

Police Chief Hengel presented the police department capital improvements list.

Fire Chief Mike Ulmen presented the fire department capital improvements list.


WWTP Operator Glen Clements presented the treatment plant capital improvements list.

Council discussed a few other things that were not under any particular department.

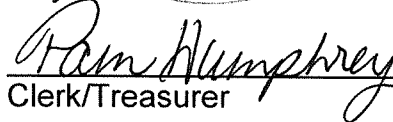
Mayor Clements set a follow-up meeting for March 18 at 6:00 PM

ADJOURN:

Motion- Hamilton; Second- Mancuso; Vote- Unanimous: Motion passed to adjourn the meeting.



Mayor



Clerk/Treasurer

**TOWN OF MANHATTAN
Regular Meeting
March 11, 2021
MINUTES**

Mayor Glen Clements called the meeting to order in the Town Meeting Room at 207 S. 6th St. at 7:00 P.M. Present were Council Members Callie Hamilton, Betsy Mancuso, and Dan Ryan. Also present were Town Attorney Jane Mersen, Chief Dennis Hengel, Officer Rocky Hamilton, Public Works Supervisor Jeff McAllister, Deputy Clerk/Treasurer Tonya Owens, and Clerk/Treasurer Pam Humphrey. Fifteen members of the public were present. Fifteen people were present via Zoom.

PUBLIC COMMENTS:

None

APPOINT INTERM COUNCIL POSITION:

Motion- Mancuso; Second- Hamilton; Vote- 1-for (Mancuso), 2-opposed (Hamilton, Ryan): Motion failed to appoint Joshua Powell to the vacant Council position for the remainder of Greg Schack's term.

Motion- Hamilton; Second- Ryan; Vote- Unanimous: Motion passed to appoint Ryan Engbretson to the vacant Council position for the remainder of Greg Schack's term.

Joshua Powell introduced himself and answered Council questions.

Judah Town introduced himself and answered Council questions.

Ryan Engbretson introduced himself and answered Council questions.

OATH OF OFFICE:

Mayor Clement administered the Oath of Office to Ryan Engbretson.

ELECTION OF COUNCIL PRESIDENT:

Motion- Ryan; Second- Mancuso; Vote- Unanimous: Motion passed to appoint Callie Hamilton as Council President.

T-MOBILE LEASE ON WATER TOWER:

Motion- Hamilton; Second- Ryan; Vote- 3-for (Hamilton, Engbretson, Ryan), 1-opposed (Mancuso): Motion passed to approve the lease and allow the Mayor sign the lease agreement with T-Mobile on the water tower.

Ben Marcus, T-Mobile: He thanked the Council for giving them the opportunity to speak at the meeting. He gave the history of T-Mobile in Montana. The company values community and municipality partnerships. This lease is a revenue source for the Town. T-Mobile will install power and have it available for the Town to use at the top of the tank also. It is the best location for T-Mobile to improve their cell coverage.

Bill Hammett, Engineer: He stated that he is a part of a practice that deals with the calculation and measurement of radio frequency exposure conditions. Their job is to measure the exposure levels and how they compare to the standards. They consult for cellular companies, cities, counties, and landlords. They deal with only the facts. They

have reviewed the proposal for T-Mobile for this facility. They find that it does comply with the federal safety standards. He presented information on radio frequency emissions. Federal law does not allow a state or local government to regulate the placement, construction, or modification of personal wireless facilities on the basis of the environmental effects of frequency emissions, to the extent that such facilities comply with the commission's regulations concerning such emissions. He stated that the facility will comply with the regulations. There is a standard that the FCC has adopted has been updated several times and they have kept the same basic restriction. There was not a need for any tighter standard. He explained how the energy is emitted from the tower. He compared the different generations of radio waves. He showed where radio frequencies are in the electromagnetic spectrum. Cellular technology cannot use millimeter waves.

Dave Girling, T-mobile: He stated that T-Mobile wants to offer a good mobile network service and enhance their coverage. They are not currently planning to go to the millimeter wave technology in Montana.

Jane Mersen, Town Attorney: She stated that the lease is not exclusive, but any new leases cannot interfere with each other.

Theodora Scarato, Environmental Health Trust: Her credentials were read by Betsy Mancuso. She did a presentation on exposure to cell tower/phone radiation. She presented individuals and groups that have studied electromagnetic radiation exposure and showed harmful effects to humans and animals. She made some recommendations to limit exposure to wireless radiation.

Joe Mancuso, 103 N 4th: He read his written statement in opposition to leasing the water tower to T-Mobile.

Justin Grant, 8025 Wiley Avenue, Churchill: He spoke in opposition to leasing the water tower to T-Mobile. He referenced literature regarding the health effects of cellular radiation.

Wakuna Grant, 8025 Wiley Avenue, Churchill: She spoke in opposition to leasing the water tower to T-Mobile.

Daniel Freeman, 120 Pioneer Crossing Blvd: He spoke in opposition to leasing the water tower to T-Mobile.

Written comments were read by the clerks:

James Doe, 126 Northwest Passage Lane: Opposed

Robert and Lisa Barksdale, 105 N 5th St: Opposed

Warren Wright, 324 Northwest Passage Lane: Opposed

Glenda Lord-Wright, 324 Northwest Passage Lane: Opposed

Steve Wyse, 124 N 4th St: Opposed

Bill Luehrs and Marilee Anderson, Pioneer Crossing: In favor

Ginny Wilshire, 116 N Broadway: Opposed

Rainbow Conn, Belgrade: Opposed

Shelli Freeman, 120 Pioneer Crossing Blvd: Opposed

Margaret Helms, 314 Farmall Ln: Opposed

Lindsay Mesa, 216 S 4th St: Opposed

Mitch Mesa, 216 S 4th St: Opposed

Anthony Drypolcher, 208 S 3rd St: In favor

Council discussion:

Councilwoman Betsy Mancuso: She stated that she is opposed to the lease agreement. She wants to make Manhattan a safe environment for residents. She is opposed to a cellular tower on the water tower for several reasons, including radiation exposure on a continual basis; the lack of regulations by the FCC and regulatory entities in spite of study results and other professional opinions; insurance companies exclusion of EMF coverage; property values could be affected; cell towers are incompatible in small residential areas; cell towers use a lot of energy; radiation effects living organisms; she lives near the water tower and does not want it there; and she would like to propose an ordinance limiting cell towers within town limits. She does not want to force the radiation 24/7 on the residents.

Councilwoman Callie Hamilton: She stated that she appreciates all the people that came out to speak. She added that this body is limited in fact and not capable of breaking down the numerous scientific studies on either side of the issue. The literature reviews are inconclusive, especially relating to the millimeter waves. She feels that the overall body of evidence states that there is not a creditable risk associated with 5G. The large research organizations also agree that more research needs to be done. She spoke to a local realtor about the economic result for home sales and they did not think it would be affected. She is in support of the lease and feels it is well-written. There is also currently another cell tower in town that has been there for many years.

Councilman Ryan: He stated that he checked with the health, safety, and welfare agencies of the State of Montana and none of them have a concern about 5G. The council needs to weigh the evidence.

Jane Mersen, Town Attorney: She clarified the terms of the lease for termination.

ORDINANCE 21-001 – AMENDING THE FIREWORKS ORDINANCE, Second Reading:

Clerk read the public hearing notice.

Jane Mersen, Town Attorney: She reminded the Council that the change from first draft was to put public streets and alleys back into the ordinance.

Public Hearing

None

Discussion/Decision

Motion- Mancuso; Second- Ryan; Vote- Unanimous: Motion passed to approve Ordinance No. 21-001, on Ordinance of the Town Council of the Town of Manhattan amending the Municipal Code to change the hours, dates, and locations allowed for fireworks displays with the amendments discussed.

Council discussed changing the language about location back to the original ordinance language.

RESOLUTION NO. 21-003 – ADOPTING 2018 ENERGY CODE

Motion- Ryan; Second- Engbretson; Vote- Unanimous: Motion passed to approve Resolution No. 21-003, a resolution of the Town Council of the Town of Manhattan, MT to adopt the 2015 Energy Conservation Code.

POLICE DEPARTMENT STAFFING:

Motion- Ryan; Second- Hamilton; Vote- Unanimous: Motion passed to approve the hiring of a 5th police officer.

Chief Hengel requested additional staffing for the Manhattan Police Department. They need to be able to have enough officers on shift to cover the Town 24/7. Right now, the four officers cannot provide that coverage for public safety. The other issue is providing vacation hours and time off for the officers with the current level of staffing. When officers go to trainings, they become even more short staffed. On-call time is a hardship for the officers that live in town. They have a good candidate that was second in the last round of interviews. The need is immediate.

Council discussed the fiscal impacts and budget effects of an additional officer. They compared the number of officers in towns of similar size in Montana. The cost of training new officers is high. Officers on call must live in town and new officers cannot afford to live in town.

Joe Mancuso, 113 N 4th: He spoke in favor of hiring another officer. He stated that he would advocate and fundraise for an excellent police force in Manhattan.

Austin Owens, 108 Cottonwood St: He is Gallatin County Sergeant. He stated that he left Manhattan Police because of staffing. He feels that six officers would be necessary.

POLLINATOR PROJECT IN TAYLOR PARK:

Motion- Ryan; Second- Hamilton; Vote- Unanimous: Motion passed to approve the Pollinator Project in Manhattan Parks.

Park Commissioner Hamilton: She relayed that the Park Board has asked the Council to approve two pollinator gardens in the parks. It would be esthetically pleasing and educational.

Sarah Bowman, Gallatin Conservation District: She informed the Council that they provide free pollinator seed for people in the valley to plant to support pollinators. The Conservation mix can compete with weeds where they are planted. They would like to put one in Taylor Park. Maintenance is limited. They would provide barriers around the plots as well as weeding the area. They would also replenish the seeds if needed and cut back the area in the winter.

Jeff McAllister, Public Works Supervisor: He would like to discuss this with the ladies that work in the park. He is concerned about placement as well as bees congregating at the gazebo. He is willing to work together to put it in place.

MAYOR'S REPORT:

- The King property purchase will be closing next week.
- De-annexing Yadon Road was not favored by one of the landowners on Yadon Rd. If the Town still wants to move forward, it will need to go onto the ballot for the Town's people to vote on.
- Phase I upgrades RFQ is being advertised and bids are being accepted.

CONSENT AGENDA:

Motion- Hamilton; Second- Mancuso; Vote- Unanimous: Motion passed to approve the Consent Agenda.


Town Licenses: Bear Canyon Contractors, Best Bozeman Property Management, LLC.

Approval of Minutes: Regular Meeting minutes from February 11, 2021 and Special Meeting Minutes from February 18, 2021.

Claims: Dated 02/12/21 – 03/11/21 totaling \$ 196,466.38.

ADJOURN:

Motion- Hamilton; Second- Ryan; Vote- Unanimous: Motion passed to adjourn the meeting.



Mayor




Clerk/Treasurer

**TOWN OF MANHATTAN
Special Meeting
March 18, 2021
MINUTES**

Mayor Glen Clements called the meeting to order in the Town Meeting Room at 207 S. 6th St. at 7:00 P.M. Present were Council Members Ryan Engbretson, Callie Hamilton, Betsy Mancuso, and Dan Ryan. Also present were Chief of Police Dennis Hengel, Public Works Supervisor Jeff McAllister, Librarian Trudy Dundas, Fire Chief Mike Ulmen, and Clerk/Treasurer Pam Humphrey. No members of the public were present.

Each department head recapped their CIP requests, presented some new ideas, and answered questions from the Mayor and Council.

Mayor Clements will add the new requests to a scoring spreadsheet and email to all Council members and department heads for scoring and prioritizing of projects.



Mayor



Clerk/Treasurer

**TOWN OF MANHATTAN
Regular Meeting
April 8, 2021
MINUTES**

Mayor Glen Clements called the meeting to order in the Town Meeting Room at 207 S. 6th St. at 7:00 P.M. Present were Council Members Ryan Engbretson, Callie Hamilton, Betsy Mancuso, and Dan Ryan. Also present were Fire Chief Mike Ulmen (Zoom), Police Chief Dennis Hengel, Officer Rocky Hamilton, Public Works Supervisor Jeff McAllister, Deputy Clerk/Treasurer Tonya Owens, and Clerk/Treasurer Pam Humphrey. Twenty-five members of the public were present. Five people were present via Zoom.

PUBLIC COMMENTS:

Joe Mancuso, 113 N 4th: He stated that he wanted to express opposition to the T-mobile lease. He asked for more deliberation on the issue.

Joshua Powell, 501 W Gallatin St: He stated that he would also ask the Council to take another look at the lease. He created a petition and asked people in his neighborhood and 79 people (7 for, 72 against) signed that they would like to see more deliberation and reconsider signing the lease.

Judah Town, 409 W Railroad Ave N: He also opposed the cell tower and asked for more deliberation.

Robert Barksdale, 105 N 4th St: He asked if someone else could review the lease other than the Town Attorney. He felt the lease was geared toward the tenant, not the landlord. He reviewed some parts of the lease that he had an issue with.

SWEAR IN NEW OFFICER – DYLAN LYNCH:

Mayor Clements swore in new Manhattan Police Officer Dylan Lynch.

CONDITIONAL USE PERMIT – ACCESSORY DWELLING UNIT AT 107 COTTONWOOD:

Public Hearing

None

Discussion/Decision

Motion- Ryan; Second- Mancuso; Vote- Unanimous: Motion passed to approve the Conditional Use Permit for an accessory dwelling unit at 107 Cottonwood, owned by Tom and Judy Kreitinger.

RESOLUTION NO. 21-004 – BUDGET AMENDMENT:

Public Hearing

Clerk/Treasurer summarized the CARES act monies received and what they were used for.

Police Chief Dennis Hengel: He requested that since the money was based on the police department it should be all allocated to the police department. He summarized some of the needs of the police department.

Fire Chief Mike Ulmen: He asked the Council to consider allocating some of the funds to the Fire Department.

Discussion/Decision

Motion- Engbretson; Second- Ryan; Vote- Unanimous: Motion passed to table the resolution until the May meeting.

RFQ BID OPENING:

The submissions were qualifications for engineering firms. A committee will be set by the Mayor and a selection will be made at the next meeting.

SUBDIVISION EXEMPTION CLAIM/BOUNDARY REALIGNMENT- THOMAS LANGEL:

Motion- Mancuso; Second- Hamilton; Vote- Unanimous: Motion passed to approve the subdivision exemption claim for a boundary realignment for Thomas Langel, located on Wooden Shoe Lane.

Tom Langel, 1300 Twin Rivers Cut Off: He stated that he owns the property north of the interstate in town limits. There is a small 1.5 acre lot and a larger lot. He is asking to relocate the boundary to have two large lots.

REAPPOINTMENT OF GALLATIN CONSERVATION DISTRICT REPRESENTATIVES – BOB LOGAR AND MICHAEL HANSEN:

Motion- Hamilton; Second- Ryan; Vote- Unanimous: Motion passed to re-appoint Bob Logar and Michael Hansen to the Gallatin Conservation District as Urban Supervisors for three-year terms.

MAYOR'S REPORT:

- Public works report for the month.
- Yadon Rd de-annexation may be on the ballot this November. He will look into how to get it on the ballot.
- T-Mobile lease has been finalized and he will sign the lease as the Council decided at the previous meeting. He will talk to the Town Attorney about it again about changing the language. Councilwoman Hamilton asked for a clarification of the changes.

CONSENT AGENDA:

Motion- Engbretson; Second- Mancuso; Vote- Unanimous: Motion passed to approve the Consent Agenda.

Town Licenses: Cozy Creek Custom, Zeb Miller Construction, Lawn & Order LLC, Blanton Contracting LLC, Steinle Construction, and Greater Valley Plumbing LLC.

Approval of Minutes: Regular Meeting minutes from March 11, 2021 and Special Meeting Minutes from March 18, 2021.

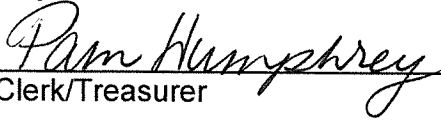
Claims: Dated 03/12/21 – 04/08/21 totaling \$ 112,228.09.

ADJOURN:

Motion- Mancuso; Second- Ryan; Vote- Unanimous: Motion passed to adjourn the meeting.



Mayor



Clerk/Treasurer

TOWN OF MANHATTAN
Regular Meeting
May 13, 2021
MINUTES

Mayor Glen Clements called the meeting to order in the Town Meeting Room at 207 S. 6th St. at 7:00 P.M. Present were Council Members Ryan Engbretson, Callie Hamilton, Betsy Mancuso, and Dan Ryan. Also present were Town Attorney Jane Mersen, Sergeant Rocky Hamilton and Officer Dylan Lynch, Deputy Clerk/Treasurer Tonya Owens, and Clerk/Treasurer Pam Humphrey. Seven members of the public were present. Four people were present via Zoom.

PUBLIC COMMENTS:

None

LEGISLATIVE UPDATE:

Representative Jennifer Carlson: She gave the Council an update on some grants for water and sewer projects. The Legislature has authorized a Renewal Resource Grant of \$125,000 and a TSEP Grant of \$750,000 for the Town of Manhattan. There is approximately \$400,000 in the ARPA bill for Manhattan. There was a Federal Direct Treasury Grant to Manhattan for \$461,000, which is an approved use for water and sewer projects. There will be a Rapid App for projects already planned for competitive grants. There is \$170 - \$200 million that has been set aside for water and sewer projects that are ready to start. There is a deadline for application and the money has to be spent by end of 2024. Her goal is to help Manhattan get as much money as possible for sewer upgrades.

HB257 was signed and provides that no private business in Montana is required to enforce any health board regulations. Private businesses can do what they want. Gathering size mandates for Gallatin County are expired.

Councilwoman Hamilton: She asked about the bill that was addressing nutrient requirements for sewer treatment.

-Carlson answered that the bill passed and had the Governors support, but may not be signed yet. Some nutrient standards were unattainable, so they were changed for the benefit of municipalities and sewer districts.

Councilman Ryan: He asked about help from the State for the grant applications.

-Carlson answered that the propose Rapid App is supposed to make the process easy. Any project that is engineered and has a plan can be added to the form with information on the Town and the project. The goal is to spend it all on infrastructure. It cannot be used to cover for any tax shortfalls. It can only be used for "Hard Goods", only new projects and nothing with ongoing expenses or new programs. They are expecting another program from the Federal Government that is also only for infrastructure. She is willing to help with grant applications also.

Kyle Scarr, Town Engineer: They are tracking how to apply for the ARPA money grants. They will reach out to the DNRC for more information.

Tonya Owens, Deputy Clerk/Treasurer: She asked if the local government is supposed to make people wear masks.

-Carlson answered that mandates are not required to be enforced by local governments. Schools are always under the direct control of the School Board, so they make their own decisions. There is another bill, HB501, which specifically deals with public buildings that receive public funds cannot require anyone to wear a mask to enter the building. That will go into effect on May 14th.

Representative Jennifer Carlson added that she talked to the new DOT director and was told that it is 100% fine to have a parade and there is no charge to close the street.

Council thanked Representative Carlson for the updates.

SELECT FIRM FOR WRF PROJECT:

Motion- Ryan; Second- Mancuso; Vote- 3 for, Hamilton – recused self from vote, she needed more information: Motion passed to accept the committee's recommendation to select Thomas, Dean, and Hoskins as the engineer for the Water Reclamation Project.

Mayor Clements stated that the Selection Committee met and scored the applications. They unanimously selected TD&H as the firm to do the plant upgrades. He recommended that the Council approve TD&H to do the engineering for the WRF upgrades. He will email the score sheets to the Council.

RESOLUTION NO. 21-005 – PARK PERMIT FOR AMUSEMENT FOR GAIN:

Motion- Engbretson; Second- Hamilton; Vote- Unanimous: Motion passed to not charge a fee for the permit for amusement for gain in the park. Resolution No. 21-005 was withdrawn.

Councilwoman Hamilton: She stated that the Park Board came to an overall understanding that the a fee should not be required to use the parks. Groups are already asked for liability insurance information. The permit is in the Code so it should be utilized.

Council discussed if a fee should be charged for the permit or not.

Alissa Farley, 205 S 5th: She asked if a permit would ever be denied and who approves the permit.

CENTENNIAL VILLAGE II PRELIMINARY PLAT EXTENSION:

Motion- Engbretson; Second- Ryan; Vote- Unanimous: Motion passed to approve the Preliminary Plat Extension for Centennial Village II for a period of three years from today (May 13, 2024) based on the lack of available water and sewer capacity.

Michael Libster, partner in Centennial Village II: He asked for an update from the Council on water and sewer capacity.

Council felt it is a reasonable request.

HOMESTEAD/MANHATTAN ORCHARD PRELIMINARY PLAT EXTENSION:

Motion- Hamilton; Second- Mancuso; Vote- Unanimous: Motion passed to set the end date for preliminary plat extension to one year from today (May 13, 2022).

Steve Barrett, Attorney for Homestead/Manhattan Orchards: He introduced the people involved in the project. They were before the Council in March and were denied an

extension. There was no end date on the plat extension granted in 2016, so they thought they were extended indefinitely. They are not asking for an extension, but an end date. They will pay the back fees that they would have paid had they made the extension requests as required. They do not want to start over because of the water issues. When the original application was filed in 2006, the law allowed the use of exempt wells until the development could hook up to the Town system. That would not be possible with a new application. He gave a history of the development. They are trying to demonstrate that they have been trying to move forward on the conditions that the Town had put on the development and they are ongoing. He gave the history of improvements that the Town paid for that they plan to pay back as they develop. They have a sewer capacity letter for 45-47 lots.

Councilwoman Mancuso: She asked about the repayment agreement and stated that the Town's ratepayers are not a bank.

Councilman Ryan: He stated that he was on the council in 2006. He asked them how they were going to get water at that time and he is asking the same question now. There have been many proposals. He asked about their building schedule.

David Richards, Developer: He stated that when they agreed to be annexed they interpreted from the annexation that the Town would provide services. They sold the water rights for agricultural use. They felt that the Town would provide the water if they agreed to be annexed.

Doug Chandler, Engineer for development: He stated that they can create water rights with exempt wells and then transfer them to the Town.

Mayor Clements: He asked about the exempt wells and converting those rights to usable water for the town.

Rob Sterup, Attorney for development: He gave another history of the project. The extension the Council allowed in 2016 did not have an end date. He feels that both parties worked forward with the project since that time. They feel that the previous extension meeting was full of miscommunication. They feel that the open-ended extension remained in effect and are now looking for an end date. He gave examples of how this project would benefit both the Town and the development.

Michael Libster, Centennial Village II: He asked if there is sewer capacity available today. He asked about the ability of their development to use interim wells also.

Pam Humphrey, Clerk/Treasurer: She stated that the Manhattan taxpayers have been eating a lot of the costs that developers have incurred since around 2006. She gave an example related to Manhattan Orchards. Centennial Village and Pioneer Crossing repaid the Town before they moved forward with their development and this development should do the same. Centennial Village II has also have been getting yearly extensions as required in the Manhattan Town Code. She stated that waiting for the developer to make money before they repay the taxpayers is not fair.

Representative Jennifer Carlson: She asked how much capacity the sewer upgrade would add. She stated her concern about adding a development of 300 lots to the system with a three-year extension. The school would also be affected by these lots. She clarified that her comment about the school was in relation to how the Town has changed since 2016 and that the school should play into the decision of whether the plat is expired or not.

Jane Mersen, Town Attorney: She asked the Council to decide if the 2016 extension has expired or if they will put an end date on that preliminary plat extension. She reminded the Council that new conditions cannot be added to preliminary plats.

MAYOR'S REPORT:

- Public works has been grading and street sweeping.
- Pioneer Crossing agreed to install irrigation wells in Taylor Park, so the Town is working on that.

CONSENT AGENDA:

Motion- Hamilton; Second- Ryan; Vote- Unanimous: Motion passed to approve the Consent Agenda.

Town Licenses: Manhattan Depot, Goertz Construction, and Grass Monkey Lawn Care.

Approval of Minutes: Regular Meeting minutes from April 8, 2021.

Claims: Dated 04/09/21 – 05/13/21 totaling \$ 207,929.27

ADJOURN:

Motion- Mancuso; Second- Ryan; Vote- Unanimous: Motion passed to adjourn the meeting.



Mayor



Clerk/Treasurer

TOWN OF MANHATTAN
Regular Meeting
June 10, 2021
MINUTES

Mayor Glen Clements called the meeting to order in the Town Meeting Room at 207 S. 6th St. at 7:00 P.M. Present were Council Members Ryan Engbretson, Callie Hamilton, Betsy Mancuso, and Dan Ryan. Also present were Sergeant Rocky Hamilton, Officer Dylan Lynch, Plant Engineer Robert Seamons, Public Works Supervisor Jeff McAllister, Fire Chief Mike Ulmen, Police Chief Dennis Hengel, Library Director Trudy Dundas, Deputy Clerk/Treasurer Tonya Owens, and Clerk/Treasurer Pam Humphrey. Three members of the public were present. Two people were present via Zoom.

PUBLIC COMMENTS:

Buck Buchanan, 315 N 5th: He stated that he has a safety concern. There used to be a flashing light at the 4-way stop. He suggested putting a 4-way flashing red light there. He has seen people run the stop sign looking for a location.

Dennis Hengel, Chief of Police: He spoke in favor of a flashing light at the 4-way. There are a lot of new people driving through town. It has a lot of vehicle and pedestrian traffic. He suggested contacting the State for the light installation.

Jeff McAllister, Public Works Supervisor: He stated that he can make a call to the State to see if it can be done. He will report back to the Council.

RESOLUTION NO. 21-004-CANCELLATION OF EMERGENCY ORDER:

Motion- Mancuso; Second- Hamilton; Vote- Unanimous: Motion passed to approve Resolution No. 21-004, terminating Resolution No. 20-004 Emergency Declaration.

ZOOM MEETINGS:

Motion- Hamilton; Second- Engbretson; Vote- 3 Aye (Engbretson, Hamilton, Ryan), 1 Nay (Mancuso): Motion passed to continue Zoom meetings at Town Council meetings with the condition that board members and Town consultants are present and that Zoom meeting will not be done at Planning Board, Park Board, committee, or budget meetings. Council discussed the pros and cons of continuing to do Zoom meetings. They discussed the need for board members to be present in person, the types of engagement that have happened on Zoom so far, the need to engage more of the public either on Zoom or in person, and open meeting laws.

Pam Humphrey, Clerk/Treasurer: She spoke against doing Zoom meetings because of public and board conduct that has already been seen, the possibility of violating public meeting laws, staffing, and the fact that a recording is not the official record.

Tonya Owens, Deputy Clerk/Treasurer: She stated that the professionals or consultants should attend in person because so that they are engaged in the conversation.

Buck Buchanan, 315 N 5th St: He commended the Council for doing the Zoom meetings during the pandemic. He stated that it allows access for the general public. He suggested doing the meetings as webinars or at least recording the meetings and putting them on the website.

Alissa Farley, 205 S 5th St: She stated that she is in favor of keeping Zoom at the Town Council meetings.

FWP AND TROUT UNLIMITED TEMPORARY WAIVERS FOR PIONEER CROSSING WELL PERMIT:

Motion- Ryan; Second- Hamilton; Vote- Unanimous: Motion passed to table the item until the next meeting.

BOARD APPOINTMENT – POLICE COMMISSION:

Motion- Mancuso; Second- Ryan; Vote- Unanimous: Motion passed to appoint Diane Letendre to the Police Commission for a three-year term to expire 4/30/2024.

DEPARTMENTAL BUDGET REQUESTS:

Library: Library Director Trudy Dundas presented her budget request to the Council. She described how the Library is getting back to normal.

Fire Department: Fire Chief Mike Ulmen presented his budget request to the Council. He discussed building prices with the Council in relation to a new training center.

Water Reclamation Facility: Plant Engineer Robert Seamons presented his budget request to the Council. He informed them that the monitoring and permit compliance has improved from last year. He gave a history of the sewer system in Manhattan. He described the improvements that are needed in the coming upgrades.

Public Works: Public Works Supervisor Jeff McAllister presented his budget requests to the Council. He talked about the changes and challenges that the Public Works Department is facing in the coming fiscal year. He highlighted the things that he felt were the most important.

Park: Public Works Supervisor Jeff McAllister and Park Commissioner Callie Hamilton presented the park budget request to the Council.

Police Department: Chief of Police Dennis Hengel presented his budget request to the Council.

Town Office/Planning Board/Court/Building: Clerk Treasurer Pam Humphrey presented the Town Office, Planning Board, Court, and Building Department budget requests to the Council.

Mayor Clements appointed a committee of Callie Hamilton, Betsy Mancuso, Pam Humphrey, and himself to meet and discuss the wage matrix, CARES Act and ARPA distributions, and water tower lease money and then make a recommendation to the Council for those items.

MAYOR'S REPORT:

- He has been in touch with the Town engineer and plant engineer to see if the plant expansion can be funded partially with ARPA funds from the competitive grants.
- Town Engineer would like to schedule a Zoom meeting for information on the ARPA money that may be available.
- Public works has been replacing water meters and doing dust control.

- He has been attending Gallatin Regional Water and Wastewater Regionalization Study meetings about regionalized sewer and water projects. He will bring more information for the next meeting.

CONSENT AGENDA:

Motion- Ryan; Second- Engbretson; Vote- Unanimous: Motion passed to approve the Consent Agenda.

Town Licenses: Sign Products Inc., Rhinard Construction, Simply AC Boutique, and Blue Water Homes.

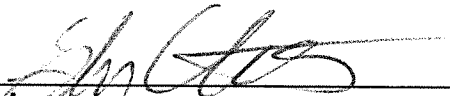
Chicken Coop Application: Renewal for 110 Cedar, Simser Family.

Approval of Minutes: Regular Meeting minutes from May 13, 2021.

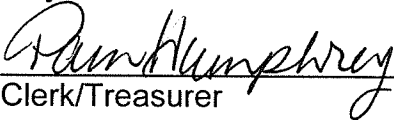
Claims: Dated 05/14/21 – 06/10/21 totaling \$ 207,499.90.

ADJOURN:

Motion- Ryan; Second- Mancuso; Vote- Unanimous: Motion passed to adjourn the meeting.



Mayor



Clerk/Treasurer

TOWN OF MANHATTAN
Regular Meeting
July 08, 2021
MINUTES

Council President Callie Hamilton called the meeting to order in the Town Meeting Room at 207 S. 6th St. at 7:00 P.M. Present were Council Members Betsy Mancuso, and Dan Ryan. Also present were Police Chief Dennis Hengel, Sergeant Rocky Hamilton, Deputy Clerk/Treasurer Tonya Owens, and Clerk/Treasurer Pam Humphrey. Two members of the public were present. Zero people were present via Zoom.

PUBLIC COMMENTS:

None

POLICE DEPARTMENT UPDATE:

Dennis Hengel, Chief of Police: He stated that the fireworks were sporadic on the 3rd, he did receive several complaints on the 4th, but some were unfounded. There were a few after midnight. On the 5th, he had two violations and a few on the 6th. He stated that the new ordinance was successful as far as quieter on the 3rd and the 5th. He informed the Council that he had to terminate a probationary officer. He discussed with the Town Attorney and Mayor before the termination.

RESOLUTION NO. 21-005 – FISCAL 20-21 BUDGET AMENDMENT:

Public Hearing

None

Discussion/Decision

Motion- Mancuso; Second- Ryan; Vote- Unanimous: Motion passed to approve Resolution No. 21-005, a resolution of the Town Council of the Town of Manhattan, Montana amending the Fiscal 2020-2021 budget to allow for appropriations and funding.

RESOLUTION NO. 21-006 – CAPITAL IMPROVEMENT PLAN:

Public Hearing

None

Discussion/Decision

Motion- Ryan; Second- Mancuso; Vote- Unanimous: Motion passed to approve Resolution No. 21-006, a resolution of the Town Council of the Town of Manhattan adopting the Capital Improvement Plan for the Town of Manhattan, Montana.

RESOLUTION NO. 21-007 – ELECTION BY MAIL BALLOT:

Motion- Ryan; Second- Hamilton; Vote- 2 Aye (Ryan, Hamilton, 1 Nay (Mancuso): Motion passed to approve Resolution No. 21-007, a resolution of the Manhattan Town Council notifying the Gallatin County Election Administrator of the town's desire to conduct the 2021 city general election by mail ballot in accordance with Section 13-19-202, MCA, as amended.

The Council discussed amendments to the resolution.

PRELIMINARY BUDGET 2021-2022:

Budget available for public inspection July 9, 2021

Motion- Hamilton; Second- Ryan; Vote- Unanimous: Motion passed to approve the Preliminary Budget for Fiscal Year 2021-2022.

SET BUDGET WORKSHOP:

The budget workshop was set for July 15, 2021 at 7:00 pm.

RESOLUTION NO. 21-008 – CREATING NEW FUNDS AND UN-COMMITTING FUNDS FOR THE FISCAL 2021-2022 BUDGET:

Motion- Ryan; Second- Mancuso; Vote- Unanimous: Motion passed table Resolution No. 21-008.

FWP AND TROUT UNLIMITED TEMPORARY WAIVERS FOR PIONEER CROSSING WELL PERMIT:

Motion- Hamilton; Second- Ryan; Vote- Unanimous: motion passed to table the item until the next meeting.

Jane and entities are still clarifying the agreement. It is not ready.

MAYOR'S REPORT:

None

CONSENT AGENDA:

Motion- Ryan; Second- Mancuso; Vote- Unanimous: Motion passed to approve the Consent Agenda.

Town Licenses: EMF Home Consultants Inc, Peeler's Wild Alaska Seafood, Rauser Builders LLC, and GCH Construction Inc.

Approval of Minutes: Regular Meeting minutes from June 10, 2021.

Claims: Dated 06/11/21 – 07/08/21 totaling \$ 441,586.45.

ADJOURN:

Motion- Mancuso; Second- Ryan; Vote- Unanimous: Motion passed to adjourn the meeting.



Mayor



Clerk/Treasurer

**TOWN OF MANHATTAN
Regular Meeting
July 15, 2021
MINUTES**

Mayor Glen Clements called the meeting to order in the Town Meeting Room, at 207 S 6th St. at 7:00 P.M. Present were Council Members Callie Hamilton, Betsy Mancuso, and Dan Ryan. Also present was Clerk/Treasurer Pam Humphrey. No members of the public were also present.

DISCUSSION OF DEPARTMENTAL BUDGET REQUESTS:

The Council reviewed and discussed the budget requests made by the individual departments. They made recommendations on what should be included in the budget, what should be eliminated, what should be changed, and what they would like to see more information on.



Mayor



Clerk/Treasurer

**TOWN OF MANHATTAN
Regular Meeting
August 12, 2021
MINUTES**

Mayor Glen Clements called the meeting to order in the Town Meeting Room at 207 S. 6th St. at 7:00 P.M. Present were Council Members Ryan Engbretson, Callie Hamilton, Betsy Mancuso, and Dan Ryan. Also present were Town Engineer Kyle Scarr, Chief of Police Dennis Hengel, Sergeant Rocky Hamilton, Deputy Clerk/Treasurer Tonya Owens, and Clerk/Treasurer Pam Humphrey. Eight members of the public were present. Zero people were present via Zoom.

PUBLIC COMMENTS:

Jim Albrecht, 9110 Wooden Shoe Lane: He asked for authorization to level the area of the ice skating rink. He stated that it would save water and be easier to flood if it were leveled. They could have the rink ready earlier in the year if it were level. He has several contractors that have volunteered to do the work.

RESOLUTION NO. 21-008 – CREATING NEW FUNDS AND UN-COMMITTING CASH FROM CIP:

Motion- Hamilton; Second- Ryan; Vote- Unanimous: Motion passed to approve Resolution No. 21-008, a resolution of the Town Council of the Town of Manhattan, Montana creating new funds and un-committing cash from a Capital Improvement Fund for the 2021-2022 fiscal year budget.

RESOLUTION NO. 21-009 – DISTRIBUTION OF BRIDGE AND ROAD SAFETY AND ACCOUNTABILITY PROGRAM FUNDS:

Motion- Hamilton; Second- Mancuso; Vote- Unanimous: Motion passed to approve Resolution No. 21-009, a resolution of the Manhattan Town Council of the Town of Manhattan requesting distribution of Bridge and Road Safety and Accountability Program Funds.

RESOLUTION NO. 21-010 – 2021-2022 BUDGET:

Public Hearing

None

Discussion/Decision

Motion- Engbretson; Second- Hamilton; Vote- Unanimous: Motion passed to approve Resolution No. 21-010, a resolution of the Town Council of the Town of Manhattan, Montana adopting a budget for the Town of Manhattan for the fiscal year 2021-2022.

Councilwoman Hamilton requested that some of the License Plate donation money be allocated to upgrading the ice rink in the park.

RESOLUTION NO. 21-011 – STREET LIGHT MAINTENANCE DISTRICT 2021-2022 ASSESSMENT:

Public Hearing

None

Discussion/Decision

Motion- Hamilton; Second- Engbretson; Vote- Unanimous: Motion passed to approve Resolution No. 21-011, a resolution of the Town Council of the Town of Manhattan providing for the assessment of maintenance costs for the Street Lighting Maintenance District for fiscal year 2021-2022 which is a continuation of the present method of assessment.

Councilman Ryan suggested that an audit of the street lights for ones that are not working.

RESOLUTION NO. 21-012 – STREET MAINTENANCE DISTRICT 2021-2022 ASSESSMENT:

Public Hearing

None

Discussion/Decision

Motion- Mancuso; Second- Hamilton; Vote- Unanimous: Motion passed to approve Resolution No. 21-012, a resolution of the Town Council of the Town of Manhattan providing for the assessment the Street Maintenance District costs for the fiscal year 2021-2022 pursuant to §7-12-4425, MCA which is a continuation of the present method of assessment.

SIGN APPLICATION WITH DEVIATION:

Public Hearing

Kathy Bushnell, Owner Manhattan Depot: She stated that the pizza business has sold. The new owner will be changing the name of the pizza business. She stated that they have been working with the new pizza shop owner to put up new signs. Manhattan Depot will do signs that meet the sign codes and match the pizza shop signs. They will go through the sign permit application process. She asked that the Council allow them to leave the window signs until they can redo them, but asked for a variance for the sign height that is 1.5” too low.

Discussion/Decision

Motion- Mancuso; Second- Ryan; Vote- Unanimous: Motion passed to approve the sign deviation for Manhattan Depot at 110 S Broadway St. for the projecting sign that is 1.5” too low. The window signs may stay until they are changed in conjunction with the pizza shop.

Councilwoman Mancuso measured the sign and it is 1.5” too low, but would be very difficult to move that small of a distance. Council discussed what difference the 1.5” would make. They agreed that the 1.5” would not make much of a difference.

PARK BOARD REQUESTS:

Motion- Ryan; Second- Engbretson; Vote- Unanimous: Motion passed to approve the Park Board request to start the leveling of the rink area in conjunction with the Public Works Department and for the Town to take ownership of the equipment as requested.

Councilwoman Hamilton: She stated that the Park Board has asked for some commitments by the Town for some specific items. The Park Board has been discussing

improving the ice-skating rinks. She referenced the Park Board minutes pertaining to the Town's responsibility. They are asking the Town Council to consider improvements to the rink where the Town would own the rink equipment including a liner, boards, and storage trailer. The Town would store the equipment and the trailer, budget for maintenance costs of the liner, and provide a program for volunteer support.

Gretchen Engbretson, Park Board President: She asked for new or non-leaking hoses in addition to the items already requested.

Council and audience members discussed the possible ways to fund the items, ways to recruit more volunteers, how other communities maintain and fund their ice rinks, and other possible ideas for the area. They also discussed the need for new hoses and getting the hydrant in the park fixed so it doesn't leak. Public attendance has been very high and the rink is being used by several organized groups.

Jim Albrecht, 9110 Wooden Shoe Lane: He stated that he has been involved in the American Legion for years. He stated that they are willing to provide their 501c to be the fund raising organization for the rink.

FWP AND TROUT UNLIMITED TEMPORARY WAIVERS FOR PIONEER CROSSING WELL PERMIT:

Motion- Hamilton; Second- Mancuso; Vote- Unanimous: Motion passed to table the item until the next meeting.

Town professionals are not happy with some of the language in the agreement and will ask to have it changed.

MAYOR'S REPORT:

- Upcoming election has just the candidates to fill the open seats. If there are no write-in candidates, an election is not necessary and the candidates can be appointed by acclamation. We will consider a resolution at the next meeting.
- They have met with TD&H on the treatment plant budget and scope and are in negotiations.

CONSENT AGENDA:

Motion- Ryan; Second- Engbretson; Vote- Unanimous: Motion passed to approve the Consent Agenda.

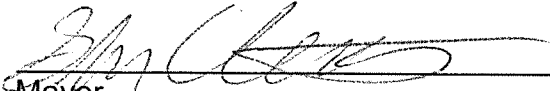
Town Licenses: Megan Ely short term rental, SES Electrical Systems, Graff Construction LLC, Appleknocker Construction, Coughlin Structural Engineering PLLC, and Brownell Construction.

Approval of Minutes: Regular Meeting minutes from July 8, 2021 and Special Meeting minutes from July 15, 2021.

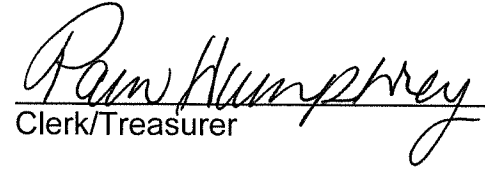
Claims: Dated 07/09/21 – 08/12/21 totaling \$ 242,168.50.

ADJOURN:

Motion- Mancuso; Second- Hamilton; Vote- Unanimous: Motion passed to adjourn the meeting.



Mayor



Clerk/Treasurer

**TOWN OF MANHATTAN
Regular Meeting
September 9, 2021
MINUTES**

Mayor Glen Clements called the meeting to order in the Town Meeting Room at 207 S. 6th St. at 7:00 P.M. Present were Council Members Ryan Engbretson, Callie Hamilton (via Zoom), and Betsy Mancuso. Dan Ryan was excused. Also present were County Commissioner Joe Skinner, Town Attorney Jane Mersen (via Zoom), Town Engineer Kyle Scarr, Chief of Police Dennis Hengel, and Clerk/Treasurer Pam Humphrey. Seven members of the public were present. One member of the public was present via Zoom.

PUBLIC COMMENTS:

None

COUNTY PRESENTATION ON COURT FACILITY BOND:

Commissioner Joe Skinner: He showed a presentation on the Bond for the Courts Facility. It is a \$29 million bond, that will go to help build a \$38 million Courts Building. He talked about the uses of the current courts facility. There is a need to replace the current building. Safety, efficiency, and fiscal responsibility were addressed. Nothing has been changed with the facility in many years. The building is a school that was built in the 1960s. It is not safe. The courts see both criminal and civil cases. Issues in the courts also present safety issues. The facility is too small, which increases wait times. Longer wait times create more safety issues. More judges are needed, and one is approved at this time, but there is no space to put them. They have greatly reduced the costs. Votes for or against the bond will directly impact safety, efficiency, and cost effectiveness.

He took some questions from the council and audience. The courts would stay in the current building until construction is complete. District court 3 will be moved during construction.

POLICE DEPARTMENT UPDATE AND VEHICLE INFORMATION:

Dennis Hengel, Chief of Police: He informed the Council that they have chosen a candidate to fill the vacant position. They will be doing background check and psychological exam. The projected hiring date is October 1, 2021.

He has been researching patrol vehicles, which the Council has approved in the budget. He compared a standard Ford patrol vehicle, a hybrid of that same type of patrol vehicle, a Durango, and a pickup. He gave the costs on all the vehicles. He would propose purchasing the hybrid. They get about 7 mpg better gas mileage than the standard vehicle. He has gathered information from another agency in MT that uses the hybrid. He asked the Council to review the information and give him approval of a vehicle purchase at the next meeting.

WATER RIGHTS:

Motion- Hamilton; Second- Engbretson; Vote- Unanimous: Motion passed to allow the Mayor to sign the stipulation.

Jane Mersen, Town Attorney: Baker springs filed a claim and the Town objected. Matt Williams was able to come to an agreement with them. They have agreed to subordinate their rights to the Towns rights.

RESOLUTION NO. 21-013 – CANCEL ELECTION AND DECLARE CANDIDATES ELECTED BY ACCLAMATION:

Motion- Mancuso; Second- Engbretson; Vote- Unanimous: Motion passed to approve Resolution No. 21-013, a resolution of the Manhattan Town Council of the Town of Manhattan cancelling the November 2, 2021, election for Councilmember and Mayor and declaring the candidates elected by acclamation. Joshua Powell and Ryan Engbretson were appointed to the Council Positions and Glen Clements to Mayor.

There is only one candidate for each seat available.

LOW INCOME HOME WATER/WASTEWATER ASSISTANCE PROGRAM:

Motion- Engbretson; Second- MAnCUSO; Vote- Unanimous: Motion passed to allow the Mayor to sign the contract and the Town to participate in the Montana Department of Public Health and Human Services Low-Income Home Water Assistance Program (LIHWAP)

FWP AND TROUT UNLIMITED TEMPORARY WAIVERS FOR PIONEER CROSSING WELL PERMIT:

Motion- Mancuso; Second- Engbretson; Vote- Unanimous: Motion passed to table the item.

The Town is still working to get the waiver into an acceptable form.

WATER RESOURCE RECOVERY FACILITY DESIGN CONTRACT WITH TD&H:

Motion- Mancuso; Second- Engbretson; Vote- Unanimous: Motion passed to form a committee of Glen Clements, Robert Seamons, Ryan Engbretson, and Betsy Mancuso to review the contract.

Kyle Scarr, TD&H Engineering: He introduced Matt Magee, Scott Buecker, and Kelsey Wagner. Mason Mangold from WGN is also part of the team.

He stated that he got some comments from the Town Attorney earlier today. The contract has been modified to address her concerns. He asked if anyone had questions on the process, contract, or scope of work. He updated the Council on the ARPA competitive grant application. The Town's project ranked 13th of 140+ applicants. The advisory committee decided to cap the amounts at \$2 million per project. The County also has some ARPA funds for water and sewer projects. There will be a competitive grant process for the County money also. That application will be put in by the end of the month. He stated that the things that need to happen early in the process, such as surveying, the Council could approve a percentage of the design earlier than the whole contract. The scope of work is just for Phase I. He will forward the amended contract to the Council after he meets with the Town Attorney.

Councilwoman Hamilton: She suggested to reaching out to Senator Sales regarding the \$2 million cap. She asked why administrative and engineering costs are marked up 50%.

Councilwoman Mancuso stated that she would like to have more time to read through the document and review it and formulate questions or form a committee. She asked about the rate and impact fee study.

MAYOR'S REPORT:

- *Callie Hamilton:* The Park Board is taking on fundraising for trees. The Park Board president found an opportunity to get more trees for less money. There is a program through the MT Seedling Nursery. There is a minimum order requirement, but the trees are less expensive. The Park Board would help with watering and planting. They would like to use the Arbor Day grant to purchase the trees. There is another program that may also help with replacing more trees.

CONSENT AGENDA:

Motion- Mancuso; Second- Engbretson; Vote- Unanimous: Motion passed to approve the Consent Agenda.

Town Licenses: Rogue Salon, LeGrande Electric Corporation

Approval of Minutes: Regular Meeting minutes from August 12, 2021.

Claims: Dated 08/13/21 – 09/09/21 totaling \$ 168,891.89.

ADJOURN:

Motion- Mancuso; Second- Engbretson; Vote- Unanimous: Motion passed to adjourn the meeting.



Mayor



Clerk/Treasurer

**TOWN OF MANHATTAN
Regular Meeting
October 14, 2021
MINUTES**

Mayor Glen Clements called the meeting to order in the Town Meeting Room at 207 S. 6th St. at 7:00 P.M. Present were Council Members Ryan Engbretson, Callie Hamilton, Betsy Mancuso, and Dan Ryan. Also present were Town Attorney Jane Mersen, Town Engineer Kyle Scarr, Chief of Police Dennis Hengel, Deputy Clerk/Treasurer Tonya Owens, and Clerk/Treasurer Pam Humphrey. Thirteen members of the public were present. Three members of the public were present via Zoom.

PUBLIC COMMENTS:

None

POLICE DEPARTMENT UPDATE:

Dennis Hengel, Chief of Police: He informed the Council that Officer Lynch has changed his mind about becoming a Police Officer. That means the Police Department has two vacant positions. There is a candidate that has been offered a position, but they are still waiting for the background investigation to be concluded.

He decided to advertise for an experienced officer to replace Officer Lynch. They will make some budget changes to be able to hire an experienced officer.

He reminded everyone that Manhattan has become a suburb of Bozeman, and they are seeing more crimes that go along with that.

POLICE VEHICLE PURCHASE DECISION:

Motion- Hamilton; Second- Engbretson; Vote- Unanimous: Motion passed to approve the purchase of a hybrid Ford Interceptor.

Dennis Hengel, Chief of Police: He reminded the Council of the vehicle information he presented at the last meeting. He mentioned that the Fords are easier to exchange equipment with the older Ford with high mileage. He would like to purchase a hybrid vehicle and explained the advantages to the Council. He requested that the Council approve the purchase of the Ford Hybrid. The hybrid is approximately \$38,000.

Council discussed the cost of additional equipment to outfit the vehicle. Timeframe was discussed.

TOWN ATTORNEY AGREEMENT:

Motion- Mancuso; Second- Hamilton; Vote- Unanimous: Motion passed to approve the Town Attorney Agreement.

CASINO ORDINANCE:

Motion- Ryan; Second- Engbretson; vote- Unanimous: Motion passed to table the item until the Planning Board has a chance to review the request and make a recommendation.

Mayor Clements stated that the correct procedure would be for the casino to apply for a Zoning Change and go through the Planning Board for a recommendation to the Council.

DISH NETWORK LEASE:

Motion- Hamilton; Second- Ryan; Vote- Unanimous: Motion passed to table the item until more information is obtained.

Jane Mersen, Town Attorney: Dish Network has countered to pay \$2000/month as their equipment is smaller than T-mobile's.

The Council discussed having a representative from Dish so they could ask questions. They would also like to hear from the Public Works Supervisor about any possible concerns at the site.

MANHATTAN ORCHARDS REPAYMENT AGREEMENT:

Motion- Ryan; Second- Engbretson; Vote- Unanimous: Motion passed to table the agreement until the next meeting and review information from the Town professionals and direct the Attorney and Engineer to make the changes discussed for the next meeting.

Steve Barrett, Attorney for Homestead LLC: He gave a history of the repayment agreement. He requested paying a prorated amount for each phase based on the number of sewer hookups they are allowed. He stated that it would be fair for them to pay in phases because the Town cannot provide sewer services for all the phases at this time. He asked the Council to move to accept their agreement. They have a will serve letter for sewer and preliminary DEQ approval to use interim wells for phases one and two. They do not dispute the fact that they need to repay the Town. They argue that they cannot proceed fully because of the sewer issues in Town. He stated that they feel it is fair to prorate the repayment as they gain sewer capacity.

Councilman Ryan: He reminded them that the repayment agreement is for water lines that are necessary for the subdivision to move ahead.

Councilwoman Mancuso: She stated that repaying the amount with the phases is not fair to the Town because it has already waited so long for repayment. The agreement was first discussed in 2018. The agreement was not signed by the developer at that time, so the Town has been acting as the bank for the developer since then. She had some questions about specific items in the agreement. She would also argue that a comprehensive traffic study is needed because a lot has changed since the preliminary plat was put in place. She is not comfortable with self-certification by the applicant.

Jane Mersen, Town Attorney: The changes to the preliminary plat were agreed upon as part of the original repayment agreement. The agreement was never signed, however. She stated that in 2017 the school was doing a construction project which needed a water loop to be completed. This also benefited the Town and Manhattan Orchards. The school had the money in the construction loan to pay the bill. They then wanted to be reimbursed. Richards indicated that he could pay the school back the following year. The Town agreed to pay the reimbursement amount, and Richards was to repay the Town in August 2018. The first repayment agreement in 2017 was discussed and negotiated between Town officials and Manhattan Orchards representatives. In September 2017 that agreement was brought to the Town Council. It had some

preliminary plat changes that Manhattan Orchards wanted to make in exchange for repaying the water line amount in one year. The Council agreed and directed her to draw up the contract. She last negotiated with Manhattan Orchard's attorney in January 2018. Nothing was heard from the development until they just recently came to the Council for a plat extension. The conditions were not separately approved by the Council, they were part of the repayment agreement. It is her position that the modifications have never been formally approved.

Kyle Scarr, TD&H: He gave some traffic study information. He gave a history of how the road and alley ways were originally proposed. The original report had less connectivity. They have created a more free flowing pattern within the subdivision from a traffic standpoint. Offsite requirements in the Town's traffic plan have not been addressed in the proposed repayment agreement. He explained traffic studies and self-certifications. He does not feel comfortable with self-certification. Regarding fairness, this line connects the water system on the west side of town to the east side of town. The water line would have been necessary for the first phase, not for one phase at a time.

David Richards, Developer: He agreed with how this has moved forward. He clarified that they originally agreed to participate in the water line in exchange for some changes in their plat.

Mayor Clements: He asked if the school did not put in the water line when they did, who would have to pay for that water line in order for Manhattan Orchards to proceed with phases one and two.

- *Steve Barrett, Attorney for Homestead LLC:* He stated that he could not answer that question as he is not an engineer.
- *Kyle Scarr, Town Engineer:* He stated that the developer would have to put a line in, not that particular one, but something similar. The project would probably have been larger than this number because the development would need a longer line without the school. It was beneficial for the school and Manhattan Orchards to have one shared line.

Jane Mersen, Town Attorney: She has reviewed and edited the repayment agreement. She has consulted with the Town Engineer regarding the preliminary plat changes. She removed a few sections of the proposed agreement as well as the prorated payment schedule. She would recommend the corrected version that she has presented to the Council.

Councilwoman Hamilton: She stated that she is opposed to the prorated proposal. There is also the risk that the final phases may not get done, so the payments would not be made.

Mayor Clements: He stated that he is also opposed to the prorated agreement. The Town has been acting as a bank for the development and this agreement would stretch that situation out for many more years.

David Richards, Developer: If the full repayment must be paid soon, he will ask that the full amount would be paid when the first phase goes into final plat as a condition of final plat submittal for phase one.

Councilman Ryan: He asked about the original preliminary plat and if some things have changed from that plat.

Water issues and the use of exempt wells were discussed. Changes were done to the Town Code to add the temporary wells.

Jane Mersen, Town Attorney: She asked the developer and attorney to clarify what they meant by paying the full amount at final plat.

Dave Richards, Developer: He clarified that what he meant was he would submit the final plat to the Town Engineer for his approval, then to the Council for approval. When the Council approves it, he would issue a check.

Kyle Scarr, Town Engineer: He stated that generally when there is an agreement like that, either there is a financial guarantee or the payment is required prior to final plat. Once final plat is given, the Town has no way to enforce payment. He recommended that the Town would require payment before it approves the final plat and the developer takes it to the Clerk and Recorder to record it and starts to sell lots.

Councilman Engbretson: He asked if a condition could be added to the final plat agreement that is conditional on the payment.

Jane Mersen, Town Attorney: She stated that it would be the same as a financial guarantee of a subdivision improvement. However, conditions cannot be added to the preliminary plat in order to get final plat approval.

Councilwoman Mancuso: She stated that she is not comfortable with the Town continuing to bend for the development as it has done for the last 15 years or so. She would agree with the Town Attorney's revision that the payment be made in December 2021. She also had some questions about the traffic study and curb and gutter changes.

Kyle Scarr, Town Engineer: He stated that he has reviewed the changes to the preliminary plat. Flat curbs and ditches deviate from the Town Standards. In May of 2016 where they discussed changes to the preliminary plat. There were also some road alignment changes, elimination of alleys, and some others. Those are deviations from the Town Standards.

David Richards, Developer: He stated that they have struggled with a lot of issues. He asked about sewer plant original construction. He was upset that the prior Council gave capacity to Churchill, but his project can't get capacity now. He stated that they want to work with the Town. They feel that they have been treated very badly by the Town giving capacity to Churchill.

Mayor Clements: He stated that he was not here at the time, but he felt it was the intent of the project to accommodate the growth of the community. Currently, the plant is not operating as it was designed.

Steve Barrett, Attorney for Homestead LLC: He asked the Council to adopt the agreement today but modify it to make the amount due with the completion of phases one and two.

Matt Williams, Water Attorney: He stated that he thinks it is almost shameless to come before the Council and suggest what someone is morally and legally obligated to pay is not due because of some additional conditions that have not been met. Mr. Barrett has well enunciated the Board's next action. The informing principal has always been that the Town does not finance the development of subdividers. A comprehensible solution is to insist upon full payment before the developer recognizes any economic benefit from the development. He does not have any other suggestions.

Bill Luehrs, Pioneer Crossing: He stated that he finds it rich that Pioneer Crossing had also argued for flat curb and gutter. The Town denied Pioneer Crossing's request and they had to follow the standards. Therefore, they did full curb and gutter all throughout the subdivision, as well as the east side of Nixon Gulch Road. He felt it was ironic that the Council will let someone do flat curb and gutter when they forced Pioneer Crossing to put in curb and gutter, as well as storm drains on the east side of Nixon Gulch Road.

Jane Mersen, Town Attorney: She pointed out that the proposed agreement indicates that standard curb and gutter is still required on Nixon Gulch Road.

Kyle Scarr, Town Engineer: He clarified that everything within the subdivision is flat curb and gutter. Nixon Gulch Road is required full height curb and gutter. Main arterial roads are to also be constructed to Town standards.

David Richards, Developer: He stated that it was unfair for Pioneer Crossing to get to use Town water, but his development can't.

Council discussed road standards and changes that had been made previously. The traffic study section still needs to be addressed. Road section items were also discussed. Council discussed the previous changes that have been made to the Manhattan Orchards preliminary plat. Material changes vs. not material changes were defined and discussed. Possible changes to the agreement were discussed.

MANHATTAN ORCHARDS SEWER ISSUES:

Steven Barrett, Attorney for Homestead LLC: He asked what the plan is for providing sewer capacity for the community. Manhattan Orchards is asking the Town to consider revising the sewer ordinance so that other options would be available instead of putting sewage through the plant. He made some suggestions for alternatives. He asked if the Town has secured the money to make the upgrades.

Mayor Clements: He stated that the PER to start upgrades to the plant for both treatment capacity and flow capacity details the changes. The first phase will allow the Town to meet the new DEQ permit conditions. The second phase will increase the capacity.

Kyle Scarr, Town Attorney: He stated that several grant and loan opportunities have been applied for. Phase I has been approved and will be moving forward. He outlined some of the funding sources that have been applied for and awarded. Phase II will require more funding. He stated that the Town would need to know the specifics of any alternate sewer treatment processes before commenting or considering them.

Councilwoman Hamilton: She stated that accelerating growth may not be the smart thing to do for the rest of the Town. The Town needs to be cautious, as it is not ready to grow that fast.

David Richards, Developer: He asked for clarifications on the planned plant upgrades. He expressed his frustrations with the Council and changes that have been made since they started their project that result in them not being able to move forward.

Mayor Clements: He stated that the Town needs to move forward at this time. Failures at the plant have changed the circumstances. He stated that a proposal would be considered if they brought it to the Council.

MAYOR'S REPORT:

- Gallatin County ARPA funds have been awarded, the Town was awarded \$750,000. Four projects in the County will receive funds.
- WRF Engineering Contract – edits have been made, but it is close to final. The committee will meet next week.
- T-Mobile lease has been executed, they will begin construction in the middle of November.
- Council committee is evaluating the wage matrix, Belgrade is also doing a study which they will forward to Manhattan.

CONSENT AGENDA:

Motion- Ryan; Second- Mancuso; Vote- Unanimous: Motion passed to approve the Consent Agenda.

Town Licenses: Blue Line Plumbing, LLC, Wheelers Pies

Approval of Minutes: Regular Meeting minutes from September 9, 2021.

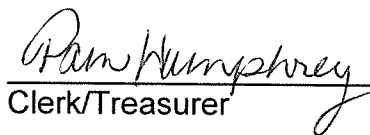
Claims: Dated 09/10/21 – 10/14/21 totaling \$ 178,422.37.

ADJOURN:

Motion- Mancuso; Second- Ryan; Vote- Unanimous: Motion passed to adjourn the meeting.



Mayor



Clerk/Treasurer

**TOWN OF MANHATTAN
Special Meeting
October 25, 2021
MINUTES**

Council President Callie Hamilton called the meeting to order in the Town Meeting Room at 207 S. 6th St. at 7:00 P.M. Present were Council Members Ryan Engbretson, and Betsy Mancuso. Also present were Mayor Glen Clements (Zoom) Town Engineer Kyle Scarr (Zoom), and Clerk/Treasurer Pam Humphrey. One member of the public was present. One engineer was also present by Zoom.

PUBLIC COMMENTS:

None

ENGINEERING CONTRACT FOR WATER RECLAMATION FACILITY UPGRADE:

Motion- Engbretson; Second- Mancuso; Vote- Unanimous: Motion passed to authorize the Mayor to sign the engineering contract with TD&H for the Water Reclamation Facility Upgrade.

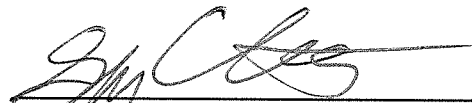
Councilwoman Mancuso: She stated that the Town is dealing with problems from the initial construction of the plant. She asked the engineer to keep in mind that is the reason the committee has been scrutinizing this contract so heavily. She stated that the engineering is a higher percentage in relation to the construction than is normally seen on this type of project.

Kyle Scarr, Town Engineer: He explained that they must retrofit the design to an existing plant. There is the same amount of engineering as if they were designing a new plant, but less building is needed.

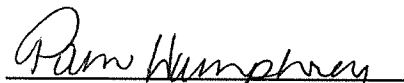
The Council, Town Attorney, and the engineers discussed the specific monetary amount of the contract, monthly updates, invoicing, and changes that have been made from the original contract. They discussed the Town's point of contact for the project, change orders, and changes to the exhibits.

ADJOURN:

Motion- Mancuso; Second- Engbretson; Vote- Unanimous: Motion passed to adjourn the meeting.



Mayor



Clerk/Treasurer

**TOWN OF MANHATTAN
Regular Meeting
November 10, 2021
MINUTES**

Mayor Glen Clements called the meeting to order in the Town Meeting Room at 207 S. 6th St. at 7:00 P.M. Present were Council Members Ryan Engbretson, Callie Hamilton, Betsy Mancuso, and Dan Ryan. Also present were Town Attorney Jane Mersen, Chief of Police Dennis Hengel, Officer Sean Tomlins, Public Works Supervisor Jeff McAllister, Deputy Clerk/Treasurer Tonya Owens, and Clerk/Treasurer Pam Humphrey. Four members of the public were present. Two members of the public were present via Zoom.

PUBLIC COMMENTS:

None

SWEAR IN NEW POLICE OFFICER:

Sergeant Austin Owens was sworn in by Mayor Clements.

BIRCH STONE TOWNHOUSES FINAL PLAT:

Motion- Hamilton; Second- Engbretson; Vote- Unanimous: Motion passed to table the item until the December 9, 2021 meeting.

DISH NETWORK LEASE:

Motion- Engbretson; Second- Hamilton; Vote- Unanimous: Motion passed to table the item until the December 9, 2021 meeting.

RECREATIONAL MARIJUANA DISCUSSION:

Motion- Engbretson; Second- Ryan; Vote- Unanimous: Motion passed to have the Town Attorney prepare the interim ordinance and the ordinance for the ballot for the December meeting for first reading.

Jane Mersen, Town Attorney: She described some of the information that she had sent the Council to review. She explained that if the local municipality wants to ban marijuana in Town, the Council would need to put an item on a ballot for the people to vote on the item. If the Council does not want to ban it, they should at least regulate it through zoning. She described the options the Town has until an election can be held. The Town cannot hold an election until 90 days after the previous election. She made some suggestions on how to go about each item. All options should be considered and the Council would need to make a decision and have it in place by January 1, 2022. The process is set out. 15% of electors would need to petition for a ballot, or the Council could initiate a vote. She spelled out the process to put it to a vote. The Town cannot hold an election until 90 days after the last general election.

The Council discussed Medical Marijuana, which is currently not allowed in Manhattan. The current ordinance was discussed and would need to be amended with an exception.

Council discussed that the Casino issue was widely opposed by the citizens, so the citizens should be able to weigh in on the marijuana options. There are not a lot of options for zoning areas to allow marijuana facilities.

ADDITIONAL ENGINEERING SERVICES FOR CIP PROJECTS:

Jeff McAllister, Public Works Supervisor: He is asking the Council to vote on entering into a service agreement with a different engineer separate from the Town Engineer. He has been in contact with John Manion with Horrocks Engineering. He told the Council about the engineer and some of his previous projects. He would like to hire him on some smaller projects. He would like to have some competition on projects that the Town needs to do, as well as help with finding funding. Jeff will have the engineer provide some information for the next meeting.

The Council would like to see more information on the engineer and a copy of the agreement. Council asked about projects that Jeff would like him to look at.

MAYOR'S REPORT:

- He summarized the Public Works update from the beginning of the fiscal year. They have been flushing hydrants, chip sealing Manhattan and Fulton, replacing water meters, and closed the brush pile at the lagoon permanently.
- Mayor Clements presented Dan Ryan with a plaque as a token of appreciation for his years of service to the Town of Manhattan.

CONSENT AGENDA:

Motion- Ryan; Second- Mancuso; Vote- Unanimous: Motion passed to approve the Consent Agenda.

Town Licenses: Pitter Padder Carpentry, Jen's Little Rugrats Inc. Dropin, Crash Champions LLC, Montana Mechanical of Southwest Montana, and Mack Construction LLC.

Chicken Coop Application: Katie Powner, 512 W Gallatin Ave.


Kennel License: Amber & David Dolbey, 308 Spruce St.

Approval of Minutes: Regular Meeting minutes from October 14, 2021 and Special Meeting minutes from October 25, 2021.


Claims: Dated 10/11/21 – 11/10/21 totaling \$ 201,072.00.

ADJOURN:

Motion- Mancuso; Second- Engbretson; Vote- Unanimous: Motion passed to adjourn the meeting.



Mayor



Clerk/Treasurer

TOWN OF MANHATTAN
Regular Meeting
December 8, 2021
MINUTES

Mayor Glen Clements called the meeting to order in the Town Meeting Room at 207 S. 6th St. at 7:00 P.M. Present were Council Members Ryan Engbretson, Callie Hamilton, Betsy Mancuso, and Dan Ryan. Also present were Town Attorney Jane Mersen, Town Engineer Kyle Scarr, Town Planner Randy Carpenter, Public Works Supervisor Jeff McAllister, Deputy Clerk/Treasurer Tonya Owens, and Clerk/Treasurer Pam Humphrey. Five members of the public were present. Two members of the public were present via Zoom.

PUBLIC COMMENTS

None

MONTANA POLICE PROTECTIVE ASSOCIATION – DAN SMITH:

Item rescheduled for the January 13, 2022 meeting.

BIRCH STONE TOWNHOUSES FINAL PLAT:

Motion- Hamilton; Second- Mancuso; Vote- Aye: Hamilton, Mancuso, Engbretson, Nay: Ryan: Motion passed to approve the Birch Stone Townhouses Final Plat.

Randy Carpenter, Town Planner: He gave a history of the project. He read his staff report and described how the applicant has met all the preliminary plat requirements. He stated that Town staff recommends that final plat approval be granted.

Kyle Scarr, Town Engineer: He stated that they have inspected the property and all requirements were met.

Councilman Ryan: He made some comments about the history of the Farmstead wells, which are not permitted for domestic use. Gaston Engineering did not get the wells permitted when the Farmstead was finished.

Kyle Scarr, Town Engineer: He stated that the wells in the Farmstead were not permitted, so they are unable to issue capacity letters for water to this subdivision. Water rights have not been obtained so this subdivision had to put in exempt wells and hook to the Town system when water is available. The Farmstead wells are permitted for fire flow only.

Jane Mersen, Town Attorney: She agreed with Councilman Ryan. The Farmstead did not get the well permitted and did not turn water rights over to the Town. She brought it up to the Town years ago, and the Council at the time decided not to pursue it.

Mayor Clements asked Mersen will look into pursuing action against the Farmstead for not permitting the wells.

WRRF DESIGN UPDATE:

Kyle Scarr, Town Engineer: They have started the 30% design process on the plant. They are meeting weekly with Robert Seamons and Glen Clements. The contract has been signed. The survey has been done, as well as the wetland survey. They are

building their design drawings using the current as-built drawings of the plant. They are considering the option to do a pre-selection for the solids screw press. A study is being done to see if there is a benefit from a cost standpoint to pre-select for that screw press. Meetings with funding agencies are starting. The next step is to continue developing the 30% design drawings for a mid-January delivery to the Town. The groundwater discharge permit process is also currently in the works.

RESOLUTION NO. 21-014: REFERRING PROPOSED ORDINANCE TO PROHIBIT ALL MARIJUANA BUSINESSES FROM OPENING OR OOPERATIONG WITHING THE TOWN TO A VOTE OF THE PEOPLE AT A MAIL IN ELECTION:

Jane Mersen, Town Attorney: She reminded the Council that they wanted the issue to go to a vote of the people. She mainly just wants some discussion from the Council tonight. She has attended some additional education on the new marijuana laws. An interim ordinance is not necessary now because the only businesses that will be able to sell adult marijuana are previously existing medical marijuana dispensaries that were permitted before November 2020. All new businesses will not be granted until July of 2023. There is some time for the Council to consider this. According to the information from the Clerk and Recorder regarding the timing, it would be prudent to go with the June primary elections for the vote. If the people vote to have it in Town, the Council will have to look at the zoning and decide where to allow it and the regulations. She is looking for direction from the Council on what to put on the ballot. The current ordinance may not be enforceable considering the Montana legislature's approval of SB707. She will clean up the resolution to reflect the items discussed and bring it to back to the Council at a later meeting.

Council and audience discussed which items to put on the ballot. The current Manhattan ordinance was discussed. The definitions of the activities were discussed. The date of the next election was discussed.

Susan Swimley, Three Forks City Attorney: She gave some information about the issues they have had in Three Forks with CBD manufacturers. There are waste disposal issues, venting and filtering, etc.

Josh Powell, 501 W Gallatin: He stated that he works next to a grow facility and a manufacturing facility. The smell is overwhelming. He would favor banning all the activities.

DISH NETWORK LEASE:

Motion- Engbretson; Second- Hamilton; Vote- Unanimous: Motion passed to table the item until the next meeting.

Jared White, Dish Network Representative: He stated that they are mimicking what the Council has agreed to do with T-mobile. The plan is to install three towers initially, but they want the right to install up to six. He stated that in this case the Town holds two hats. They oversee zoning and building permits, but they are also the landowner. The Town already allows other providers to have towers in Town, so the Town cannot prohibit more facilities in Town. Federal law does not allow cities to pass ordinances to prohibit cell towers. Dish faces disadvantages by going on the water tower. They could lease the area where the storage units are for about \$800 per month and build their own

tower there. They are asking to put their equipment on the water tower so that the citizens do not have a 125-foot tower in the middle of Town. Their own tower in a different location would have a worse visual impact. They would prefer their own tower and will propose one if this lease is denied. The network is very integrated. Taking a site out is very expensive, so they need longer lease terms. For right now, the law prohibits the Town from deciding based on health concerns regarding zoning. As the landlord, the Town can deny a lease on its property related to health concerns, but the Town cannot deny an application for a different site in Town based on health concerns. The current towers in Town do not need to ask the Town or any other property owner for permission to upgrade their property or change out the antenna to a different type. Every single provider is currently upgrading to 5G. Providers must use frequencies allowed by the FCC. Dish is willing to consider changes to the lease agreement.

Jeff McAllister, Public Works Supervisor: He stated that the small building on a slab will be within the tank enclosure. It will not interfere with the Town crew business. He does not foresee any changes to the water tank other than expansion. It is conceivable, although unlikely.

Councilwoman Mancuso: She stated it would cost Dish a lot to erect a tower on their own. She feels the monthly lease should be a much higher amount. She has an issue with the lease, as it benefits Dish, not the Town. She gave some examples of this. She stated that the lease needs to be reviewed more often and not just automatically renewed. She added that in the Town Code there is a telecommunications facility section and what it entails. She cited a recent court case where it was found that the Federal Communications Commission failed to provide a reasoned explanation for its determination that its current guidelines adequately protect against harmful effects of exposure to radio frequency radiation. She gave a history of the current FCC guidelines and decisions. As a result, compliance with FCC guidelines can no longer conclusively imply that wireless, smart devices and infrastructures, such as cell tower antennas are safe. The ruling stated that the FCC failed to respond to evidence presented and that their testing is flawed and does not consider several factors and issues. Telecom companies cannot honestly claim that their products and technology are safe by citing that they are under current FCC guidelines. She went over some parts of the lease that should be changed.

Written Comments:

Elizabeth Hepler, 825 Nixon Gulch Rd: Opposed

Ray and Jackie Harrison, 515 W Park Ave: Opposed

Scott and Corey VanDyke, 6490 W Dry Creek Rd: Opposed

Chris and Tracy Grabowska, 710 W Gallatin: Opposed

Kara Owens, 216 S 1st St: Opposed

Kelsey Rothing, unknown address: Opposed

Stacy Ballard, 417 W Railroad Ave: Opposed

Barb Petersen, 610 W Park Ave: Opposed

Vernus Albertson, 105 N Broadway St: Opposed

Seth Partain, 207 S 1st St: Opposed

Robert Barksdale, 105 N 4th St: Opposed

Public Comments:

Josh Powell, 501 W Gallatin: He stated that he is strongly opposed. He has studied the Constitution and he feels that the leaders need to listen to the voice of the people.

Rocky Hamilton, 505 Milwaukee: He stated that he does not agree that the majority of the Town does not want the lease. He has talked to a lot of people that don't really care either way. The Council needs to consider the liability if they decide to not allow the contract and the lawsuits that will be coming. The tower will come in on private property. The Town will have some control by being the landlord. There would be no control if Dish puts a tower on private property.

Council discussed possible changes to the lease agreement. They discussed the number of towers that currently surround the Town. The benefits and drawbacks of a tower on the water tank were discussed.

Mayor Clements suggested that the Council work with him to make the changes they would suggest and send them to Jane and back to Dish for a decision at another meeting.

MANHATTAN ORCHARDS REPAYMENT AGREEMENT:

Motion- Hamilton; Second- Ryan; Vote- Unanimous: Motion passed to approve the Manhattan Orchards repayment agreement with the changes discussed.

Jane Mersen, Town Attorney: She addressed the changes in conditions that the developer is asking for. The Town Engineer has reviewed the agreement and is okay with changes.

Kyle Scarr, Town Engineer: He pointed out a few items that could be removed as they no longer apply.

Council discussed the use of exempt wells and related issues. Street curb and gutter was discussed.

Susan Swimley, Manhattan Orchards Representative: She stated that the developer is retaining a water lawyer to address water rights and future mitigation issues.

MANHATTAN ORCHARDS PRELIMINARY PLAT EXTENSION REQUEST:

Motion- Engbretson; Second- Hamilton; Vote- Aye: Engbretson, Hamilton, Nay: Ryan, Mancuso. Mayor voted to approve: Motion passed to grant the Manhattan Orchards preliminary plat extension, to expire December 31, 2022.

Susan Swimley, Manhattan Orchards Representative: She stated that the developer does not think they will be done by the May, which is the end of the current extension. The developer would like to extend the Preliminary Plat to December 31, 2022.

ADDITIONAL ENGINEERING SERVICES FOR CIP PROJECTS:

Jeff McAllister, Public Works Supervisor: He presented the Council with more information on the engineer that he would like to hire. He asked the Council to hire the firm for a couple of projects.

Mayor Clements suggested that Jeff get a proposal from this engineer for the services he wants to provide.

Council was unclear with the proper process for hiring an engineer. McAllister and the Town Attorney will research the process.

OATH OF OFFICE FOR INCOMING MAYOR AND COUNCIL:

Town Attorney Jane Mersen administered the Oath of Office to Mayor Clements. Mayor Clements administered the Oath of Office to Councilmembers Ryan Engbretson and Josh Powell.

BOARD APPOINTMENTS:

Motion- Mancuso; Second- Hamilton; Vote- Unanimous, Engbretson abstained: Motion passed to approve the Mayoral appointment of Gretchen Engbretson to the Park Board for a four-year term.

Motion- Hamilton; Second- Mancuso; Vote- Unanimous: Motion passed to approve the Mayoral appointment of Wendy Meier to the Park Board for a four-year term.

MAYOR'S REPORT:

- Bill Leuhrs with Pioneer Crossing and his engineer along with an adjoining landowner have proposed building an engineered wetlands polishing pond for the sewer plant's treatment effluent. They would like to apply for an ARPA grant in the Town's name. According to Pioneer Crossing's engineer, this wetlands treatment pond could potentially delay the need for an expansion at the treatment plant. The pond would clean the effluent more than it already is, which could add more capacity at the treatment plant. The landowner and the developer would be providing all of the matching funds for the grant. They plan to have an application in front of the Council at the next meeting.

CONSENT AGENDA:

Motion- Engbretson; Second- Mancuso; Vote- Unanimous: Motion passed to approve the Consent Agenda.

Town Licenses: Savatree, LLC, A-Swagg Construction LLC, and Hayden Valley Construction LLC


Approval of Minutes: Regular Meeting minutes from November 10, 2021.

Claims: Dated 11/11/21 – 12/08/21 totaling \$ 189,334.63.

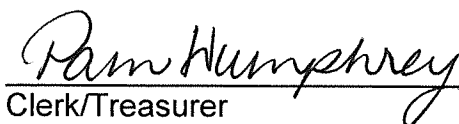
Councilman Ryan: He thanked the Town of Manhattan citizens for letting him serve the community.

ADJOURN:

Motion- Mancuso; Second- Ryan; Vote- Unanimous: Motion passed to adjourn the meeting.



Mayor



Clerk/Treasurer