

**TOWN OF MANHATTAN
Regular Meeting
January 12, 2023
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, Josh Powell, Betsy Mancuso, and Morgan Taylor. Also present were Town Attorney Jane Mersen, Chief of Police Dennis Hengel, Public Works Supervisor Jeff McAllister, and Clerk/Treasurer Pam Humphrey. Three members of the public were present.

PUBLIC COMMENTS:

Joe Mancuso, 113 N 4th: He stated the he wanted to kudos to the Public Works department for the work they have done on the snow, ice, and flooding around Town.

ORDINANCE NO. 23-001 – PROHIBITING MARIJUANA BUSINESSES: Second Reading

Clerk read the public hearing notice.

Public Hearing

None

Discussion/Decision

Motion- Engbretson; Second- Mancuso; Vote- Unanimous: Motion passed to approve Ordinance No. 23-001, an Ordinance of the Town Council of the Town of Manhattan amending the Manhattan Municipal Code to permanently prohibit Marijuana businesses in the Town of Manhattan, this Ordinance will amend Title 10, Chapters 1 and 4.

POLICE DEPARTMENT UPDATE:

Dennis Hengel, Chief of Police: He updated the Council on the Police Department. He described the false report of an active shooter at the school in December. He also thanked the Public Works team for their help with setting up a perimeter to prevent people from entering the scene. Officer Armstrong is at the Law Enforcement Academy. Officer Tomlins is at Field Training Officer school. Officer Harris is at military drills. Today, he spoke to the legislature in Helena regarding allowing Towns to join the 20-year police retirement program. The radio system in the County went to the digital system on January 10th. They only have 3-4 handheld radios and one in the patrol cars that can operate on the digital channels. He spoke to the communications director. Analog will be phased out totally in the fall of 2023. He gave an estimate of \$ 22,700 for replacing three mobile radios and \$7500 each for hand-held radios. He will address the need in the next fiscal year.

PUBLIC WORKS UPDATE:

Jeff McAllister, Public Works Supervisor: He updated the Council with what the Public Works department have been working on. They have been doing a lot of locates and water and sewer inspections. This has been the busiest year for those items. The park path continues to be overlaid a bit every year. There was a main break this summer

on the Springline. It is very important to keep the tank level high enough for fire flow. Ben Johnson went to the Snow Rodeo this year and got first place in snowplow and grader. He also got second in the loader competition. This is a very competitive thing. There were a lot of water samples done this year. Water quality is very good. He described the SCADA system that monitors the water system. Currently, wells are being drilled in Taylor Park to relieve the amount of treated water used in watering the park. This will help the water system a lot. He thanked Pioneer Crossing developers for paying for up to \$50,000 for the wells. Dominos Pizza did a commercial in Manhattan recently. They asked for help from the Public Works crew with storing vehicles and moving equipment. They paid the town for renting the space. The production company may also gift a plow and a grant for a dump truck. There is a tree grant available for removing and replacing trees in Town that he has been able to use. They have been maintaining hydrants, pressure testing hydrants, and cleaning out storm drains. Snow removal has been keeping them very busy. The crew had a previous discussion to plan to help with an incident like the one at the school in December, so they were prepared.

Councilwoman Mancuso: She asked if he could give some information about Tiger Lane. She had asked the developer at the last meeting why there were barricades on Tiger Lane. The developer answered that it was for safety reasons because of a one foot drop off. She referenced an email between McAllister, Kyle Scarr and the developer. In those emails, safety was not mentioned once. She also had a picture of the barricades and the road near them. She asked Jeff for his input as she doesn't feel that the Council was told the truth.

Jeff McAllister, Public Works Supervisor: He stated that he did not agree that there was a one foot drop off. He thought that it was a seamless transition to drive on. He stated that it could have been open the whole time. The construction crews were using it the whole time and then stopped and put the barricades up. He asked the foreman about opening it and he was told to ask the developer, that they may put concrete barriers out. He feels it put the Town in a compromising position. Inconvenience is one thing, but safety is the main issue.

WRF UPDATE:

Matt McGee, Project Engineer: He stated that plans and specs have submitted to the DEQ and have received comments and questions from the DEQ. They are working on replying to the comments. Funding calls have been happening approximately every six weeks. Environmental reports have been moving along. The most recent call mentioned the budget. So far, equipment has been coming in higher than budgeted. They plan to move forward with the bid and make budget decisions based on bid options. Any budget changes will be addressed after the bids come in. The timing of the bid will depend of the Discharge Permit approval timing. They have been helping to communicate with Amsterdam/Churchill regarding the cost share. They are working on the site title opinion with Jane.

Jane Mersen, Town Attorney: She stated that no agreement has been made with Manhattan Orchards on the mixing zone easement yet.

BOARD APPOINTMENTS:

Planning Board

Motion- Mancuso; Second- Powell; Vote- Unanimous: Motion passed to approve the Mayoral appointment of Pete Oakander to the Planning Board for a two-year term.

Motion- Engbretson; Second- Taylor; Vote- Unanimous: Motion passed to reappoint Tom Wells to the Planning Board for a two-year term.

Park Board

Motion- Powell; Second- Engbretson; Vote- Unanimous: Motion passed to approve the Mayoral appointment of Samantha Donaghy to the Park Board for a four-year term.

MAYOR'S REPORT:

- The wells in the park are currently being drilled. A lot of treated water is being saved this way.

CONSENT AGENDA:

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

Kennel License: Bob Uhrich, 710 Jefferson

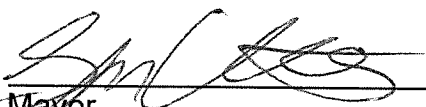
Town Licenses: C7 Solutions, Engineering Operations, LLC, Broker Enterprises, York Productions, and Last Best Ranch, LLC.

Approval of Minutes: Regular Meeting minutes from December 7, 2022.


Claims: Dated 12/08/22 – 01/12/23 totaling \$ 416,263.63.

ADJOURN:

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



Mayor



Clerk/Treasurer

TOWN OF MANHATTAN
Regular Meeting
Thursday, February 09, 2023
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, Betsy Mancuso, Josh Powell, and Morgan Taylor. Also present were Town Attorney Jane Mersen, Town Planner Scott Hazelton, Chief of Police Dennis Hengel, Sergeant Owens, and Clerk/Treasurer Pam Humphrey. Seventy plus members of the public were present. Fourteen members of the public were present by Zoom.

PUBLIC COMMENTS:

Written Comment from Lexton Moy, 202 S 5th St: He asked about the process to get an item on the agenda.

Callie Hamilton, 505 Milwaukee: She asked for clarity on when public comment is allowed on an agenda item.

Lindsay Schack 302 N Broadway: She asked if there would be a response to public comments.

Rocky Hamilton, 505 Milwaukee: He stated that in the past, comments have been responded to.

WRRF PROJECT UPDATE:

Mayor Clements: The team has submitted responses to the comments from DEQ. They are still waiting for DEQ permit approval. The project is on schedule. It will go out to bid this spring with construction this summer.

Wendy Meier, 385 Northwest Passage Ln: She asked for an update on the timeline.

RAISE GRANT INFORMATION AND PROPOSAL:

Motion- Engbretson; Second- Mancuso; Vote- Unanimous: Motion passed to have Hyalite Engineering prepare a RAISE Grant application and allow the Mayor to sign the contract.

Scott Hazelton, Town Planner: He explained that RAISE is a bucket of funding for transportation projects. He presented a proposal to apply for a RAISE planning grant for a new Transportation Plan. The proposal is to authorize him to work with the Town and the granting agency to apply for a planning grant for a new Transportation Plan.

He would request \$58,000, which is 80% from the grant. The Town would need to match 20%, for a total cost of \$85,000 for the Transportation Plan. His proposal is for \$7100 to write the grant as a separate cost. It is a competitive grant, but this is not a huge amount.

Council discussed how long it has been since the Transportation Plan has been updated, as well as the cost of doing a new plan even without a grant.

LEGISLATIVE UPDATE:

Scott Hazelton, Town Planner: He serves on the Montana Association of Planners legislative board. There are a lot of land use and development statutes in the legislature this year. He gave an overview of the bills that could affect local governments.

SB245: This bill would require certain municipalities to allow multifamily and mixed-use development. This is for cities with a population over 7000. It may not impact Manhattan. It may apply if the county population is also considered.

SB268: This would allow short-term rentals in every residential zone. This will impact prices long term if every residential unit could become a commercial property. It is concerning from a planning perspective.

SB178: This bill is tied to cryptocurrency or data centers. If a businesses were to go in under these headings, there could be no zone amendments or re-zones for commercial or industrial properties in the area until the businesses close.

HB337: This bill would require all incorporated municipalities and areas with public water and sewer to have a minimum lot size of 2500 sf and prohibit setbacks. It is still in committee; it is expected to go to the floor. The current minimum lot size in Manhattan is 10,000 sf and grandfathered 7000 sf lots in the Original Plat. This removes the local government's ability to govern their own communities. The government could still regulate the use but not the lot size.

Buck Buchanan, 315 N 5th: He asked if that would undo zoning in entire state?

ORDINANCE REQUIRING COMPLIANCE WITH FEDERAL ABORTION LAWS:

Motion- Engbretson; No second: Motion failed to not further pursue this sample/draft ordinance or direct the Town Attorney to do any work in review on it.

Motion- Powell; No second: Motion failed to pursue this ordinance and evaluate it with the Town Attorney to make it best fit our Town.

Motion- Powell; Second- Mancuso: Vote- 2 for (Powell, Mancuso), 2 against (Taylor, Engbretson), Mayor voted Against: Motion failed to continue to pursue this ordinance and work with the Town Attorney and find a fit for this Town.

Mayor Clements: He stated that the ordinance provided is an example or sample ordinance. It is on the agenda to see if the Council would like to move forward with an ordinance on this subject matter. He discussed the process of passing an ordinance and provided a written outline for the audience. Manhattan ordinances are drafted by the Town Attorney. She has not commented to the Council on this sample ordinance prior to the meeting. Public comment will be taken on this item, with each speaker getting up to three minutes to talk. After public comments, they will move on to Council discussion and decision.

Councilman Powell: He stated that he is presenting an ordinance for the Town Council to consider. It is an ordinance to comply with the federal abortion laws in Manhattan. He gave the history of the federal laws. He stated what he believes that there is value in every human life and that life begins at conception. He gave examples of what is happening in the country regarding abortion. The ordinance is not a specific ban on abortion but does have the same result by requiring compliance with the federal statutes on abortion. He sees the ordinance as an act of protection for the people of Manhattan. He asked the Council to support this ordinance.

Public Comments:

Mark Lee Dickson, Director of Right to Life of East Texas and Founder of Sanctuary Cities of the Unborn Initiative: He stated that he is the only private citizen sued and had his case dismissed by the Supreme Court of the United States. Sixty-five cities and two counties in US have passed ordinances with the intent to keep abortion out of their communities. He provided the sample ordinance. He stated that he has checked with the Attorney General of Montana to assure that the ordinance is in accordance with the state law. He explained the history of the federal law. The ordinance is crafted in a way that the government does not enforce penalties, it allows citizens to file a lawsuit against anyone who provided the prohibited items. If passed the way it is, a private attorney has provided a letter to defend the Town if they are involved in a lawsuit at no cost to the Town.

Rocky Hamilton, 505 Milwaukee: He spoke in opposition to the proposed ordinance. The Montana Constitution protects the right to privacy. This ordinance violates that right. Montana is only state that has the right to privacy.

Wendy Meier, 385 Northwest Passage Ln: She spoke in opposition to the proposed ordinance. The Town does not need to regulate what is already federal law. She stated that there are things that need to be done in Manhattan that support the community instead of a Councilperson's beliefs.

Jean Munch, 407 Hemlock: She spoke in opposition to the proposed ordinance. This will divide the community.

Craig Bergstedt, 218 S Broadway: He spoke in opposition to the proposed ordinance. He appreciated the Council for stepping up to represent the town. He asked the Council to respect the women of the Town and their healthcare choices.

Connie Boucher, 218 S Broadway: She spoke in opposition to the proposed ordinance. She agrees with separation of church and state. The federal law is old, from when women did not have a right to vote.

Callie Hamilton, 505 Milwaukee: She spoke in opposition to the proposed ordinance. She is hoping that the Town Attorney will speak on this item. She asked the Council to work on the problems in Town. She read a comment from someone that had to leave the meeting that is also opposed and asked the Council not to use their tax money for this type of personal religious agenda.

Toby Goodman, 20 Culver Place: He spoke in favor of the proposed ordinance. If life begins at conception, then abortion is murder. He wants to see the community provide help instead of abortions.

Suzanne Hellman 204 Pine Street: She spoke in opposition to the proposed ordinance. She stated that pro-life does mean that others cannot be allowed their choices.

Deb Hanson, 100 Saddle Ridge Rd: She spoke in opposition to the proposed ordinance. She stated that reproductive choices and privacy are important to constituents she has spoken to.

Ryan Miller, 707 Madison: He spoke in opposition to the proposed ordinance. He stated that no law or ordinance would apply to all faiths. Elected officials are asked to look at the municipality and needs of the community.

Randy Mack, 309 N Broadway: He spoke in opposition to the proposed ordinance. He agrees with what has been said by others. It does not need to be done and is too political.

Lindsey Ross, 6015 Kimm Rd: She spoke in opposition to the proposed ordinance. This is too polarizing to the Town and will widen the gap. She asked the Council to focus on things that are important to everyone in the community.

Theresa ?, N RR/N 4th St: She spoke in favor of the proposed ordinance. Babies are a unique combination of DNA. There needs to be a focus on educating youth that they are all responsible for their own choices.

Buck Buchanan, 315 N 5th: He spoke in opposition to the proposed ordinance. The United States is the only country that has tried to be multi-racial, multi-lingual, multi-religious, and multi-ethnic. This ordinance flies in the face of real freedom. Asking the people to police each other is fascism. There are other things that the people would like the Council to do.

Lindsay Schack, 302 N Broadway: She spoke in opposition to the proposed ordinance. She reminded the Council members that they work for the people. This is a divisive conversation about a highly stressful topic. It will create legal liability and more divisiveness. She honors personal standing and faith, but not when making ordinances for the Town.

Dakota Davis, 265 Springhill Rd, Bozeman: He spoke in favor of the proposed ordinance. Scientifically, there is life at conception. Murder is not a matter of privacy. Council members are civil servants. Everyone will be held accountable. The country was founded as a Christian nation.

Mariah Dahl, 1104 S Montana Ave, Apt G8, Bozeman: She spoke in favor of the proposed ordinance. She has personally seen the effects of the abortion pill. Adding the trauma of killing the baby of a rape survivor will not help someone heal from the trauma of rape. She lives with the trauma of her decisions and does not feel support, just shame. There need to be resources rather than killing babies.

Al Brody, 108 N 4th: He spoke in opposition to the proposed ordinance. This is not the law of the land. This law doesn't really apply now. It is troubling that this is enforced by neighbors launching lawsuits. There is nothing preventing launching a lawsuit against others now. He asked how this could be policed.

Gretchen Engbretson, 206 S 5th: She spoke in opposition to the proposed ordinance. She has listened to the people speaking and does not think that the person from Texas cares about Manhattan. The Town has limited resources already. She urged the Council to think about the validity. It is embarrassing that someone that does not live in the community is trying to tell people what to think.

Erica Sebring, 8640 Poelman Ln: She spoke in opposition to the proposed ordinance. She agrees with what many have already said. She described a process that will be used to score trauma of people when they were children. Bodies react to trauma. Denying a woman's right to make decisions about her body is trauma.

Dan Ryan, 314 S 5th St: He spoke in opposition to the proposed ordinance. He does not favor abortion, but he does not have a right to tell someone they can't do it just because they believe differently. The Council does not have right to deny the community access to abortion just because of their beliefs.

James Short, 210 Spruce St: He spoke in opposition to the proposed ordinance. Manhattan is a close-knit community. The language in the ordinance encourages division. He asked if the Town could afford the consequences of this ordinance. The Council should focus efforts on resources that help neighbors. The ordinance will not add to the community.

Joel Carlson, 1117 Spring Brook, Bozeman: He stated that there are not just two camps of people. Everyone believes in something. This is a religious battle.

Lea Miller, 6690 Frontage Road: She spoke in favor of the proposed ordinance. The Constitution says life, liberty, and the pursuit of happiness. It is sad that people do not want to fight for a life. Every life should be valued.

Nancy Clark, 6324 Pleasant St: She spoke in favor of the proposed ordinance. This is a big issue and uncomfortable to discuss. It has to do with life and honoring people. She does not categorize all abortion as a gift to women. The discussion is worth having.

Robert Barksdale, 105 N 4th St: He spoke in favor of the proposed ordinance. He stated that he believes it is important to speak for the unborn. He is encouraged by the diversity in the Town. He thanked everyone for speaking and sharing beliefs.

Sarah Simser, 5155 Yadon Rd: She spoke in opposition to the proposed ordinance. Abortion is a complicated and divisive issue. She asked the Council to do more community building instead of something so divisive.

Michelle Brody, 409 W Gallatin: She spoke in opposition to the proposed ordinance. She stated that she is a health coach for women and hormonal well-being for conceiving and not-conceiving. Personal decisions cannot be regulated.

Missy Short, 210 Spruce St: She spoke in opposition to the proposed ordinance. There is a great variety of people and beliefs. The ordinance does not represent everyone in the Town. It puts a label on the Town.

Madeline Hemenway, 206 Pine St: She spoke in opposition to the proposed ordinance. This is separation of church and state. It is asking people to snitch on neighbors and family members. The ordinance is not a representation of everyone's beliefs.

Buck Buchanan, 315 N 5th St: He stated that everyone in the audience should be proud of themselves for their conduct regardless of what side they are on.

Troy Bertelson, Bozeman: He spoke in opposition to the proposed ordinance. He is skeptical of outside influence trying to change Montana. It looks like Manhattan is being used as a test site for Montana.

Josh Ryan, 3481 Pass Creek: He spoke in favor of the proposed ordinance. He stated that what brought a lot of people to this area are the core values. Life is a core value. Ideas from the outside are what made America.

Written Comments

Alexandra Stowasser, 114 N 7th St: Opposed

Lexton Moy, 202 S 5th St: Opposed

Michael Vermillion, 123 N Railroad Ave: Opposed

Carol Buchanan, 315 N 5th St: Opposed

Eleanor Mest, 317 S Broadway St: Opposed

Lydia Elgas, 310 Cedar St: Opposed

Mike and Gloria Edwards, 210 N 7th St: Opposed

Anna Edwards, 206 N 7th St: Opposed

Teresa Deyton, 302 S 5th St: Opposed

Additional Public Comments:

Mark Lee Dickson, Director of Right to Life of East Texas and Founder of Sanctuary Cities of the Unborn Initiative: He stated that seven cities in Texas were sued by the ACLU and were represented by Jonathan Mitchell. All those cases were won by the cities. The Lubuck, TX Mayor and City Council chose not to use Jonathan Mitchell to represent them. He did assist and the City won. Lebanon, OH chose to hire additional Council even though they were represented by Jonathan Mitchell. He was checking if the Town must use the Town Attorney to draft ordinances. That is not required in Montana or Manhattan Code.

Wendy Meier, 385 Northwest Passage Ln: She clarified that she was not directing anything bad toward Mr. Dickson for not being from here. She doesn't always feel heard. She was shocked that he was welcomed with open arms when she has not had that same treatment. She questions the ordinance.

Connie Boucher, 218 S. Broadway St: She stated that she is a native Montanan. She does not believe that this ordinance should be placed before the Town no matter where it originated from. It will draw a lot of bad attention to the community. The decision belongs to the people, not the Town Council.

Gretchen Engbretson, 206 S 5th St: She stated that people have been talking about religion and choices. Pro-choice is not necessarily pro-abortion. This ordinance is about taking away the choice from the people.

Chris Meier, 385 Northwest Passage Ln: He spoke in opposition to the proposed ordinance. There is enough division. The country cannot even prosecute illegal drugs through the mail. Efforts and finances should be put toward other things that the Town needs.

Callie Hamilton, 505 Milwaukee: She asked the Council to please be responsible with the community's funds. Ordinances cost a lot of money. Other communities may not have lost their lawsuits, but they still spent a lot of money on legal counsel just to have the ordinances. The Council has voted on things because of liability before.

Beth Ward, 501 E Washington Ave: She spoke in opposition to the proposed ordinance. This is not about money; it is about control. Religious efforts need to be made outside of the government. She asked the Council to not use the government to make people behave a certain way. Montanans appreciate independence.

Attorney Comments:

Jane Mersen, Town Attorney: She stated that she has not has as much time to research issue as the Sanctuary Institute has. The ordinance as drafted by them is illegal. She thinks it is in violation of the Montana Constitution. It is also in violation of the case of *Armstrong v the State*. She knows that the Town will be sued for it. Based on the cases she has read; the court will find that the Town is trying to legislate moral or religious beliefs. The offer of free legal council should have nothing to do with a decision on this ordinance. The Council needs to be aware of the aggressive tactics that have been used by the Sanctuary group. Drafting the ordinance and publishing it to make it look like it already passed is misleading. The fact sheet is not factual at all. The

fact sheet does not mention the Montana Constitution or that Montana's right to privacy is far stricter than even the federal right to privacy. The laws in Texas are not the same as the laws in Montana. If Manhattan considers or adopts this, it will be the test city and embroiled in litigation for years. She doesn't think it will be successful. The issue is divisive, and she doesn't see a reason for the ordinance. Manhattan already has an ordinance on the books that requires people to follow the federal and state laws. If the Council were to vote to direct her to craft this ordinance to comply with Montana law, everything would have to be taken out of it to make it legal.

Additional Public Comments:

Mark Lee Dickson, Director of Right to Life of East Texas and Founder of Sanctuary Cities of the Unborn Initiative: He stated that he spoke to the Attorney General's office today. He asked them for wise council on this ordinance. He believes it is legal and states that the Attorney General's office believes is legal. The Montana Attorney General has signed two letters this year disagreeing with the Biden Administration interpretation of the federal law.

Beth Gorder, 101 W Washington: She spoke in opposition to the proposed ordinance. The issue is up to the states can decide. The legal precedence set in the Montana Supreme Court said that abortion is protected under the Constitution's right to privacy clause.

Council Discussion:

Councilman Engbretson: He asked Jane about rules of procedure. Council rules and procedure says that a draft ordinance must be written by the Town Attorney.

Pam Humphrey Clerk/Treasurer: She stated that this is not a Town ordinance, it is a sample ordinance of the subject matter provided by Dickson.

Jane Mersen, Town Attorney: She confirmed that it was an example.

Councilman Powell: He asked if there is a law on the books that requires people to follow federal and state law.

Mayor Clements: He read Manhattan Code 3-1-2: No provision contained in this Title shall be construed so as to license any trade, business, occupation, vocation, pursuit, profession, or entertainment prohibited by any law of the United States, of the State, or prohibited by the provisions of this Code or other ordinance of the Town.

Councilman Mancuso: She asked if the Town could do an ordinance that would prohibit abortion clinics.

Jane Mersen, Town Attorney: She stated that the Council could zone them out, but it would probably be litigated. It could be voted on by the people. She explained that process.

Councilwoman Mancuso: She stated that as the only woman on the Council, abortion has impacted her life. It is sanitized brutality on the woman and the child in the womb. This ordinance does put a road block to installing any mechanisms of abortion in the Town. There may be some things in it that could be reviewed. She has heard from the people that they are opposed. It does impact Manhattan women, families, and unborn children. Her position is that the unborn need to be protected.

Councilman Taylor: He stated that he agrees with Mancuso, but this may not be the best route.

Councilman Engbretson: He stated that the labeling this does to the Town would not be healthy. It could affect things greatly from enrollment to housing prices and other things. It is not okay to label the people or the Town as a sanctuary for the unborn. The ramifications are not understood at this time.

Councilman Powell: He thanked everyone for the public comments. They have made him think. He wants to stand up for babies. He would like to see the Town pursue the ordinance and work with the Town Attorney to make it work. He did not intend this to be a neighbor spying on a neighbor. This was an approach that looked like a good way to stop what has been going on.

PARK BOARD UPDATE:

Councilman Engbretson: He stated that the Park Board met on Monday night and introduced Gretchen Engbretson for more information.

Gretchen Engbretson, Park Board Member: She stated that the ice rink has been very busy and successful. She thanked the Council for supporting it. It is maintained by volunteers, and they could use more help. The Park Board is now working on updating playground equipment. They would like to include some inclusive equipment. They are also working on native plantings and the Arbor Day grant for planting trees on boulevards.

MAYOR'S REPORT:

None

CONSENT AGENDA:

Motion- Mancuso; Second- Taylor; Vote- Unanimous: Motion passed to approve the Consent Agenda. Taylor recused himself from the kennel license vote.

Kennel License: Morgan & Shawna Taylor, 106 N. 6th St.

Chicken Coop Permit: Samantha Donaghy & Russell Price, 202 S 1st St.

Town Licenses: Man of the Woods LLC, Frontier Plumbing & Home Services, and Tru North Properties DBA Tru North Contractors

Approval of Minutes: Regular Meeting minutes from January 12, 2023.

Claims: Dated 01/13/23 – 02/09/23 totaling \$ 243,167.90.

ADJOURN:

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



Mayor



Clerk/Treasurer

**TOWN OF MANHATTAN
Thursday, March 09, 2023
MINUTES**

**Work Session
6:00 PM**

PERSONNEL POLICY UPDATE – DISCUSSION:

Councilwoman Mancuso called the work session to order at 6:07 PM.

The Council discussed the changes to the Drug Testing Policy. Non-DOT random testing was removed from the policy.

The Council discussed the updates to the Personnel Policy. State law changed some things addressed in the policy that needed to be updated. The Probationary period was extended to one year in accordance with state law. Definitions of Seasonal and Temporary employees were expanded. Changes were made to include all protected classes as required by federal law. The Workplace Violence section was updated to include “unauthorized personal firearms” to be in compliance with state law.

Probationary periods may be extended past one year. Remote employment agreements may be executed. Involuntary termination was clarified. Flexible schedules will need to be in writing. Jury duty leave was clarified. Wording was changed in maternity leave to make it gender neutral. Performance evaluations were changed from mandatory to optional. Discipline section was totally rewritten with a standard process. All steps are not required depending on the conduct. Company issued cell phones and computer equipment can be inspected or reviewed at any time. Education and training approval will be in writing.

Work session ended at 6:38 pm.

**Regular Meeting
7:00 PM**

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, Betsy Mancuso, Josh Powell, and Morgan Taylor. Also present were Town Attorney Jane Mersen, Town Planner Scott Hazelton, Clerk/Treasurer Pam Humphrey. Forty members of the public were present. Two members of the public was present by Zoom.

PUBLIC COMMENTS:

Written comment:

Lexton Moy, 202 S 5th St: He asked about the roles and responsibilities of the Town Council.

MANHATTAN GROWTH POLICY:

Public Hearing

Clerk/Treasurer read the Public Hearing Notice

Scott Hazelton, Town Planner: He gave a background of the project. He stated that the benefit of keeping the affordable housing sections in the policy will be to make the Town eligible for grant funds. He gave the definition of affordable housing according to HUD and the American Planning Association as 30% of the medium income. This translates to a house worth about \$225,000. Keeping the section in would allow the Town to qualify for state and federal government grants and funding opportunities. The Town could apply for funding to get infrastructure in place for affordable housing projects.

Mayor Clements read the first section of the document outlining what a Growth Policy is. It is a guide for future decisions and that the Town Council to follow it to make decisions. It is not a regulatory document.

Michael Dyk, 1887 Yadon Rd: He read his statement. He read the agricultural section of the policy. He stated that he has not been communicated to. He expressed concerns about how growth has affected Yadon Road and other roads through Town. He stated that whoever created the plan needs to talk to the people that the plan will affect. He stated that the agriculture producers should be at the top of the list.

Brian Grimshaw, 2000 Nixon Gulch Rd: He stated that they did not know anything about this policy. There is nowhere to grow. He opposes being annexed into the city limits. He may lose his water because of the subdivision near his property.

Wendy Dyk, 1887 Yadon Road: She stated that water is their top priority. They have an issue with the wells going in to the subdivision to the south of them. They do not trust the Town to protect them.

Martin Kimm, 6265 W Dry Creek Rd: He stated that he agreed with the previous speakers and added that if there is a planning board, there need to be ag and county people on it.

Callie Hamilton, 505 Milwaukee: She stated that she was on the steering committee. She stated that there was a lot of effort put into community involvement. She agrees that more effort to reach out to the ag community should happen. There is an open seat on the Planning board for a county position. She stated that the Growth Policy does not plan to turn property into what is on the map. It is a guideline for if the land is sold and someone wants to develop. The density discussed by the steering committee was not low income, high density. It was like Hamilton Village and the condos in Town currently. She asked the council to keep that in mind.

Mike Swan, 1240 Yadon Rd: He stated that he is a landowner and school board trustee. He asked about the water rights issue. He stated that the Town needs to talk to landowners more in the area. Teachers cannot afford to live here. The community needs to figure out something.

Caroline Daigh, 514 E Main: She stated that she has been a teacher in Manhattan for four years. She stated that she felt like by omitting terms like affordable, was not acknowledging people like her.

Tim Knecht, 1107 Lay Pass Rd: He asked if affordable housing will be available to the people that need it. What mechanism would be in place to make sure the housing goes to the people that need it. The free market prevents that.

Ilene Casey, 5440 Sales Rd: She stated that water needs to be at the top of the list for the Growth Policy. Water rights need to go to the ag people.

Mike Ellig, 6181 W Dry Creek Rd: He stated that he would hate to see what has happened in Bozeman happen to Manhattan. There are 500+ building lots already approved with no water or sewer. Those problems need to be solved first. People do not live here to see the population increase 1.5 times.

Shane McAfee, 177 Kunje Blvd: He stated that if grant money is available and awarded, it does not have to be accepted.

Jess Woodring, 2091 Nixon Gulch Rd: She commented on grant money to make HUD homes. No one can buy a house for \$200,000 when it can't be built for that amount.

Scott Hazelton, Town Planner: He explained that the grants would be to pay for roads and underground infrastructure

MaryAnn Dyk, 9890 Frontage Rd: She stated that she had water questions when Pioneer Crossing went in. A hydraulic study was done then, and she has an agreement that the Town will improve her well if needed.

Alissa Farley, 205 S 5th: She pointed out that people have complained about not being notified. She would like to see the attainable housing section left in.

Lindsay Schack, 302 N Broadway: She was the chair of the Steering Committee. There were many hours put in. There was grant money available and the policy had not been updated in 20 years. She stated it was not the intent to leave anyone out. There was a lot of effort put into the community input. No one was overlooked or left out on purpose. The document is used as a kind of public input into when someone wants to use their land, so the Town has a guideline. There has been some kind of misinformation on what the Growth Policy is. It is not a danger to anyone in the area that owns land.

Sarah Platisha, 9880 Frontage Rd: She stated that there is a confusion between Town of Manhattan and the Manhattan Community.

Derinda Grimshaw, 2000 Nixon Gulch Rd: She state that the Growth Policy will not help the problem of the price and availability of housing. They, as part of the ag community feel left out. They are still fighting for their water rights. Developers will do whatever they can to make money. She doesn't want her property annexed.

Callie Hamilton, 505 Milwaukee: She explained what the jurisdictional donut area is.

Scott Hazelton, Town Planner: He explained the 4.5 mile planning jurisdiction of the Planning Board. It is an agreement between the County and the Town, that the Planning board will review things in that boundary regarding development.

Michael Dyk, 1887 Yadon Rd: He reminded the Council that the Bob Bos subdivision was annexed into town. The road is bad. Annexation has led to the Town dropping the ball.

Tami Wyse, 124 N 4th St: She stated that they lease the Bos property. They went to the sewer meeting and understand why people do not trust the Town. She stated the things don't happen. The Town is changing and developers get what they want.

Ryan Miller, 707 Madison Ave: He stated that he trusts that the Council is doing the best that they can do. They are elected. This is a plan of where things could happen, not what will happen or should happen. Nothing can grow right now, but there needs to be a plan.

Jess Woodring, 2091 Nixon Gulch Rd: She asked about density on her property.

Tom Wells, 314 N 5th St: He stated that he is on the Planning Board and Steering Committee. He suggested that the Growth Policy use the word attainable vs. affordable

and make a change in density. Bozeman removed affordability and uses attainability. The Montana legislature will decide what affordability will be. Density changes were discussed. High density and no growth were both favored. He stated that that the Town needs to increase density inside town to keep ag land around the perimeter. The document contains the opinions of lots of people.

Linsey Kallestad, 3400 W. Dry Creek Rd: She stated that she is on edge of planning jurisdiction and they have never had to bring any applications before the Planning Board.

Martin Kimm, 6265 W Dry Creek Rd: He asked about the development of Manhattan Orchards, and how it fits into the Growth Policy.

Les Oldenburger, 9385 Wooden Shoe Ln: He stated that the Growth Policy of 20 years ago, identified his property as a park that only the city could buy from him. He sold it before it could happen. He asked the Council to consider the effect on the landowner.

Taylor Kimm, 6293 W Dry Creek Rd: He suggested keeping people in the light instead of in the dark. Let people know what is going in their area.

Shawna Taylor, 106 N 7th St: She has talked to many people about not knowing about this. She would have loved to have had a voice. She asked the Council to hold the developers to the fire. There is no space in the Town limits. She does not want high density. There is no water or sewer to increase density.

Rocky Hamilton, 505 Milwaukee: The Growth Policy is required by law, every 10 years. To get infrastructure and grants, the Town needs to have a Growth Policy in place. Is it up to date. The Planning Board did a lot of work.

Lindsay Schack, 302 N Broadway: She gave a history of the process of the Council being introduced to the Growth Policy. She felt that they did not sit down together and work it out.

Dale Venhuizen, 1862 Yadon Rd: He stated that people outside of the Town limits are not involved with the information. He encouraged going slow and communicating with the people around the Town limits.

Written comments:

Jenifer Carr, 200 Lund Ln: She stated the Housing Attainability and Housing Type sections were too vague. The surveys showed that people did not want high-density, low-income properties built in Town. People move to Manhattan to get away from high density areas. She does not want to see an increase in crime. She stated that the Town needs to do more to protect the ag producers and their water rights from the developers.

Lexton Moy, 202 S 5th St: He thanked the people that worked to create the Growth Policy. The policy is a guideline and reference for the way decisions can be made.

James Short, 210 Spruce St: He wrote in favor of the Growth Policy as written.

Rhonda Albertson, 204 Spruce St: She wrote in opposition to the Growth Policy as written because the infrastructure cannot support high density.

Discussion/Decision

Motion- Engbretson; Second- Mancuso; Vote- 3 for (Engbretson, Mancuso, Taylor), 1 against (Powell): Motion passed to table the Manhattan Growth Policy until a special meeting.

A special meeting was set for March 15 at 7:00.

Council discussed if the document is legally binding. A Bridger Canyon case was referenced where a court decided that a Growth Policy was legally binding.

Councilman Engbretson: He thanked the Steering Committee and Planning Board for putting the document together. This is a state requirement to have a Growth Policy in place. It is a guideline but doesn't really change the course of the Council in deciding land use.

The Council discussed changes to the document on several pages. Each change was discussed and agreed upon. The Housing Attainability section and related sections were to be amended or stricken at the Special meeting.

PERSONNEL POLICY UPDATE:

Motion- Powell; Second- Mancuso; Vote- Unanimous: Motion passed to approve the updated Personnel Policy.

DRUG POLICY UPDATE:

Motion- Engbretson; Second- Taylor; Vote- Unanimous: Motion passed to approve the updated Drug Testing Policy.

MAYOR'S REPORT:

None

CONSENT AGENDA:

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

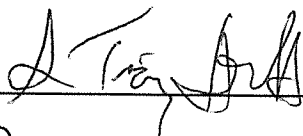
Town Licenses: Fire Guy Leasing, Inc.

Approval of Minutes: Regular Meeting minutes from February 9, 2023.

Claims: Dated 02/10/23 – 03/09/23 totaling \$ 213,166.64.

ADJOURN:

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



Mayor



Clerk/Treasurer

TOWN OF MANHATTAN
Thursday, March 15, 2023
Special Meeting
MINUTES

Council President Betsy Mancuso called the meeting to order in the Town Meeting Room. Council members present were Ryan Engbretson (by phone), Josh Powell, and Morgan Taylor. Also present were Town Attorney Jane Mersen, Town Planner Scott Hazelton, and Clerk/Treasurer Pam Humphrey. Twenty-eight members of the public were present.

PUBLIC COMMENTS:

Brian Grimshaw, 2000 Nixon Gulch: He stated that wanted to go on record that the developers on Nixon Gulch Rd do not have his written permission to go into the ditch easement. They are in litigation over the matter.

Allissa Farley, 205 S 5th St: She asked someone to address the Town website being down.

MANHATTAN GROWTH POLICY:

Motion- Taylor; Second- Powell; Vote- For 3 (Mancuso, Powell, Taylor), Against 1 (Engbretson): Motion passed to approve the language provided by the planner on housing availability with the edits by Josh Powell.

Motion- Powell; to approve the Manhattan Growth Policy with the edits that have been approved by the Council.

Amendment - Motion- Powell; Second- Mancuso; Vote- Unanimous: Motion passed to approve the Manhattan City-County Growth Policy with the edits that have been approved by the Council.

Kristen Swenson: She asked for a Point of Order to restate the edits approved by the Council.

Scott Hazelton, Town Planner: He read each of the changes that the Council had discussed and approved.

Discussion/Decision

Councilwoman Mancuso stated that since a Public Hearing had already been held on the Growth Policy, no more public comment would be allowed.

Scott Hazelton, Town Planner: He clarified that the planning jurisdiction has been in place since 1978. The current map has been in place since 2014. It does not grant the Town the authority to zone the area, just make recommendations. He described the changes that he and the Town Attorney made to the Housing Attainability section. They added the definition and made that portion clearer. The Growth Policy does not require the Town to do anything. The Growth Policy is something for the Town to use when reviewing land use applications. He submitted the updated policy with comments from the previous meeting.

The Council discussed the Housing Attainability section. They discussed eliminating it altogether or editing it with suggestions made by Councilman Powell.

It was determined that since the section being discussed was re-written differently than the draft document, and that there is significant public interest, that public comment would be allowed on that section.

Dan Ryan, 314 S 5th: He asked why the Council is closing their eyes to the future. The planner gave a general direction the Town could move.

Elaine Skinner-Hale, 203 N 5th St: She stated that the Council needs to understand that 40% of the population is under the poverty level.

Jennifer Carr, 200 Lund Lane: She asked for the definition of affordable housing. She encouraged the Council to follow the survey responses.

Beth Gorder, 101 W Washington: She asked if this is a guiding document or a legally binding document.

Callie Hamilton, 505 Milwaukee: She stated that she is in support of the changes prior to Powell's edits because they are subjective, not objective. It does not require the Town to develop, just to consider more options that come before them.

Rocky Hamilton, 505 Milwaukee: He stated that he is in support of the document as amended without Powell's edits. This is a huge issue in Montana. The community needs to work together to figure out how to help people out. People are asking the Council to listen to their concerns. The wording is important for grants. Without grants there is a larger burden on the taxpayer. He stated that the Council needs to look into the future and listen to the people.

Brian Grimshaw, 2000 Nixon Gulch: He asked to please keep agriculture in mind when looking at growth.

Ryan Miller, 707 Madison Ave: He stated that he is late to the details but knows some of the folks involved. There were a lot of people involved in the Planning Board and the creation of the Growth Policy. Some voices were missed. There are a lot of changes occurring after the document was created.

Connie Boucher, 218 S Broadway: She stated that she agrees with Miller's comments. People worked hard on it to make it a quality document for the people in the community. The Council is looking at their own interests but need to represent all the people. The aging population is going to be gone and affordable housing will be needed for the younger generation to afford to live in Manhattan. There needs to be a way serve all the community.

Bob Logar, 95 Bridger Ridge Run Rd: He commented that a lot of work went into the document. He thanked everybody for their input. He thanked the Town Planner for blending the documents at the Council's request. He stated that at the last Planning Board meeting, no one spoke in opposition to the document.

Dan Simser, 1155 Yadon Rd: He stated that he agreed with Logar's comments. He voted for the document as written. As for the attainability document, he is in favor. He is for section 8 housing but understands that is not what the community wants.

Buck Buchanan, 315 N 5th St: He stated that he is in favor as written without Powell's edits.

Lindsay Schack, 302 N Broadway: She stated that it is misinformation that the Town must comply with or reflect the document in all decisions. All the original document was under a different planner. It is a guiding document but does not remove the ability of the Council to turn down applications. The document says in the ag section that if ag land

is in Town, it would be open space. The need is to focus growth inside Town. Having affordable housing in a Growth Policy does not just make those things happen. It just makes it possible if landowners want to develop. There is a misunderstanding of what the Growth Policy is. She would like it to be on record the reasons why areas are struck. She asked that all meetings be Zoom meetings. She supports the updated version of the attainability section without the edits from Powell.

Alissa Farley, 205 S 5th St: She stated that she supports the attainable housing section as written, without edits. The Town needs teachers to be able to live in this community. The section should be kept in to get grants.

Councilman Engbretson: He stated that he agrees with Dan Ryan, the Council needs to take off the blinders and see the big picture. It is important, the Town needs affordable housing verbiage in the document to get employees here both for the Town and the school. He stated that the Council should have been working with the Planning Board from beginning. He asked the Planner to remind everyone why the language is in there. It is not promoting high density housing, it just gives options.

Scott Hazelton, Town Planner: He stated that the verbiage needs to be in the policy. He gave an example where someone has land and wants to do attainable or employee housing. Service availability will still need to be met. It would allow the person to come and have the conversation and help obtain grants to remove some construction costs for the infrastructure through grant funding. There is no direct action, it just allows the option. He stated that the section that Councilman Powell would like removed will probably not decrease the ability to get grants. The paragraph related to communicating with other jurisdictions helps to avoid problems others have made and get ideas. The projected lifespan of the plan should be for 20 years. The parts are in there to provide ideas for 15-20 years out.

Councilwoman Mancuso: She stated that when managing the Town and resources, the current limitations need to be kept in mind. The water and sewer capacities are limited, as well as the police department and fire department. There was a survey done and it conveys that the people want to keep Manhattan small and as it is. The ag community is opposed to the higher density.

Councilman Taylor: He stated that he read all the survey comments. He only found six references in favor of affordable housing. The rest were for large lot size and low density.

Scott Hazelton, Town Planner: He stated that limiting the document would limit the ability to pursue grant funding. Ultimately, the Zoning Codes are the requirements that need to be followed. He went through the changes from the draft document that were discussed at the previous meeting.

MAYOR VACANCY DISCUSSION:

Mayor Clements has resigned.

Jane Mersen, Town Attorney: She stated that the statutes require that the Council appoint someone to fill position within 30 days. She suggested that the interested parties come and present themselves to the Council for the Mayoral appointment.

A special meeting was set for March 29th at 6:00pm to appoint an interim Mayor.

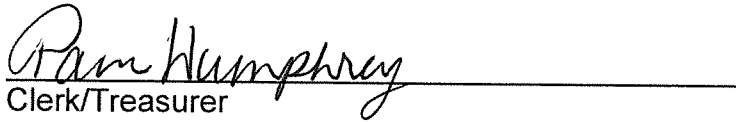
ADJOURN:

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



A handwritten signature in cursive script, appearing to read "Bob Mancuso", written over a horizontal line.

Council President



A handwritten signature in cursive script, appearing to read "Pam Humphrey", written over a horizontal line.

Clerk/Treasurer

TOWN OF MANHATTAN
Thursday, March 29, 2023
Special Meeting
MINUTES

Council President Betsy Mancuso called the meeting to order at 6:00 PM in the Town Meeting Room. Council members present were Ryan Engbretson, Josh Powell, and Morgan Taylor. Also present were Town Attorney Jane Mersen, Fire Chief Mike Ulmen, Library Director Trudy Dundas, and Clerk/Treasurer Pam Humphrey. Over fifty-six members of the public were present. Eighteen members of the public were present by Zoom. (Zoom was disconnected at 7:10 because the meeting was bombed by pornography.)

PUBLIC COMMENTS:

Alissa Farley, 205 S 5th: She asked if there will be public comments on the agenda item. Written comments:

Lexton Moy, 202 S 5th: He thanked everyone for their effort and hard work. He talked about the roles of Council members and the Mayor.

MAYOR CANDIDATE INTERVIEWS:

Garrett Long: He introduced himself and stated why he would want to be Mayor. The Council asked him a series of questions.

Jaclyn Machado: She introduced herself and stated why she would want to be Mayor. The Council asked the same series of questions.

Traig Howells: He introduced himself and stated why he would want to be Mayor. The Council asked the same series of questions.

Tyler Zaichkin: He introduced himself and stated why he would want to be Mayor. The Council asked the same series of questions.

Craig Bergstedt: He introduced himself and stated why he would want to be Mayor. The Council asked the same series of questions.

Warren Wright: He introduced himself and stated why he would want to be Mayor. The Council asked the same series of questions.

Buck Buchanan: He introduced himself and stated why he would want to be Mayor. The Council asked the same series of questions.

Rocky Hamilton: He introduced himself and stated why he would want to be Mayor. The Council asked the same series of questions.

Toby Goodman: He withdrew his name from consideration.

Greg Schack: He withdrew his name from consideration.

Public Comments:

James Short, 210 Spruce St: He stated the Council should appoint someone that can lead, bring together and innovate solutions. He recommended Tyler Zaichkin.

Kelsey, Rothing, Logan: She recommended Traig Howells.

Callie Hamilton, 505 Milwaukee: She supports Rocky, but also recommended Tyler Zaichkin.

Elaine Skinner-Hale, 203 N 5th: She talked about the process and the responsibilities of the Council.

Jennifer Carr, 200 Lund Ln: She recommended Garrett Long or Traig Howells.

Sami Goodman, 20 Culver Place #401: She recommended Traig Howells.

Tell Rothing, 220 WoodenShoe: He recommended Traig Howells.

Ryan Miller, 707 Madison Ave: He talked about the need for housing. He recommended Buck Buchanan and Craig Bergstedt.

Alyssa Farley, 205 S 5th: She is encouraged by the people that have applied. She recommended Tyler Zaichkin.

Toby Goodman, 20 Culver place #401: He recommended Traig Howells and Jaclyn Machado.

Written comments:

Teresa Deyton, 302 S 5th: She recommended Buck Buchanan, Craig Bergstedt, Rocky Hamilton, Greg Schack, Tyler Zaichkin, and Garrett Long.

Danny Isom, 302 S 5th: He recommended Buck Buchanan, Craig Bergstedt, Rocky Hamilton, Greg Schack, Tyler Zaichkin, and Garrett Long.

Connie Boucher, 218 S Broadway: She recommended Buck Buchanan, Craig Bergstedt, Rocky Hamilton, Greg Schack, and Tyler Zaichkin.

Tyrel Rothing, Logan: He recommended Traig Howells.

Kelsey Rothing, Logan: She recommended Traig Howells.

Drake and Rhonda Albertson, 204 Spruce St: They recommended Traig Howells.

Marvelyn Stubbs, 108 Cedar St: She recommended Buchanan, Hamilton, Zaichkin, Bergstedt, and Schack.

Amanda Broyles, 301 S 5th St: She recommended Buchanan, Hamilton, Zaichkin, Bergstedt, and Schack.

Carol Buchanan, 315 N 5th St: She recommended Mr. Long, Mr. Zaichkin, Mr. Buchanan, Mr. Hamiltin, or Mr. Bergstedt.

Eleanor Mest, 317 S Broadway: She recommended the Council choose a Mayor that has already had experience in the Town of Manhattan Government.

Martin Kimm, 6293 W Dry Creek Rd: He recommended Jaclyn Machado or Traig Howells.

APPOINT AND SWEAR IN INTERIM MAYOR:

Motion- Powell; Second- Mancuso; Vote- For 3 (Powell, Taylor, Mancuso) and Against 1 (Engbretson): Motion passed to appoint Traig Howells to the position of Interim Mayor.

Councilman Engbretson: He thanked all the candidates for their interest. He feels that someone with experience would be best for the interim position.

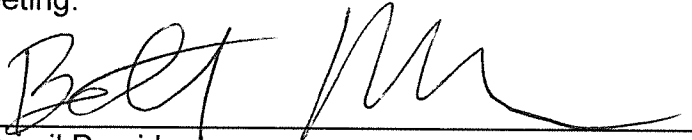
Councilman Powell: He stated that he was very impressed with the candidates and thanked them for caring. He thinks that the school issues are important and that relationship needs to be strengthened. He thinks Traig Howells would be a good choice.

Councilwoman Mancuso: She stated that she is impressed with Traig Howells and appreciates all of the candidates.

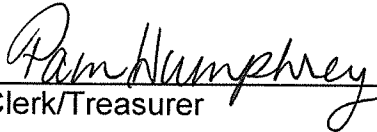
Councilman Taylor: He stated that he is not concerned with appointing someone without experience because everyone will have a lot to learn.

ADJOURN:

Motion- Powell; Second- Taylor; Vote- Unanimous: Motion passed to adjourn the meeting.



Council President



Clerk/Treasurer

**TOWN OF MANHATTAN
Thursday, April 13, 2023
Regular Meeting
MINUTES**

Mayor Traig Howells 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, Betsy Mancuso, Josh Powell, and Morgan Taylor. Also present were Town Attorney Jane Mersen, Police Chief Dennis Hengel, and Clerk/Treasurer Pam Humphrey. Seventeen members of the public were present.

PUBLIC COMMENTS:

None

CONFLICT OF INTEREST POLICY & WHISTLEBLOWER POLICY:

Motion- Taylor; Second- Mancuso; Vote- Unanimous: Motion passed to approve the Conflict-of-Interest Policy.

Motion- Powell; Second- Mancuso; Vote- Unanimous: Motion passed to approve the Whistleblower Policy.

Jane Mersen, Town Attorney: She stated that these are policies that promote transparency in government and ethical conduct of the Council and employees of the Town. The policies are consistent with state law, and she knows of other towns that have adopted them.

Council discussed the reason for the policies and the language in the personnel policy. It adds greater transparency and protections for employees. It is a standard policy for entities.

ZOOM MEETINGS:

Motion- Engbretson; Second- Taylor; Vote- Unanimous: Motion passed to direct staff to do an analysis and bring back to the Council different platforms, costs, and information for next meeting.

Motion- Powell; Second- Engbretson; Vote- Unanimous: Motion passed to postpone Zoom and not offer it at the next meeting until the options are researched.

Current policy is to only offer Zoom meetings by invitation only.

Pam Humphrey, Clerk/Treasurer: She stated that the Town uses the Zoom Pro version that it pays approximately \$150 per year for. Audio and video can be turned off when people join the meeting, but the participants can turn it back on themselves. A waiting room can be used, but we cannot deny entry to anyone. Zoom allows the blocking of certain domains, but we must know what those domains are. The agenda asks people to call for the Zoom invite, but one of the people that called posted the invite on Facebook. This is something that Town staff cannot control. There have been complaints in the past about the audio quality and the staff has tried different microphones and speakers, but the quality is still an issue, as well as the limitations of the participants' internet connections.

Councilman Engbretson: He stated that there are other platforms available. The one he is familiar with requires someone to man the computer to allow people to speak. There are times when it is necessary to have the option. Administration of the platform is important. Someone would have to physically man the computer.

Councilwoman Mancuso: She encouraged in-person attendance. Active engagement and participation are important, especially for Board Members and Town professionals. She read a letter from the Deputy Clerk/Treasurer to the Mayor in 2020 after a Planning Board meeting that outlined inappropriate and rude conduct issues. She felt that it encouraged people to do things that they would not do in person.

The Council and Attorney discussed a pending bill in the Montana Legislature that would require video and audio recordings of meetings. Currently, there is no law that requires online platforms. Before these platforms, large meetings would be held at a different venue.

Public comment

Gretchen Engbretson, 206 S 5th St: She stated that the Council should not make assumptions about what people can or cannot do and gave some examples why people would want to watch the meeting vs appearing in person. She stated that Zoom is not the issue, but the management of it is. There have been meetings that exceeded the capacity of the room. She suggested audio on the website until a decision is made.

Ben Broyles, 301 S 5th St: He thanked the board for bringing up the issue. He encouraged the Council to keep online platforms open and available. Management and administration of the platform is important. The community should be able to hear what is going on. Conduct is a freedom of speech that others cannot judge.

Tyler Zaichkin, 207 N 5th St.: He stated that the Council should consider an ability to livestream. He suggested a webinar platform rather than a meeting platform. The Council needs to be as open with the community as possible.

Jean Munch, 407 Hemlock: She agreed that transparency is the key. Minutes are not the full picture.

Buck Buchanan, 315 N 5th St.: He encouraged a live online presence. He once suggested a radio broadcast of the meetings. It is important for the entire community to be able to participate. It will increase awareness of Council activities.

Alissa Farley, 205 S 5th St.: She stated that she feels it is important to have community involvement. People need to hear what is said, and transparency is important. People should hear it for themselves. The Minutes do not give the full picture.

Ben Broyles, 301 S 5th St.: He asked if there was a way to donate or supply audio visual aids to the Town. There are members of the community that would be helpful for those things.

Written comment

Callie Hamilton, 505 Milwaukee Ave: She is disappointed with the Town's Zoom management. There are options that allow the Town to control participants' microphones and screens. The Town should not put the Zoom on the TV screen. Zoom allows more people to hear what the Council is discussing. Live streaming may be a compromise to consider.

TIMECLOCKS FOR EMPLOYEES:

Motion- Powell; Second- Mancuso; Vote- Unanimous: Motion passed to not purchase the TCP timeclock software.

Public Comment

Tyler Zaichkin, 207 N 5th St.: He stated that the Council should weigh the cost of the product vs the weight of future litigation. Employees should be paid for exactly the hours worked.

Alissa Farley, 205 S 5th St.: She asked who supervises the supervisors.

- The Mayor supervises all employees.

BOARD APPOINTMENTS:

Park Board Appointment

Motion- Engbretson; Second- Powell; Vote- Unanimous: Motion passed to approve the Mayoral appointment of Caroline Daigh to the Park Board for a term to expire in December 2026.

POLICE DEPARTMENT UPDATE:

Dennis Hengel, Chief of Police: He reported that Officer Armstrong completed the academy last week. Chief Hengel attended the graduation and Armstrong was selected to do the commencement speech. The hybrid police vehicle is finally in the rotation to be finished out. The Police Department received a grant from the Mason Moore foundation to purchase a new Kenwood handheld radio. Officer Harris has been a part time SRO at the school. Superintendent Ayers and Officer Harris are exploring a grant to get a full time SRO at the school. The grant does not pay 100%, but they are investigating a hardship to have the grant pay 100%. He will provide hard numbers at a later date.

PARK BOARD UPDATE:

Councilman Engbretson: He attended the Park Board meeting last week. They are working on researching and picking out playground equipment. Cleanup at the park is scheduled for April 15 at 9:00 am. Helpers are to meet in the parking lot. Arbor Day celebration will be in May with trees plantings. The skating rink is melted, and they will be cleaning it up and putting it away. He asked people to contact him if anyone wants to help.

Chief Hengel: He added that the Easter egg hunt was a success with 40,000 plastic eggs, 2500 people, and one lost kid. Public works assisted with egg distribution. The Park was in good condition and looked very good.

MAYOR'S REPORT:

- Tiger lane and Greenspur Rd will be closed from April 13 and April 28 for paving and maintenance.

CONSENT AGENDA:

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

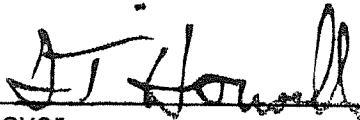
Town Licenses: Hollowtop Heating and Cooling, Rise Electric, Ambient Air Solutions, LLC, DVK Electric, Arrowroot Engineering, PLLC, and Rangle Enterprises LLC.

Approval of Minutes: Regular Meeting minutes from March 9, 2023, Special Meeting minutes from March 15, 2023, and Special Meeting minutes from March 29, 2023.

Claims: Dated 03/10/23 – 04/13/23 totaling \$ 223,275.40.

ADJOURN:

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



Mayor



Clerk/Treasurer

TOWN OF MANHATTAN
Thursday, May 11, 2023
Regular Meeting
MINUTES

Mayor Traig Howells 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, Betsy Mancuso, Josh Powell, and Morgan Taylor. Also present were Town Attorney Jane Mersen, Town Planner Scott Hazelton, and Clerk/Treasurer Pam Humphrey. Fourteen members of the public were present.

PUBLIC COMMENTS:

Dan Ryan, 314 S 5th St: Asked how the expansion of the sewer plant is going.

Dennis Faibanks, 205 Cedar St: He stated that has heard that some businesses in Bozeman are experiencing shoplifters and Bozeman PD is not responding. He asked if the Manhattan Police would be doing anything like that.

CONDITIONAL USE PERMIT FOR ACCESSORY RESIDENTIAL DWELLING AT 107 FABRICK ST:

Clerk read the public hearing notice.

Public Hearing

Scott Hazelton, Town Planner: He gave information on the application. The adjacent property owners submitted a survey of the property line. The existing structure is a nonconforming use as it is within the side yard setback. The non-conforming chapter in the Manhattan Code states that if a structure is enlarged or altered it cannot increase its non-conformity. The proposal is to keep the ADU within the same footprint as the existing garage. Therefore, the non-conformity of the structure is not being increased. Staff recommends approval based on the Manhattan Code. The Planning Board recommended approval at the April meeting.

Lane Ryerson, 207 Fabrick, applicant: He stated that the structure will be within the square footage guidelines to stay within the Code.

John Steele, 202 Fabrick: He stated that there are many non-conforming uses in the neighborhood already. He felt that there were too many homes on blocks in the area and the lot coverage was over 35% as defined in the Code. He is worried that when the applicants leave and sell the property, someone else will make it two rentals. He requested that the 2 lots become one lot and to require off street parking. He was opposed to the Conditional Use Permit.

Lane Ryerson, 207 Fabrick: He stated that they have alley and street access to the property, and they plan to stay for a while.

Ray Harrison, 515 W Park: He stated that he reviewed the application and then questioned the side yard setback in relation to his property. He had his property surveyed Tuesday and found that the applicant's garage does not meet the side yard setback. He questions some of the other things in the application also. He met with the Planner and talked to one of the Council people. He does not feel everything is as accurate as it should be. He is unsure of the rest of the property lines on that block.

Lane Ryerson, 207 Fabrick: He stated that this does not increase the nonconforming use of the garage.

Discussion/Decision:

Motion- Powell; Second- None; Motion died to table the issue and send it back to the Planning Board for further review.

Motion- Engbretson; Second- Mancuso; Vote- 2 (Engbretson, Mancuso), 1 against (Powell), Taylor abstained: Motion passed for approval of the Conditional Use Permit for and Accessory Residential Unit at 207 Fabrick.

Councilman Taylor: He stated that he would stand to gain from the project if it goes forward, so he will recuse himself from the vote.

Scott Hazelton, Town Planner: He stated that the Planning Board did not know about the boundary dispute. The new survey shows that it is inside the normal 8-foot side yard setback. The garage was built prior to the ordinance so it is grandfathered. The footprint will remain the same. Other property in the area does not apply to this property. The Planning Board did not have the survey or the updated building plan. Those two items do not change the recommendation. He stated that the Town Engineer was comfortable with the water and sewer because it is on two lots.

Councilman Powell: He stated that he did talk to the Harrisons and went through the application with them. He feels that there is some confusion, and it needs to be reviewed again.

Councilwoman Mancuso: She asked if the Planning Board had all the same information. She also asked if the applicant has met the condition of ownership that the Planning Board requested. She stated that the application fits the criteria.

MAIN STREET MONTANA PROGRAM:

Scott Hazelton, Town Planner: He described the program to the Council. It is a resource from the State. He has worked with it before. There are tiers to the program. He would recommend that the Town be an affiliate partner. He described what that process would be. There will be an informational meeting this fall. There is no action item, just information. Quarterly reports are the only requirement. The Planning Board was discussing options for board members.

Mayor Howells: He stated that he has researched other communities, and several have done really good things through the program.

Council discussed how it would work and who would be on the board.

PLANNERS REPORT:

Scott Hazelton, Town Planner: He informed the Council that he will be going to law school at the University of Oregon this fall. Hyalite has been looking for a replacement within the firm. They are considering having Hazelton continue remotely. Hyalite will be bringing something to the Council to let them decide.

ONLINE PLATFORM OPTIONS:

Motion- Powell; Second- Mancuso; Vote- Unanimous: Motion passed to continue with the open platform of Zoom that the Town currently has and to designate the Mayor to manage it, with training for entire Council.

Mayor Howells: He explained some of the things that he, Councilman Engbretson and the Town Office have been discussing. There is an extra layer of security with Zoom Webinar. There were no issues with Zoom in three years until the recent event. He would be willing to manage the Zoom. He discussed using a waiting room, disabling microphone, video, screen share, and private chat features. He thanked Ben Broyles for offering help with the audio/visual aspect to increase the quality.

Councilman Engbretson: There is a geofence option with Zoom. He and the Mayor met with Matt Bunko with Gallatin County IT, and he has offered to help get something set up. He recommended that everyone get trained to manage it.

Jane Mersen, Town Attorney: She stated that there is no requirement for an online platform. It would be okay to have the Mayor administer the platform. She reminded the Council that there should be a record of who attended by Zoom for public comments.

Scott Hazelton, Town Planner: He stated that he has used the Webinar version and there is a bit more management with it.

Councilman Powell: He suggested using the free version of Zoom so that Council and Staff members could attend that way. He is unsure if there needs to be a public option.

Public Comments:

Buck Buchanan, 315 N 5th: He commended the council on pursuing the Zoom option. The benefits far outweigh the risks. More people can be informed this way. He asked the Council to continue to use Zoom.

Alissa Farley, 205 S 5th: She thanked the Council for doing the research and talking to a professional about doing it. She would also like to keep the Zoom option.

Ben Broyles, 301 S 5th: He thanked the Council for doing the research and allowing Zoom to continue. It is a valuable asset to the community. It increases involvement and transparency.

BOARD APPOINTMENTS:

Police Commission

Motion- Mancuso; Second- Taylor; Vote- Unanimous: Motion passed to approve the Mayoral nomination of Robert Urich to the Police Commission for a 3-year term to expire April 2026.

PAYROLL BUDGET COMMITTEE:

Glen Clements, 709 Madison Ave: He stated that the Town created a new matrix last year. A lot of work was done on the last one, and he was just curious to see what changes would be made.

Mayor appointed a payroll budget committee of the Mayor, Councilwoman Mancuso, and Councilman Powell.

PARK BOARD UPDATE:

Councilman Engbretson: He stated that the rink has been cleaned up. The liner was disposed of today. They will move the wood to the storage area. There is a tree planting for Arbor Day by the memorial in Railroad Park, with two third grade classes coming for the planting. The Park Board did a Park cleanup to include the dog park recently.

MAYOR'S REPORT:

- Police Department is asking citizens to say something if they see something and encouraged citizens to call 911 if they see something that doesn't seem right.
- Public works have seen frost boils coming up in the streets. They must wait until the frost is completely out to get them fixed. They will be working on them soon.

CONSENT AGENDA:

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

Chicken Coop Licenses: Katie Powner at 512 W Gallatin, Maegan and Ramon Fernandez at 108 N 7th St, Charles and Matheson Renick at 316 S 4th St, and Sue Ward at 204 N 4th St.

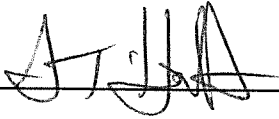
Town Licenses: Sweet Specialty Confections, Mackley Mobile Veterinary Services, Sacry Electric Inc, and Betterwest Tree Service.

Approval of Minutes: Regular Meeting minutes from April 13, 2023.

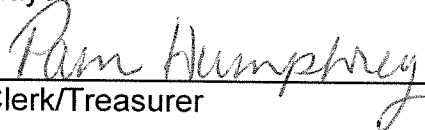
Claims: Dated 04/14/23 – 05/11/23 totaling \$ 200,395.16.

ADJOURN:

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



Mayor



Clerk/Treasurer

**TOWN OF MANHATTAN
Thursday, June 8, 2023
Regular Meeting
MINUTES**

Mayor Traig Howells 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, Betsy Mancuso, Josh Powell, and Morgan Taylor. Also present were Town Attorney Jane Mersen, Town Engineer Kyle Scarr, Town Planner Scott Hazelton, and Clerk/Treasurer Pam Humphrey. Twelve members of the public were present. Two members of the public were present by Zoom.

PUBLIC COMMENTS:

Dan Ryan, 314 S 5th St: He asked about the update on the plant.

WRRF PROJECT UPDATE:

Matt McGee, TD&H: He gave a general update of the project. The project has been going seamlessly. Moving toward bidding. They have received DEQ approval on designs and specs, with one pending comment. They are still working on groundwater discharge permitting. The adjacent property impacts the aquifer at the RIB. They will need to redo the flood basin testing in the spring, but the DEQ is optimistic. The site title opinion is finished with a mixing zone easement in place. He presented some notes referencing the flood irrigating issue. He spoke about the options that the Town would have regarding the issue. The permitting has extended the schedule approximately 6 months. They are working to balance the scope with an updated budget. Instrumentation and control scope of work is currently in construction, but they are going to have AE2S do it instead of the contractor. They are attending regular funding calls. He talked about the timeline. The screwpress may be delivered by late summer. The project should be finished within a year.

Kyle Scarr, TD&H: He gave an update on the cost share discussions with Amsterdam/Churchill. The current agreement outlines the cost share for maintenance and improvements to the plant. He explained the projected cost share ratios. The overall loan and Town match is lower than anticipated prior to the estimated final flow information. The Town has received more grant funding than originally projected. They will meet with Amsterdam/Churchill again soon with a final percentage breakdown of the cost share. The current agreement also talks about the wastewater strength allowed. Any changes to capacity could address that in more detail.

YADON SUBDIVISION EXEMPTION:

Motion- Engbretson; Second- Powell; Vote- Unanimous: Motion passed to recommend approval of the Yadon Subdivision Exemption to the Gallatin County Commission.

Scott Hazelton, Town Planner: The Yadon exemption is for a boundary line adjustment. There are multiple parcels in the property. They are proposing to move 3 boundary lines to change the size of some of the parcels. He explained the changes in the acreage.

The Town council will send a recommendation to the County Commission. He recommends a favorable recommendation to the County Commission.

Bob Yadon, Applicant: He explained what they are planning to do with the changes.

BECK SUBDIVISION EXEMPTION:

Motion- Mancuso; Second- Engbretson; Vote- Unanimous: Motion passed to recommend approval of the Beck Subdivision Exemption to the Gallatin County Commission.

Scott Hazelton, Town Planner: He explained that this is a family transfer of a parcel. It is unzoned County land. He explained the changes to the property and the parcels created. Not an attempt to evade subdivision regulations. He recommends a favorable recommendation to the County Commission.

Travis Radoff, Applicant: He stated that they just want to build on his wife's family's land.

ON CALL PLANNER SERVICES:

Motion- Mancuso; Second- Powell; Vote- Unanimous: Motion passed to continue using Hyalite Engineering for Planning Services with Scott Hazelton assisting remotely until October 12, 2023.

Scott Hazelton, Town Planner: He explained the timeline and how the process will be reviewed. Hyalite is currently pursuing a replacement planner.

Councilwoman Mancuso: She stated that she was concerned about having a remote planner and would prefer to have someone in the area. She asked about the cost.

Councilman Engbretson: He reminded the Council that there is a contract with Hyalite, so it is up to the engineer to provide a solution.

FY 2023-2024 PAYROLL MATRIX:

Motion- Mancuso; Second- Powell; Vote- 3 for (Mancuso, Taylor, Powell), 1 against (Engbretson): Motion passed to approve the payroll matrix for the 2023-2024 fiscal year.

Mayor Howells: He stated that a committee was formed to review the matrix. It was first updated extensively last year, so wanted to look at it to see if there were any further adjustments needed. They want to remain competitive and retain employees. They cleaned up the matrix and added certifications and educational points also.

Councilwoman Mancuso: She stated that she is comfortable with then new format. They reviewed the job positions and what is required of them. The last meeting was productive and streamlined. The matrix is simplified so it is better and easier to read. They want to keep people and pay fair wages.

Councilman Powell: He stated that he was glad that the Police Department was at the meetings. They looked at surrounding areas and tried to be competitive. It will affect the funds available for projects around Town. The employees will be taken care of, but less money will be available for projects.

Councilman Engbretson: He asked about average percentage increase and the Police mill levy. He asked about the differences in percentage of increase for different employees.

The Clerk explained the Police Salary mill levy.

Chief Hengel: He explained the police department certifications that officers can earn. He explained the value to the Town and department of having the certificates. Instructors can save the department money by not having to hire outside trainers.

Glen Clements, 709 Madison Ave: He stated that he was on the payroll committee last year and was heavily involved. He explained the process that happened last year. He stated that he feels that there is too much of a 2-year increase for several employees.

SET SPECIAL MEETING FOR DEPARTMENT BUDGET REQUESTS:

A special meeting was set for Thursday, June 15, 2023, for departmental budget requests.

PARK BOARD UPDATE:

Ryan Engbretson: The Park Board got some capital requests to Jeff. They also talked about the Park watering schedule.

MAYOR'S REPORT:

- He has met with Jeff and Audrey regarding watering in the park. The system is shut down currently. The entry and dog park are on their own controls and schedule.

CONSENT AGENDA:

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


Town Licenses: Energy Transition Partners, Inc, Turner Plumbing, Inc, Agates Books, and T&T Electrical LLC.

Approval of Minutes: Regular Meeting minutes from May 11, 2023.

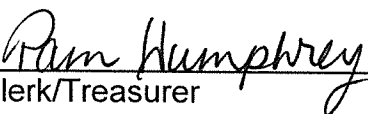
Claims: Dated 05/12/23 – 06/08/23 totaling \$ 188,890.54.

ADJOURN:

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



Mayor



Clerk/Treasurer

**TOWN OF MANHATTAN
Thursday, June 15, 2023
Special Meeting
MINUTES**

Mayor Traig Howells called the meeting to order in the Town Meeting Room at 207 S. 6th St. at 6:00 P.M. Present were Council Members Ryan Engbretson, Betsy Mancuso, Josh Powell, and Morgan Taylor. Also present were Town Library Director Trudy Dundas, Fire Chief Mike Ulmen, Treatment Plant Lead Operator Todd Eyman, Police Chief Dennis Hengel, Public Works Supervisor Jeff McAllister, and Clerk/Treasurer Pam Humphrey. members of the public were present.

PUBLIC COMMENTS:

Jane Gillette, State Legislator from Gallatin County areas around Manhattan: She introduced herself. She stated that she has received a lot of input from Manhattan area citizens. She talked about the tax rebates from the State that are coming in the form of property tax and income tax credits.

LIBRARY BUDGET REQUEST:

Trudy Dundas, Library Director: She presented the Library budget requests to the Council. She described the revenue sources and explained the expenditures. She updated the Council on some internal things that are going on at the Library.

FIRE DEPARTMENT BUDGET REQUEST:

Mike Ulmen, Fire Chief: He presented the Fire Department budget requests to the Council. He gave a history of the funding of the Fire Department.

WATER RECLAMATION FACILITY BUDGET REQUEST:

Todd Eyman, Lead Operator: He presented the Reclamation Facility budget requests to the Council. He explained some of the processes at the plant and answered Council questions.

POLICE DEPARTMENT BUDGET REQUEST:

Dennis Hengel, Chief of Police: He presented the Police Department budget requests to the Council. He thanked the Council for reviewing the pay matrix. He gave an overview of the things happening in the Police Department. He reviewed some of the purchases he would like to make.

PUBLIC WORKS BUDGET REQUEST:

Jeff McAllister, Public Works Supervisor: He presented the Public Works budget requests to the Council. He highlighted the priority issues. He thanked the Council for working on the matrix and supporting his crew. He highlighted the needs of the Water Department and the Street Department.


TOWN OFFICE/PLANNING BOARD/COURT/BUILDING DEPARTMENT:

Pam Humphrey, Clerk/Treasurer: She presented the Town Office, Planning Board, Court, and Building Department budgets.


The Council budget workshop will be held on June 29, 2023 at 6:00 pm.

ADJOURN:

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



Mayor



Clerk/Treasurer

**TOWN OF MANHATTAN
Thursday, June 29, 2023
Special Meeting
MINUTES**

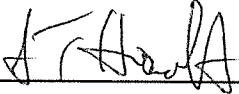
Mayor Traig Howells called the meeting to order in the Town Meeting Room, at 207 S 6th St. at 6:00 P.M. Present were Council Members Ryan Engbretson, Betsy Mancuso, Josh Powell, and Morgan Taylor. Also present was Clerk/Treasurer Pam Humphrey. No members of the public were also present.

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.

ADJOURN:

Mayor Howells adjourned the meeting.



Mayor



Clerk/Treasurer

**TOWN OF MANHATTAN
Thursday, July 13, 2023
Regular Meeting
MINUTES**

Mayor Traig Howells 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, Betsy Mancuso, Josh Powell, and Morgan Taylor. Also present were Town Attorney Jane Mersen, Town Engineer Kyle Scarr, Town Planner Scott Hazelton, and Clerk/Treasurer Pam Humphrey. Twenty-five members of the public were present. One member of the public were present by Zoom.

PUBLIC COMMENTS:

None

MOY CONDITIONAL USE PERMIT – ADU AT 108 E GALLATIN/202 S 5TH ST:

Public Hearing

Clerk read public hearing notice.

Scott Hazelton, Town Planner: He described the application. It is a current non-conforming use but is being added on to so it needs to come into conformance. They are adding cold storage also. The cold storage portion is semi-detached and will have a 17-foot setback from the alley. Staff and Planning Board recommended approval.

Discussion/Decision

Motion- Mancuso; Second- Engbretson; Vote- Unanimous: Motion passed to approve the Conditional Use Permit for an Accessory Residential Unit at 108 E Gallatin/202 S 5th St.

Council discussed that it has been an ADU for many years, this will make it a conforming use.

FOX CONDITIONAL USE PERMIT – ADU AT 110 S 3RD ST:

Public Hearing

Clerk read public hearing notice.

Scott Hazelton, Town Planner: He gave the history of the project. The applicant submitted a building permit for a garage with loft storage. The applicant put the new garage on a new pad in the existing footprint. This created an issue with meeting the setbacks. The rear yard and side yard setbacks are both less than 7 feet. Mr. Fox has applied for a variance on the setbacks. The Council is looking at the use of the structure. Through the construction, the applicant changed to constructing an Accessory Dwelling Unit in the structure and applied for the Conditional Use Permit. If the variance and CUP are granted, it can move forward in one of three ways. If the Council approves the CUP and the Board of Adjustment approves the variance, the applicant can use it for residential purposes. If the Council does not approve the CUP and the Board of Adjustment approves the variance, the structure can be used as storage and garage. If the Board of Adjustment does not approve the variance, the Town may have to seek

abatement and the applicant cannot use the building where it currently stands. In addition, the building construction does not match the building permit specifications.

Kyle Scarr, Town Engineer: He stated that the Council should consider sewer capacity beyond what is already allowed for a lot when considering ADU's. The Town is currently out of capacity, and density will be adding to the requirement to meet discharge permits. It is unclear how granting CUPs should be handled. There is a difference in flow if there is a toilet in the garage for the homeowner to use vs having an entire living unit.

Councilwoman Mancuso: She stated that the Planning Board meeting minutes discussed that approving this would not set a good precedence.

James Fox, Applicant: He confirmed that the sewer would hook into his house, not directly to the main. It is currently a framed in building with the sewer connection to the house. He poured a new slab in the place of the prior slab. He stated that the prior building official told him that he could hook up the sewer, so he has an 8-foot hole in his yard that is a safety issue. He apologized for the way the process happened with the Town and that he is not out to do something against the rules.

Written comment by *Matt Sullivan, 115 S 2nd:* in favor

Greg VanAntwerp, 112 S 3rd: He stated that he is in favor of the ADU.

Discussion/Decision

Motion- Taylor; Second- Powell; Vote- 3 for(Engbretson, Powell, Taylor), 1 against (Mancuso): Motion passed to approve the Conditional Use Permit for an Accessory Residential Unit at 110 S 3rd St with the conditions of approval as set out in the Planners Report. The conditions include: Abide by all representations made by the applicant, get all approvals and inspections from the Building Department, abide by all easements, covenants, or regulations on the parcel at the time of submission, pay all impact fees, provide utility service connections and meters for the ADU, receive approval of the variance by the Board of Adjustment, provide proof of sewer flows and water requirements, and not hook to the Town water and sewer systems until adequate capacity is defined by the Town Engineer.

Council discussed the sewer capacity issues. They discussed the size of the ADU and its impact on the system. Council discussed the process that happened to get to this point. They were fine with what the building permit was done for. An ADU is a conditional use in R-1. Others have followed the rules, and setting a precedence could be detrimental to the process.

DUTCH BROTHERS MAJOR SUBDIVISION PRELIMINARY PLAT APPLICATION:

Public Hearing

Clerk read public hearing notice.

Scott Hazelton, Town Planner: He gave an overview of the project. The Planning Board recommended approval. Staff is recommending approval. All ditch agreements will need to be in writing prior to any work happening.

Brent Miller, Gaston Engineering: He represents both subdivisions. This project is the southern subdivision and is a major subdivision. He gave a history of the property. It was previously a residential major subdivision. He described the proposal. They have had it rezoned to Light Industrial. There are 26 conditions in the staff report. The right of way on Poelman Ln is 40 ft. Part is in the city and part is in the county. They cannot fit

the standard road specs in the 40 ft right of way. They would propose to widen the driving portion to 24 ft. They would add an easement between the two subdivisions for a future cross street if needed for a grid style network. They propose to have one well on each subdivision for fire protection. This type of development has a very low water flow projection. They had proposed on site sewer originally. They are offering to pay the Town toward the sewer upgrade project and wait for sewer capacity. They cannot fit the standards on Poelman without disrupting the ditches, fences, and yards of current residents. They would like to make it 20-24 ft wide. They are not proposing to change any ditches. There will be easements for the ditches. They will address the runoff toward the Farrier's property in their retention plan. The public wells would provide fire protection. They would have 2 deeper wells, that will pull for fire protection only. The width of Wooden Shoe Lane and Dutch Brothers Blvd would be collector width with no parking. Wooden Shoe Lane has a collector standard for 60 ft easement. The ditch would have to be piped and sized correctly where it is in the road right of way.

Mike DeVries, Applicant: He stated that each parcel has a 10-acre foot water right. Originally, they had proposed an independent sewer system. They would like to contribute to the sewer expansion instead of putting in their own sewer system. The easement doesn't affect their plan. It has 13 facilities on 60 acres. They appreciate the citizens' concerns. They will pay for their share of improvements. A traffic impact study is needed at S Broadway and Wooden Shoe Ln. They do not see the need for widening Poelman at this time or disturbing the ditches. There will be 24-30 employees per site, which is almost the same as a residential house. There will be large parking lots on each lot, so no parking is needed on the street.

Jason Holland, Applicant: He stated that the wells would be granted to the city for the water rights and the wells. They would pay for putting in the wells.

Kristen Swenson, 9501 Frontage Rd, Planning Board Member: She stated that she is hearing that there is a change in the sewer options that was not presented to the Planning Board. She is concerned about the width of the road with larger vehicle traffic. Input from the community and neighbors needs to be heard. Ditch and water rights need to be recorded on the plats. She asked if there would be specific details added to the final plat. She asked if they have to have a DEQ study for the water wells.

Erica Sebring, 8640 Poelman Ln: She stated that her front yard extends toward the road and wants to know how much road will be there. She asked if the wells would affect her well. She asked about compound walls to enhance both sides of the wall.

Dennis Hengel, Chief of Police: He stated that both industrial and residential developments have an impact on police services. He listed the residential impacts. With industrial developments, the impact is increased patrol checks and traffic, speeding, crashes, and parking issues. The location is favorable for this type of use. He has not reviewed the street situation. He is concerned with parking. He would like to see those addressed.

Ryan Miller, 707 Madison Ave: He stated that he is in favor of the uses in the subdivision. Businesses help with the tax base. We need more spots for this type of use.

Mary Ann Dyk, 9890 Poelman Ln: She stated that widening the road would impact the homes on one side or on her property. She asked if the wells would affect the people that already live along there.

Les Oldenburger, Wooden Shoe Ln: He stated that Wooden Shoe is difficult to navigate currently. A traffic study is needed on the traffic that will be using Wooden Shoe Ln. The intersection is already congested. He does like the project. He asked if there will be standards for building and water retention. He asked about the irrigation ditch that runs parallel to Wooden Shoe Ln. There is not enough width for ditch crossing. He asked about the water right shares that are in the ditch. It is limited by the shares.

Tom Langel, Applicant, LF Limited: He stated that the wells are only for fire protection, not for use on the sites.

Nancy Farrier, 8860 Poelman Ln: She stated that Poelman is currently a very narrow road and would be dangerous when meeting trucks if it is too narrow. She is also concerned about the intersection of Poelman, Branch and Main St.

Discussion/Decision

Motion- Mancuso; Second- Powell; Vote- Unanimous: Motion passed to table the Dutch Brother's Preliminary Plat application.

Mayor Howells is concerned with both roads, especially about the width of Poelman Ln in regard to truck traffic. He suggested a truck turn around area to encourage them to not go out on Poelman Ln. He suggested traffic control at Wooden Shoe and Broadway.

Kyle Scarr, Town Engineer: He stated that currently developers are responsible for getting roads up to Town standards. That condition needs to be more direct. The developer can submit a traffic study to MDT. MDT may allow the developer to put in a traffic control. It is the developer's responsibility to do it. If there is a concern at an intersection, in MDT right of way, the Town should not agree to it. He addressed water and sewer capacity. A cash in lieu offer does not get him to allow a capacity letter. They would have to provide their own capacity or wait until there is capacity. They also must provide their own water and transfer the water rights to the town. Larger wells for fire flow do not require water rights. The minimum requirement is to not degrade the Town's system. There would be DEQ review for the water wells, which would include checking neighboring wells, and providing an engineering design report. The subdivision traffic study indicated approximately 30% of the traffic to be off of Poelman Ln and 70% off of Wooden Shoe Ln.

Council discussed the use of drought resistant landscaping and a tree barrier. They discussed sticking to a reasonable sized streets keeps things operating smoothly.

Councilwoman Mancuso: She stated that she would like to see some of the concerns addressed and updated before they vote on the application. She would like to have reports on the effects on services. Ditch owners and neighbors also have some concerns.

EAGLE POINT/LF LIMITED MINOR COMMERCIAL SUBDIVISION PRELIMINARY PLAT APPLICATION:

Public Hearing

Clerk read public hearing notice.

Scott Hazelton, Town Planner: He recommended that the Council table this Plat application as it goes along with the Dutch Brothers one.

Written comment from Teri Jensen: Opposed

Discussion/Decision

Motion- Taylor; Second- Engbretson; Vote- Unanimous: Motion passed to table the Eagle Point/LF Limited Preliminary Plat application.

GROWTH POLICY DISCUSSION:

Scott Hazelton, Town Planner: He updated the Council on what is happening with the Growth Policy in the County Commission. The planners, attorney's and mayor met to discuss the County approval of the Manhattan Growth Policy. The Commissioners' primary concern is that it does not address the planning jurisdictional area in the 1 mile to 4.5 mile. He got comments from the County Planner, who suggested some edits. One option would be to have the Town adopt the Gallatin County Growth Policy for the planning jurisdictions. He has reviewed that growth policy. The commissioners have some concerns that the visions and goals section of their policy match the Town's intent. Another option would be to get feedback and adopt an amendment to the new Town Policy. It would go to the Planning Board, then the Town Council, and then the County Commission. A chapter added to the current policy would be expensive and would have to be funded and use a consultant. Most of the document relies on the MCA's.

Kristen Swenson, 9501 Frontage Rd, County rep on Planning Board: She stated that she testified before the Commission that Manhattan retain the jurisdictional area. It is important to have the people informed. She encouraged more of what the Commissioners are looking for. It is an important process, and there needs to be time to have public input.

RESOLUTION NO. 23-001 – MAIL BALLOT:

Motion- Engbretson; Second- Mancuso; Vote- Unanimous: Motion passed to approve Resolution No. 23-001, a resolution of the Manhattan Town Council notifying the Gallatin County Election Administrator of the Town's desire to conduct the 2023 Town general election by Mail Ballot in accordance with Section 13-19-202 MCA.

RESOLUTION NO. 23-002 – POLICE MILL LEVY:

Motion- Mancuso; Second- Powell; Vote- Unanimous: Motion passed to approve Resolution No. 23-002, a resolution of the Manhattan Town Council to place a town Municipal Services Levy for Public Safety on a mail out ballot during the general election.

Dennis Hengel, Chief of Police: He explained the purpose of the levy. Manhattan must compete to attract quality officers and this levy would help them to have a more competitive wage and contribute to needed equipment.

Council discussed that they would like the public to vote and make the decision.

PRELIMINARY BUDGET FY 2023-2024:

Budget available for public inspection July 14, 2023

Motion- Mancuso; Second- Powell; Vote- Unanimous: Motion passed to approve the Fiscal Year 2023-2024 Preliminary Budget.

PARK BOARD UPDATE:

Councilman Engbretson: None

SEWER COMMISSIONER REPORT:

Councilman Powell: He stated that the Screw Press is on schedule to be here in August. They will need to figure out how to get it installed as soon as possible. Todd is working very hard on all processes. He is working on the pH monitoring currently. DEQ requires that we monitor it daily instead of just working days. Todd is working on the relationship with the DEQ to help relax that regulation.

MAYOR'S REPORT:

- Dust control is behind schedule because of the rain that we have been getting. It is scheduled for July 26th currently.

CONSENT AGENDA:

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

Town Licenses: MFY Enterprises LLC dba Cookies and Crumbs Bake Shop.

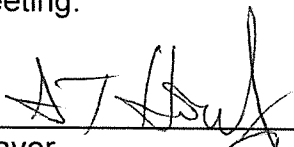
Chicken Coop Application: Shirley VanDyken

Approval of Minutes: Regular Meeting minutes from June 8, 2023, Special Meeting minutes from June 15 and June 29, 2023.


Claims: Dated 06/09/23 – 07/13/23 totaling \$ 1,327,361.17.

ADJOURN:

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



Mayor



Clerk/Treasurer

TOWN OF MANHATTAN
Thursday, August 10, 2023
Regular Meeting
MINUTES

Mayor Traig Howells 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, Betsy Mancuso, Josh Powell, and Morgan Taylor. Also present were Town Attorney Jane Mersen, Town Engineer Kyle Scarr, Town Planner Scott Hazelton, and Clerk/Treasurer Pam Humphrey. Twenty-nine members of the public were present. Three members of the public were present by Zoom.

PUBLIC COMMENTS:

None

GALLATIN DROUGHT DELUGE ADAPTIVE MANAGEMENT PLAN:

Jennifer Boyer, Gallatin County Commissioner. She gave information on the Gallatin DDAMP. The goals of the plan are to coordinate communication and public education, encourage voluntary drought response and water conservation, and establish long-term approaches and projects for watershed resiliency. She pointed out the resources for more information. She outlined the plan. She will also be going to Belgrade, Three Forks, and the Conservation District. They will be pursuing grants and finalizing a plan in the coming year, with implementation the following year.

**DAULTON CONDITIONAL USE PERMIT – PRESCHOOL/DAYCARE AT 206 N 5TH ST:
Public Hearing**

Clerk read the public hearing notice.

Scott Hazelton, Town Planner: He explained the application. There are no capacity issues. The owner will be getting licensing with the State and a Certificate of Occupancy from the Manhattan Building Official.

Danielle Daulton, owner of Wild Roots: She stated that she is taking over for Mrs. Pickering, who retired this year. It is a half-day preschool with a maximum of 8 children. There are three spots in front of their house for drop off and pick up of students. There are no proposed changes to their home. Her licensing will be regulated by the State.

Elaine Skinner-Hale, 203 N 5th: She stated that her concern is the traffic on the road. The parking is usually clustered. She is opposed to the preschool.

Russell Dill, 205 N 5th: He is worried about parking. He does not want to wait to park in front of his house.

Written Comments:

Carol and Vernus Albertson, 105 N Broadway: In favor

Donaldson Family, 209 N 4th St: In favor

Karen Karnes, 217 N Broadway: Opposed

Discussion/Decision

Motion- Powell; Second- Taylor; Vote- Unanimous: Motion passed to approve the Conditional Use Permit for a Preschool/Daycare at 206 N 5th St, owned by Danielle Daulton.

Council discussed that the maximum number of cars would be eight. It is on a public street with public parking allowed. Some people could drop off in the alley if needed. Her application is in order and meets the requirements. It is a needed thing for the community.

MANHATTAN MEADOWS (ORCHARDS) FINAL PLAT APPLICATION:

Public Hearing

Clerk read the public hearing notice.

Scott Hazelton, Town Planner: The review criteria are the original conditions of approval. Staff has reviewed the submittals and found that everything submitted met the intent of the conditions of approval and the payback agreement. Signed copies have been received. The applicant has paid the service fees for Police and Fire as outlined in the Preliminary Plat. Impact fees will be paid as building permits are issued. The Planning Board did not recommend approval. Staff recommends approval.

Susan Swimley, Attorney for Manhattan Meadows: She stated that all of the conditions have been met for phases one and two.

Sam Buckman, 1175 Nixon gulch Rd: He asked about wells vs city water. He also asked about sewer capacity. The wells in Pioneer Crossing affected his aquifer. He is concerned that these wells will also affect his aquifer.

Nathan Daulton, 206 N 5th: He is opposed because of the concern with new houses on wells when everyone else cannot get capacity.

Michael Dyk, 8788 Yadon Rd: He stated that the reseeding has not been done, it is all weeds now. The weed management plan does not seem to be followed. Mowing mitigation has not been done on the rest of the subdivision.

Kristen Swenson, 9501 Frontage Rd: She stated that the subdivision has gone through all the requirements with the state agencies. She asked if the City would consider monitoring the water usage on the wells to make sure they are meeting the well requirements.

Susan Swimley, Attorney for Manhattan Meadows: She stated that Manhattan zoning allows exempt wells under certain circumstances. They do have the approvals that they need for water and sewer. She addressed weed management and mowing on phases one and two. State law does not allow addition of conditions.

Discussion/Decision

Motion- Engbretson; Second- Taylor; Vote- 3 for (Engbretson, Mancuso, Taylor), 1 against (Powell): Motion passed to approve the Manhattan Meadows Phases 1 and 2 Final Plat Application and adopt the Findings of Recommendation of Staff.

Council discussed the preliminary plat conditions, and when the subdivision was first approved. They discussed the weed management plan and the compliance of the first two phases. They directed the Town Attorney to address the weed issue with Mr. Richards on the rest of the subdivision. They discussed the results and activities of the Planning Board. The walking path paving was discussed. The Subdivision Improvement Agreement and financial guarantee were also discussed. The condition of the trail

surface was discussed. Sewer capacity and the allowed use of wells based on Preliminary Plat date was discussed.

Jane Mersen, Town Attorney: She stated that there were changes throughout the years that were agreed upon by the Town and the developer that are covered by these conditions.

Kyle Scarr, Town Engineer: He explained the process for reviewing a subdivision. Data on irrigation culverts was presented to him. There is a site walk with the project engineer and contractor. They make a checklist of things that need to be remedied. The overall certification of the subdivision is done by an engineer that stamps the data on the as-builts. These as-builts are relied on for approval by cities and the state.

DUTCH BROTHERS MAJOR COMMERCIAL SUBDIVISION VARIANCE FOR APPROVAL PERIOD:

Motion- Mancuso; Second- Powell; Vote- Unanimous: Motion passed to approve the Dutch Brothers Major Commercial Subdivision Variance for Approval Period of 5 years.

Scott Hazelton, Town Planner: Manhattan Code prescribes a 3-year approval period for Major subdivision preliminary plats. They are asking for a variance for a 5-year approval period because of capacity issues and DEQ approvals. Staff is recommending approval.

EAGLE POINT MINOR COMMERCIAL SUBDIVISION VARIANCE FOR APPROVAL PERIOD:

Motion- Mancuso; Second- Taylor; Vote- Unanimous: Motion passed to approve the Eagle Point Minor Commercial Subdivision Variance for Approval Period of 5 years.

Scott Hazelton, Town Planner: Manhattan Code prescribes a 1-year approval period for Minor subdivision preliminary plats. This is part of the same project as the Dutch Brothers subdivision. Staff recommends approval.

EAGLE POINT MINOR COMMERCIAL SUBDIVISION VARIANCE FOR CUL-DE-SAC MAXIMUM LENGTH:

Motion- Engbretson; Second- Powell; Vote- Unanimous: Motion passed to approve the Eagle Point Minor Commercial Subdivision Variance for Cul-de-sac Maximum Length.

Scott Hazelton, Town Planner: He stated that a meeting with the applicant, Town Engineer, Mayor, Police Chief, and Fire Chief was held. They felt that the solution was to have a cul-de-sac at the end with an emergency exit off Poelman. It is sized over the standard because it is designed for heavy truck traffic and fire equipment. Staff recommended approval of the variance.

Brent Miller, Gaston Engineering: He stated that it will move one lot line, which will be moved because of the cul-de-sac. They put a 60 ft right of way and moved the lot line to keep the acreage the same. The right of way continues to Poelman, which will be used for future expansion. The cul-de-sac was increased to semi turn radius width. He also stated that Poelman Lane will be improved to County Standards.

Kyle Scarr, Town Engineer: He explained why the cul-de-sac was increased and he supports it because it still provides secondary access.

Michael Dyk, 8788 Yadon Rd: He is opposed. Poelman should be done to City standards and easements should be pursued. He was concerned with trucks coming out at Wooden Shoe Lane and trying to get up the hill to the interchange in the winter.

Les Oldenburger, 9385 Wooden Shoe Ln: He stated that things have changed from the Planning Board to the Council meetings. Lack of access was not covered previously. Poelman Lane needs to be upgraded and finished by the developer. He is concerned about the traffic at Wooden Shoe Ln and South Broadway St. He is opposed to the cul-de-sac with a locked gate. There is already too much traffic on Wooden Shoe Lane. There needs to be another access out of the subdivision.

Nathan Daulton, 206 N 5th St: He is also concerned about the Cul-de-sac. He suggested a different access with the traffic going out a different way instead of Wooden Shoe Ln.

Council and Staff discussed how the idea of the cul-de-sac came about in the previous meeting. The variance is just for the size of the cul-de-sac.

DUTCH BROTHERS MAJOR COMMERCIAL SUBDIVISION PRELIMINARY PLAT:

Motion- Powell; Second- Mancuso; Vote- Unanimous: Motion passed to approve the Dutch Brothers Major Commercial Subdivision Preliminary Plat application with changes to the Staff Report conditions 26c to pave Poelman lane with curb and gutter with 28 ft back of curb to back of curb (no parking) with sidewalk on one side, 33 change from Fire to Police, 35 impact fees at time of building permit, 39 approved signage by the Town, and remove 40.

Scott Hazelton, Town Planner: Staff have reviewed the application and imposed conditions in the staff report. The variances that the Council just approved were the result of concerns brought up in the previous Council meeting. Additional conditions were added for the variance items. Staff recommended approval with those conditions. Council discussed the gate from the cul-de-sac to Poelman Ln. Poelman would need to be paved if it is open to public traffic. Possible future uses were discussed. The Transportation Plan was discussed. They discussed removing the gate, signs for trucks to turn around at the cul-de-sac, and Poelman paved with a sidewalk or path on one side. The width and which standard to use were discussed. Poelman Ln has part in the city and part in the county. Impacts on Police and Fire were discussed and will be included in the staff report.

Les Oldenburger, 9385 Wooden Shoe Ln: He does not agree with having a gate on the cul-de-sac. He would like to have Poelman Ln as emergency access for trucks if needed when there is an issue on Wooden Shoe Ln. He is concerned about the Wooden Shoe Ln and South Broadway St intersection. The developer should come up with a solution.

Michael Dyk, 8788 Yadon Rd: He stated that he would like to have the city stick to city standards and pave Poelman to city standards. He agrees with having the cul-de-sac.

Jennifer Carr, 200 Lund Ln: She asked the Council to hear the people and follow the procedures. She encouraged them to do it right from the start.

Kyle Scarr, Town Engineer: He addressed that if the access is more than just an emergency access, it would not be under the approval of the Fire Chief. The updated traffic study would be a part of the final plat approval. This would include things like needing turn lanes, etc. if warranted.

EAGLE POINT MINOR COMMERCIAL SUBDIVISION PRELIMINARY PLAT:

Motion- Taylor; Second- Powell; Vote- Unanimous: Motion passed to approve the Eagle Point Minor Commercial Subdivision Preliminary Plat application with same amendments as Dutch Brothers conditions.

Scott Hazelton, Town Planner: He stated that this subdivision is the northern end of the project in conjunction with the Dutch Brothers subdivision. Staff would recommend the same motion on this subdivision. Staff recommends approval with the same amendment as previous agenda item.

WRF PROJECT UPDATE:

Matt McGee, TD&H: Weekly meetings are held with the plant operator, Councilwoman Mancuso, and the design team. Demonstrations and tours are being done. They are working on updates to projects. The screw press will be delivered this week. They are working on the agreement with Amsterdam/Churchill. Landowner coordination with Bos for the flood basin testing is being done. They plan to meet with the Bos' about irrigation options.

Mace Mangold, WGM: He presented a summary from the report that will be sent to the DEQ. This is for data at the RIB area. He described the project goals and processes to meet the goals. He discussed the groundwater discharge permit. He described the testing done to measure the hydraulic capacity. He will present the new numbers to the DEQ.

Kristen Swensen, 9501 Frontage Rd, Rep for landowner: She encouraged the engineers to reach out to the property owner for information regarding the wetlands project.

Michael Dyk, 8788 Yadon Rd: He asked about the process of the rib and if the water is cleaner coming out.

ORDINANCE NO. 23-002: AMEND TITLE 4, CHAPTER 2 – NOISE AND VEGETATION :

First Reading

Scott Hazelton, Town Planner: He stated that the Planning Board has been working on the ordinance. The nuisance height of the vegetation needs to be decided. He suggested talking to the Conservation District to come up with a conservation document on zero scaping plan. There are exceptions to vegetation that does not extend into the right of way. He explained the additions and processes of abatement.

Council discussed the process and timing of abatement. They directed staff to take out the grass section and include it in vegetation, so it is subject to abatement as a fire hazard also.

Second reading and public hearing were set for the September meeting.

BOARD APPOINTMENTS:

Board of Adjustment – Mayor appointments with Council Consent

Motion- Mancuso; Second- Engbretson; Vote- Unanimous: Motion passed to approve the Mayoral appointment of Warren Wright to the Board of Adjustment for a period to expire December 2025.

Motion- Taylor; Second- Engbretson; Vote- Unanimous: Motion passed to approve the Mayoral appointment of Craig Bergstedt to the Board of Adjustment for a period to expire December 2025.

RESOLUTION NO. 23-003 – FISCAL 22-23 BUDGET AMENDMENT:

Clerk read the public hearing notice.

Public Hearing

None

Discussion/Decision

Motion- Mancuso; Second- Engbretson; Vote- Unanimous: Motion passed to approve Resolution No. 23-003, a resolution of the Town Council of the Town of Manhattan, Montana amending the Fiscal 2022-23 Budget to allow for appropriations and funding.

RESOLUTION NO. 23-004 – BUDGET FOR FISCAL 2023-2024:

Clerk read the public hearing notice.

Public Hearing

None

Discussion/Decision

Motion- Mancuso; Second- Taylor; Vote- Unanimous: Motion passed to approve Resolution No. 23-004, a resolution of the Town Council of the Town of Manhattan, Montana adopting a budget for the Town of Manhattan for the Fiscal Year 2023-2024.

RESOLUTION NO. 23-005 – LIGHT MAINTENANCE DISTRICT 2023-2024:

Clerk read the public hearing notice.

Public Hearing

None

Discussion/Decision

Motion- Powell; Second- Engbretson; Vote- Unanimous: Motion passed to approve Resolution No. 23-005, a resolution of the Town Council of the Town of Manhattan, Montana providing for the assessment of maintenance costs for the Street Lighting Maintenance District for Fiscal Year 2023-24, which is a continuation of the present method of assessment.

RESOLUTION NO. 23-006 – STREET MAINTENANCE DISTRICT 2023-2024:

Clerk read the public hearing notice.

Public Hearing

None

Discussion/Decision

Motion- Powell; Second- Taylor; Vote- Unanimous: Motion passed to approve Resolution No. 23-006, a resolution of the Town Council of the Town of Manhattan, Montana providing for the assessment of Street Maintenance District costs for the Fiscal

Year 2023-24 pursuant to §7-12-4425, MCA which is a continuation of the present method of assessment.

MAYOR'S REPORT:

- He thanked the citizens for attending the meeting.

CONSENT AGENDA:

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

Town Licenses: Arrowhead Plumbing and Heating, Wild Roots Preschool, Southwest Climate Control, Boulder Electric LLC, Almost Anything LLC, and Magnified Bookkeeping Services.

Approval of Minutes: Regular Meeting minutes from July 13, 2023.

Claims: Dated 07/14/23 – 08/10/23 totaling \$ 430,202.92.

ADJOURN:

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



Mayor



Clerk/Treasurer

TOWN OF MANHATTAN
Thursday, September 14, 2023
Regular Meeting
MINUTES

Mayor Traig Howells 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, Betsy Mancuso, and Josh Powell (by phone). Morgan Taylor was excused. Also present were Town Attorney Jane Mersen, Town Engineer Kyle Scarr, Town Planner Scott Hazelton, Police Chief Dennis Hengel, Plant Operator Todd Eyman, and Clerk/Treasurer Pam Humphrey. Eight members of the public were present. One member of the public was present by Zoom.

PUBLIC COMMENTS:

Dan Ryan, 314 S 5th St: He would like the Council to consider creating a register to be able to come get a key to dispose of tree trash.

COMMUNITY NEEDS ASSESSMENT - HRDC:

Krista Dicometis, HRDC: She shared the findings of the 2022 Needs Assessment. HRDC serves Gallatin, Park, and Meagher Counties. The results have changed significantly since the previous 2019 survey. She explained the methodology, some of the housing data, the overall assessment data, and Manhattan specific data. The next step is to draft a strategic plan with communities. They look at current programs, providers, policy, and promotions. The complete report is on the HRDC website.

WRRF ENGINEERING BUDGET AMENDMENT:

Motion- Engbretson; Second- Mancuso; Vote- Unanimous: Motion passed to approve the Manhattan WRRF Amendment #3.

Kyle Scarr, Town Engineer: He explained the changes to the budget. There are some items that were going to be done in the Construction portion of the project, but they can be done in the Professional Services portion instead. He clarified that the Professional Services budget is where the costs are shown. The construction budget was not included in this amendment. The construction budget will increase for some equipment from the original. He informed the Council that they are waiting for the final groundwater discharge permit for the RIB. Prior to getting the permit, they are working with the adjacent landowner to change his irrigation type. The discussions have gone well. If that holds it up too much, there is an option to split the project to get the screw press installed and work on things in the plant.

Kelsey Wagner, AE2S: Integration and Controls were taken out of the construction side of the budget and put into the engineering side. The budget is estimated on time and materials.

Council questions included clarifications of the budget, questions about estimates of costs and how those costs are calculated. They discussed questions about travel expense estimates. They discussed making the project into 2 phases and installing the screw press before the rest of the project.

Todd Eyman, Plant Operator: He stated that the current PLCs are outdated, and batteries are dead. The current contractor quoted \$170,000 for new batteries for outdated equipment. New PLCs are part of the projects, so it makes sense to get all new ones and have the same contractor for support. Meters for flow are also being added because the current one needs to be replaced. The labor to replace the new type meters is much less.

Dan Ryan, 314 S 5th St: He asked if the previously proposed rates will change with these proposed increases to the budget.

Bill Leuhrs, Pioneer Crossing: He asked about the Pioneer Well DNRC permit. He asked about the timing of the DEQ permit, so that the DNRC can issue the well permit. He asked if the irrigation issue does not get resolved, will that affect the well permit.

ORDINANCE NO. 23-002 – NOISE AND VEGETATION – Second Reading:

Clerk Read Public Hearing Notice

Public Hearing

Scott Hazelton, Town Planner: He made some edits based on Council comments from the First Reading.

No public comments.

Discussion/Decision

Motion- Mancuso; Second- Powell; Vote- Unanimous: Motion passed to approve Ordinance No. 23-002, an Ordinance of the Town Council of the Town of Manhattan amending Title 4, Chapter 2 of the Manhattan Municipal Code, to further define a Public Nuisance to include noise and excess vegetation.

Jane Mersen, Town Attorney: She explained summary abatement and the fire hazard abatement processes.

Council discussed the grass height for nuisance grass.

GROWTH POLICY AMENDMENT PROPOSAL:

Motion- Mancuso; Second- Engbretson; Vote- Unanimous: Motion passed to approve proposal SR3-1 for the Growth Policy Update.

Scott Hazelton, Town Planner: He took the options to the Planning Board at their August meeting, and they recommended the first option to amend the Growth Policy with portions of the Gallatin County Growth Policy. The quote covers community meetings and outreach as well as Council and Commission meetings. The option would take 6-8 months to finish. He described the other two options.

Funding was discussed. Community engagement was discussed.

Kristen Swensen, 9501 Frontage Rd, Planning Board member: She encouraged the Council to support option 1. She has been to the meetings with the commissioners. The county representatives are planning to educate the County Commissions regarding what the agriculture producers in the jurisdictional area do. Planning board members are volunteering their time above the Planning Board meetings to make this happen.

ZONING AND SUBDIVISION REGULATION UPDATE PROPOSAL:

Scott Hazelton, Town Planner: He stated that he feels that this project is going to be substantial. As applications are being taken, and code reviews are done, everyone should email Scott any questions or changes that may be necessary.

CDBG GRANT PROPOSAL:

Motion- Engbretson; Second- Mancuso; Vote- Unanimous: Motion passed to approve SR4 to apply for a CBDG grant.

Scott Hazelton, Town Planner: He stated that this is the most popular grant for funding planning items. The grant application is due Nov 1st. He would like to apply for this grant to cover the update of the zoning codes and subdivision regulations.

Kristen Swenson, 9501 Frontage Rd: She stated she has been in on the rewriting of several of the Planning Board updates. She would like to have this item brought to the Planning Board to see if they would be open to helping with the updates.

Ryan Miller, 707 Madison: He stated that the Growth Policy and Zoning and Subdivision regulations should be paid for if need be. There is a time and place to invest in the rewrite of the Zoning and Subdivision Policy. Spending money on a good plan is money well spent.

RESOLUTION NO. 23-007 – CANCEL MAYOR RACE ON BALLOT:

Motion- Mancuso; Second- Engbretson; Vote- Unanimous: Motion passed to approve Resolution No. 23-007, a resolution of the Town Council of the Town of Manhattan, Montana cancelling the November 7, 2023 election for Mayor and declaring the candidate elected by acclamation.

SEWER UPDATE:

Councilman Powell: He stated that Todd and Steve are very appreciated for what they do as Plant operators.

PARK UPDATE:

Councilman Engbretson: He stated that the order for new playground equipment has been placed with possible delivery in October. The Park Board has reached out to Martel Construction to install the equipment. The employees need to have volunteer hours to receive bonuses. A new rink liner has been ordered and received. The Park Board would like to have the park employees put up signage when they are spraying weeds. They are concerned about the watering schedule and head placement in the park. Tree City USA and Arbor Day grant pictures were sent to the Office.

MAYOR'S REPORT:

He gave a Public Works update:

- Frost heaves will be fixed soon.
- Fall hydrant flush is coming up.
- Street sweeping is coming up.
- They did a milling project at Cedar and Washington.

CONSENT AGENDA:

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

Kennel Licenses: Josh Hemenway, 206 Pine St.

License to sell alcohol: Heavyweight, LLC dba The Auto Inn

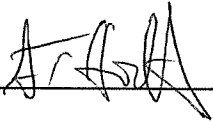
Town Licenses: Wegner Roofing and Solar and B5 Inc dba Dusty's Sprinklers

Approval of Minutes: Regular Meeting minutes from August 10, 2023.

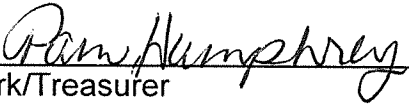
Claims: Dated 08/11/23 – 09/14/23 totaling \$ 475,639.47.

ADJOURN:

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



Mayor



Clerk/Treasurer

TOWN OF MANHATTAN
Thursday, October 12, 2023
Regular Meeting
MINUTES

Mayor Traig Howells 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, Betsy Mancuso, Josh Powell, and Morgan Taylor. Also present were Town Attorney Jane Mersen, Police Chief Dennis Hengel, Library Director Trudy Dundas, and Clerk/Treasurer Pam Humphrey. Nine members of the public were present. One member of the public was present by Zoom.

PUBLIC COMMENTS:

None

POLICE DEPARTMENT UPDATE:

Dennis Hengel, Chief of Police: He provided the monthly update. One of the officers resigned and moved out of state in August. They are in the hiring process now. The new hybrid patrol car has been delivered and is now in service. The old vehicle will be decommissioned and sold. Sergeant Owens is at FBI Command College this week. He is one of 80 participants chosen to attend. Officer Armstrong is now the Detective for the department. Armstrong will also be School Resource Officer after a new officer has been hired.

SCHOOL PARKING:

Dennis Hengel, Chief of Police: He stated that the school did a traffic study in 2020 and provided a copy to the Council. The school would like to move forward with the recommendations of the study. There are safety concerns with parents picking up children on Yadon Rd. He has put up temporary No Parking signs along there. The school would like to make it permanent No Parking. The Town Council can decide how the signage can become permanent. There has been some discussion about putting a turn lane onto N Broadway from the High School.

Amanda Aune, Manhattan Schools representative: She has requested a safer drop off area. The school has started to implement the recommendations from the 2020 study. They have staggered school start times and painted the crosswalks on Fulton and N Broadway. No Parking on Yadon Rd would need to be permanent. The PTO would pay for the signs. They would like to improve signage on Altenbrand and N Broadway on the east side for quick drop off, 60 seconds or less. The west side could be for parking. The PTO would also pay for these signs. The current signs are outdated. They would also like to paint the curbs in the Drop Off/Pick Up Area. The PTO has purchased the paint and volunteers will do the painting. They would like better signage in the Fire Lane, with no parking and drop off only. They also need Traffic Control Flaggers at the four-way sign. They will need to work on training and finding the right person for this type of work.

Council discussed the needs of the school and the possibility of de-annexing Yadon Rd sometime in the future. Council suggested that they touch base with the Fire Chief about ideas in the fire zone.

BOARD APPOINTMENTS:

Library Board – Mayoral appointments with Council approval.

Motion- Taylor; Second- Engbretson; Vote- Unanimous: Motion passed to approve the Mayoral appointment of Raymond Figgins to the Library Board for a five-year term.

Motion- Mancuso; Second- Engbretson; Vote- Unanimous: Motion passed to approve the Mayoral appointment of Nancy Vanhuizen to the Library Board for a five-year term.

Trudy Dundas, Library Director: She is glad to see more applicants than positions available. She recommended Nancy Vanhuizen and Raymond Figgins for the two Town positions as they are both very frequent library visitors. She described the duties of the Library Board. It is an advisory board. The school also appoints some members.

TOWN ATTORNEY CONTRACT:

Motion- Mancuso; Second- Powell; Vote- Unanimous: Motion passed to publish a request for proposals for legal services.

Jane Mersen, Town Attorney: She stated that she has submitted a letter to the Council requesting and setting out a new contract. She has enjoyed working for the Town for the last 23 years and would like to continue. She also suggested that the Council should consider sending out a request for proposals for legal services. West Yellowstone advertises every two years. It is a great opportunity for the Council to have that discussion, to see who is out there, what is new, and if there is anyone else interested in assisting the Town.

Jennifer Carr, 200 Lund Ln: She stated that she has had private conversations with the Council members addressing her concerns. She does not support renewing Mersen's contract.

Michael Dyk, 1887 Yadon Rd: He stated that the position should be posted, and that it is a good way to do business.

Bill Luehrs, Pioneer Crossing: He stated that the Council should retain Mersen. The Town Council members turn over frequently. It is good to have someone that has the historic perspective, as some issues go back many years. It would not be necessary to bring in someone new that would not know the history. Mersen has done an excellent job.

Dan Carr, 200 Lund Ln: He does not support renewing Mersen's contract.

Ryan Miller, 707 Madison Ave: He stated that he would support retaining Mersen. She has done a great job for the Town. Her institutional knowledge is not replaceable. She is a benefit to the community and the Council.

Written comment:

Steve and Tami Wyse, 124 N 4th St: They are not in favor of renewing Mersen's contract. Mersen did not fight for the Carr's water rights. The water issues with subdivisions are a mess and should not have been grandfathered in. They encouraged the Council to post the position.

Art Carr, 200 Lund Ln: Opposed to renewing Mersen's contract.

Sam Buckman, 1175 Nixon Gulch Rd: Opposed to renewing Mersen's contract.

Martin Kimm, 6293 West Dry Creek Rd: In favor of hiring a different attorney because he feels that Mersen is in the pocket of the developers and does not stand up for the rights of neighboring landowners.

Robert and Derinda Grimshaw, 2000 Nixon Gulch Rd: Opposed to renewing Mersen's contract because it would be in the best interest of the Town and the agricultural community to open the position to others.

Jane Mersen, Town Attorney: She stated that she cannot respond to Jennifer Carr's comments that she talked to the Council individually, because she does not know what Carr told the Council. The written letters are the peoples' opinions, not based on facts. She pointed out in Mr. Wyse's letter, he commented that she did not fight for the Carr's water rights. She stated that she does not represent the Carrs. The Town did what it could to help within the boundaries of the law during the Manhattan Orchards issue with the ditch. Mr. Kimm's letter stated that she is in the pocket of the developers, which is not true. It is his opinion however, and everyone has the right to participate in the government. She stated that she is not in anyone's pocket, and there is no practical basis for that statement. Mr. Kimm's letter also stated that she did not stand up for the rights of the neighboring landowners. She stated that she does not represent the neighboring landowners. She represents the Town. Her job in representing the Town is to advise the Council as to the law on the issues that come before them to keep the Town from becoming liable for something or being sued for something. Water rights issues started before she became the Town Attorney. The Town hired a special water law attorney for those issues. She is not a water law attorney herself so she cannot respond to water rights comments. She also does not know what is meant by Mr. Wyse's comments about the issues with subdivisions being a mess and should not have been grandfathered in. She again pointed out that the comments were individual opinions and not based on facts, but everyone is allowed to voice their opinions.

Council discussed doing due diligence for the Town as smart business for transparency and to follow the process as they do with engineers.

RESOLUTION NO. 23-008 – CANCEL MILL LEVY RESOLUTION:

Motion- Taylor; Second- Powell; Vote- Unanimous: Motion passed to approve Resolution No. 23-008, a resolution of the Town Council of the Town of Manhattan, Montana cancelling Resolution No. 23-002 to place a Town Municipal Services Levy for Public Safety on the November 7, 2023 ballot.

WATER LINE REPLACEMENT PER RFP:

Motion- Powell; Second- Engbretson; Vote- Unanimous: Motion passed to do a request for proposals for a PER for water line rehabilitation.

The Town has been awarded a \$15,000 planning grant to get a Preliminary Engineering Report done for replacing water lines in Town. The Town would have to match with \$39,000, for a project total of \$54,000. The grant expires in December 2023 and the Town will need to request an extension.

SEWER COMMISSIONER REPORT:

Councilman Powell: He stated that he is working with Todd and Mace Mangold. The current issue is how much water to discharge into the ground. They will be discussing with the engineers what to do to move forward.

PARK COMMISSIONER REPORT:

Councilman Engbretson: He stated that delivery of the playground equipment will be this week or next week. Public Works has been removing some of the old equipment and prepping for the Martel crew coming on next weekend for the install. Watering times and schedules and sprinkler heads positioning are being discussed. The area for the basketball court will be prepped and hopefully installed in the spring.

The Council discussed the removal of some of the old equipment. It is possible to refurbish the old equipment and re-install it somewhere in the park. The Council also talked about the height of the overlay areas being a concern for the assisted living residents.

MAYOR'S REPORT:

- The Senior Center is temporarily closed because of staffing shortages and kitchen upgrades. Meals on Wheels is still being done.

CONSENT AGENDA:

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

Town Licenses: Service All Heating & Air, T&K Pearson Electric LLC, Bridger Mountain Fireplaces and Service LLC, Zero Dark Electric, Camo Sheet Metal Inc, Katron Group LLC, and Mountain Air Systems.

Approval of Minutes: Regular Meeting minutes from September 14, 2023.

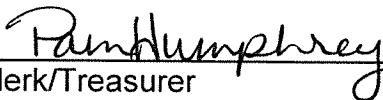
Claims: Dated 09/15/23 – 10/12/23 totaling \$342,614.49.

ADJOURN:

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



Mayor



Clerk/Treasurer

TOWN OF MANHATTAN
Thursday, November 9, 2023
Regular Meeting
MINUTES

Mayor Traig Howells 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, Betsy Mancuso, Josh Powell, and Morgan Taylor. Also present was Clerk/Treasurer Pam Humphrey. Two members of the public were present. One member of the public was present by Zoom.

PUBLIC COMMENTS:

None

WRRF PROJECT UPDATE:

Matt McGee, TD&H: He gave an update on the Wastewater project. It is officially out to bid. They would like to get the treatment improvements portion of the project moving. There will be two schedules, one for the treatment improvements and one for the discharge improvements. Bids will be taken for the entire project. They are hopeful for the DEQ approval within 60 days for the discharge improvements. There will be a pre-bid meeting at the plant at the end of November. Bids will be open on December 19th and a recommendation will be presented to the Council at the January Council meeting. He will update all interested parties on moving forward. Council asked questions for clarifications about the project. Reasons and cost of the Rapid Infiltration Basin were discussed. Different treatment options were discussed.

MAYOR ACCLAMATION:

Motion- Engbretson; Second- Powell; Vote- Unanimous: Motion passed to accept the acclamation of Traig Howells to the office of Mayor.

DECEMBER MEETING DATE CHANGE:

Motion- Mancuso; Second- Taylor; Vote- Unanimous: Motion passed to move the December meeting from the 14th to the 21st.

PARK COMMISSIONER REPORT:

Councilman Engbretson: He showed some pictures of the new equipment in Taylor Park. Public Works has completed the installation. He thanked Martel for helping with the concrete work and setting the equipment in place. The skating rink will be set up soon, with the water put in right after Thanksgiving. He thanked the Town Crew for getting the equipment installed.

MAYOR'S REPORT:

- There has been some backfilling on the walking path in the park to fix some of the steep slopes.
- The merry-go-round will be refurbished and installed by the ball fields.

- He congratulated Betsy Mancuso and Ryan Miller on their Council elections.
- He commended Officer Armstrong for his professionalism and kindness on a recent traffic stop.

CONSENT AGENDA:

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

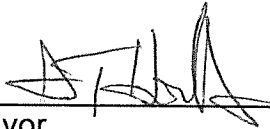
Town Licenses: K&T Divine House Cleaning LLC and George Rabel Excavation

Approval of Minutes: Regular Meeting minutes from October 12, 2023.

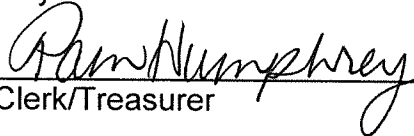
Claims: Dated 10/13/23 – 11/09/23 totaling \$289,255.21.

ADJOURN:

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



Mayor



Clerk/Treasurer

TOWN OF MANHATTAN
Thursday, December 21, 2023
Regular Meeting
MINUTES

Mayor Traig Howells 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, Betsy Mancuso, Josh Powell, and Morgan Taylor. Also present were Public Works Supervisor Jeff McAllister and Clerk/Treasurer Pam Humphrey. Eight members of the public were present. No members of the public were present by Zoom.

PUBLIC COMMENTS:

None

WRRF PROJECT UPDATE:

Mayor Howells gave the update. He stated that schedule 1 and 2 bids were open this morning and are in review. More information will come on January's agenda.

NUTRIENT REDUCTION PROJECT COUNTY GRANT:

Motion- Powell; Second- Mancuso; Vote- Unanimous: Motion passed to not approve the Nutrient Reduction Project and give the money back to the County and not pursue the project.

Mayor Howells gave a background of the project. The grant is a pass through from the County. The Town needs to let the County know by the end of the month if we plan to use the grant. The Council had approved the application of the project in October for a project on the Kaiser Ranch. The Kaiser Ranch is rethinking their project, so the Town would have to design a wetlands project in the North Lagoon to use the grant. The grant is for 90% of the analysis and design for the wetlands project. It is hard to quantify the result. It is seasonal depending on the weather. There are birds in the wetland, so the birds would be pooping in the wetlands. This type of project is used more in the east for individual septic systems.

Council discussed the reason that the Kaiser Ranch is rethinking the project on their property. Discussion involved the necessity of the RIB in the current project. DEQ is more in favor of the RIB design than using the Dita Ditch.

Glen Clement, 709 Madison Ave: He pointed out that the RIB is designed to go into the south lagoon and the mixing zone and easement are in the proposed area for this project. He did not think that the north lagoon would work.

ENGINEER SELECTION FOR WATER PER:

Motion- Mancuso; Second- Taylor; Vote- 3 for – 1 against (Powell): Motion passed to award TD&H the PER for the Water Distribution Project.

Mayor Howells outlined the selection criteria and the scores.

Scott Hazelton, Hyalite Engineering: He offered to answer any questions on their proposal.

Council discussed the proposals. The committee recommendation was to use TD&H for the Water Distribution PER. The Council discussed the criteria used and past dealings with the various firms.

PLANNERS REPORT:

Scott Hazelton, Town Planner: He stated that the Planning Board is working on setting up a regional planning council with Three Forks, Amsterdam/Churchill, Logan, and Clarkston. The main goal is information sharing, reviewing projects, development pressure, etc. The Regional Planning Committee focuses mainly on Bozeman and Belgrade. The Planning Board was in favor of setting a regional council up. He invited the Council to the February Planning Board meeting for the discussion on setting it up. He will present a more formal proposal after the first of the year. The Growth Policy update has a current land use map based on Cadastral data. He is coordinating with the County on the boundaries of the land use map.

HB355 DISCUSSION:

The Council discussed the items on the list that was compiled with input from Kyle Scarr, Jeff McAllister and Todd Eyman.

BOARD APPOINTMENTS:

Planning Board – 1 Mayoral appointment, 1 Council appointment

Motion- Engbretson; Second- Mancuso; Vote- Unanimous: Motion passed to approve the Mayoral appointment of Lindsay Schack to the Planning Board for a 4-year term.

Motion- Mancuso; Second- Powell; Vote- Unanimous: Motion passed to appoint Steffan Simpkins to the Planning Board for a 4-year term.

Board of Adjustment – Mayoral appointment

Motion- Engbretson; Second- Taylor; Vote- Unanimous: Motion passed to approve the Mayoral appointment of Nicholas Moholt to the Board of Adjustment for a 3-year term.

OATHS OF OFFICE:

Mayor Traig Howells was sworn in by Clerk/Treasurer Pam Humphrey.

Council members Betsy Mancuso and Ryan Miller were sworn in by Mayor Howells.

PARK COMMISSIONERS REPORT:

Councilman Engbretson: The skating rink boards are up. They are waiting for colder weather to fill. The new playground equipment is up and ready to use. He thanked the Town Crew for their work. The old merry-go-round will be installed by the tires by the ballparks.

MAYOR'S REPORT:

- The Town received a Dominos Plowing for Pizza grant of \$25,000 for snow removal equipment. The Town has purchased a ¾ ton truck for plowing and are planning to purchase a side by side with a plow for the park and sidewalks. The company in the commercial will be donating a plow to the Town also.

- City shop rehab is finishing up. Mold and mildew has been removed, repairs made and new sheeting was installed.
- He appreciates the Town Employees and commends everyone on staff.
- He thanked the Council for their service to the Town and welcomed Ryan Miller.
- He thanked Morgan Taylor for serving on the Council.
- Merry Christmas!

CONSENT AGENDA:

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

Town Licenses: Big Sky Waterproofing, LLC, Alliance Concrete Pumping, LLC, Whistle Stop Bungalow, Central Electric Inc, and Bushido Mountain LLC

Kennel License: Bob Uhrich, 710 Jefferson

Approval of Minutes: Regular Meeting minutes from November 9, 2023.

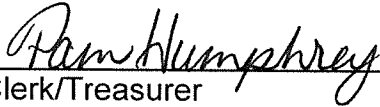
Claims: Dated 11/09/23 – 12/21/23 totaling \$ 451,733.12.

ADJOURN:

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



Mayor



Clerk/Treasurer