

**TOWN OF MANHATTAN
Thursday, April 11, 2024
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 Betsy Mancuso, Ryan Miller, and Josh Powell. Ryan Engbretson was excused. Also present were Town Attorney Jane Mersen, Town Planner Scott Hazelton, Town Engineer Kyle Scarr, Police Chief Dennis Hengel, Lead Plant Operator Todd Eyman, Public Works Supervisor Jeff McAllister, and Clerk/Treasurer Pam Humphrey. Twenty-one members of the public were present. Zero members of the public were present by Zoom.

PUBLIC COMMENTS:

Dennis Hengel, Chief of Police: He gave an update on an incident involving two missing juveniles the previous night. He is entering a letter of commendation for Officers Owens and Fisher.

Kristen Swenson, 9510 Frontage Rd: She apologized for not speaking up at the previous meeting regarding a rear setback variance that was allowed at that meeting. She encouraged the respect of the spacing between different land uses.

WATER SYSTEM PER:

The Clerk read the public hearing notice.

Kyle Scarr, TD&H: He stated that they will give a presentation update and take public comments regarding the PER. He explained that the population estimate is the one used in the current sewer PER. It is a conservative estimate. If unaccounted for water is accounted for by replacing pipes, it will lower the gallons per person and will decrease the need for some of the identified projects. He explained the process of drilling new wells and paying for them with impact fees or having developers provide the wells with their developments. He explained how capacity relates to the growth rate and how to calculate it by taking different factors into account. Water and sewer phasing are set to meet at the 20-year timeframe, but the timing of the actual projects will have vastly different timing.

Nicole Rediske, TD&H: She presented the PER findings and recommendations. She asked for some recommendations at this meeting for the final decision the Council will be making at the next meeting. Grant applications and PER are due May 15th. The grant applications will go before the Legislature for award. The project would not be ready until 2026. She identified the possible sources of funding. She explained the process of population growth estimations. Water capacity must be set higher than sewer capacity to account for irrigation and summer water use that does not go down the sewer. She explained the amount of unaccounted for water and the possible reasons. She presented the existing water demands, which include the unaccounted-for water. She presented a map of the pipes and their size throughout Town. They meet regulatory standards. She explained the different type of pipe in Town. A significant amount of the pipes in Town are asbestos cement pipes. They believe that those are the pipes

that could be leaking. They would like to test the north side for leaks, identify what needs to be replaced, prioritize them, and replace them as the budget allows. The south side of Town would be done the same way. Replacing all the asbestos pipes at once would be very costly. They will recommend phasing the replacements. A lower priority project would be to put a pipe across under the railroad from the water tower. Another suggestion to consider would be a bulk water station. This would allow metering and charging for bulk water. She also addressed the water tower. She explained the DEQ requirements for water towers and the alternatives they have identified. She presented the water sources and treatment. She explained total legal capacity. If the water leakage gets under control, the Town would have more water capacity for use. She explained the alternatives of drilling new wells. She explained their recommendations for the priority projects. The replacement of the asbestos cement pipes would be the top priority. The current rates are just under the target for MCEP funding. Funding possibilities and costs were discussed.

If the Town does not apply a growth rate over what is currently allowed in the Town, the Town will be limited on growth. The project is not driven by population, so it is not accurate to say the replacement of mains are. Additional wells and storage are future population driven projects.

The next public hearing will be at the May meeting, where the Council will need to decide on the project to use for funding.

Councilman Miller asked for an explanation of the wastewater PER population projection and growth rate.

Councilman Powell asked if the water capacity will outpace the sewer capacity or if they will be even.

The Council discussed the issues and priorities. They discussed the possible hazards of removing asbestos pipes.

Public Hearing

Steve Hughes, 412 Sunny Drive: He asked for comparable analytics for water loss. (Rediski answered that new systems are around 10% leakage)

Kristen Swenson 9510 Frontage Rd: She stated that she feels that this needs to be a larger engagement with the public. She referenced water rights, water quality, water analysis, and wells. She is concerned about the term of imminent growth.

Bill Luehrs, Pioneer Crossing Development: He commented that the Pioneer Crossing well is one of the largest wells. It will be permitted and will provide water rights in excess of what Pioneer Crossing and Centennial Village will need. He gave a history of the Pioneer Crossing well and the Pioneer Crossing and Centennial Village developments.

The DEQ permit has been applied for and is awaiting approval.

Glen Clements, 709 Madison: He was concerned about the growth rate used in the PER. He thinks the growth rate was added to a population that doesn't exist. He stated that he does not understand why the engineers are proposing to build a system for 8000 people vs the 4000 he thinks will live in Manhattan. He stated that growth of the 1700 people in the approved developments should not be added to the 3.5% growth rate. He feels that the calculation should only be based on the people that are here now. He feels that adding the 1700 people to the calculation is double dipping.

Kristen Swenson, 9510 Frontage Rd: She stated that they are a majority stockholder on the Baker Ditch and would like to follow up with Bill Luehrs on Baker ditch rights.

Council Discussion

Mayor Howells: He stated that 1728 is the population for lots that are currently in preliminary plat. 2319 is the current population. 3.5% is a good gauge. He did the growth calculation taking out the 1728, applying the 3.5% growth on the current population and then adding the 1728 at the end. The result is approximately 6000 people. No matter what the final number is, we must plan for the things that we don't think will happen. The PER is to upgrade our current system. We will need to handle 1728 that are to come in, plus we need to consider the ADU legislation that is currently has an injunction against it. He is comfortable with the 8000 number because he feels that overestimating and not proper planning is worse than underestimating. For example, the water tank is only ten years old, and we already need to consider adding to it.

Councilman Powell: He stated that he agrees that we should be proactive. We don't have to do everything immediately. It can be adjusted over time and this PER is a 20-year projection. The pipes are leaking drastically and need to be replaced. He would like to see as minimal impact to the community as possible.

The Council discussed possible ways to either fix a lot at once or slowly over time. They discussed the funding possibilities and possible phasing of needed items. Strategies for maximizing funds and response to problems were discussed.

Councilman Miller: He stated that it is time to reinvest in the community. He stated that the actual potential for growth in Manhattan is limited. He feels the Town is landlocked. Increasing the density is not a popular idea currently.

Councilwoman Mancuso: She stated that she would like to address the asbestos pipe replacement first and worry about the growth rate later.

A Special Meeting was set for April 25, 2024, at 7:00. TD&H will provide calculations on the growth rate options and cost of alternatives.

CONDITIONAL USE PERMIT FOR DUPLEX ON BLOCK 1, LOT 7 IN MANHATTAN MEADOWS:

The Clerk read the public hearing notice.

Scott Hazelton, Town Planner: He explained the application. He and the Planning Board are recommending approval.

He is working with the development reps to identify the possible duplex lots in the development.

Public Hearing

Dave Crofts, 5944 W Dry Creek: He stated that he is the applicant, and he is available for comment if anyone has any questions.

Discussion/Decision

Motion- Miller; Second- Powell; Vote- Unanimous: Motion passed to approve the Conditional Use Permit for a Duplex on Block 1, Lot 7 in Manhattan Meadows for Dave Crofts.

The Council discussed the definition of a block in the development.

SUBDIVISION EXEMPTION CLAIM – PCH EAST GALLATIN LLC:

Motion- Powell; Second- Mancuso; Vote- Unanimous: Motion passed to recommend approval of the Subdivision Exemption Claim for PCH East Gallatin LLC to the County Commission.

Scott Hazelton, Town Planner: He explained the intent of the claim is a common boundary relocation. They are separating the agricultural use part and the residential part of the parcel. They are increasing the size of the agricultural use part. He recommends a favorable recommendation to the County Commission.

RESOLUTION NO. 24-007 – AMENDMENT TO THE PLANNING JURISDICTIONAL AREA IN THE MANHATTAN CITY-COUNTY GROWTH POLICY:

The Clerk read the public hearing notice.

Public Hearing

Scott Hazelton, Town Planner: He stated that this is the proposed amendment to the Growth policy. He gave a history of the County's request to do a more in-depth review with further outreach. They did a survey, held public hearings at the Planning Board and the Planning Board recommended approval. It will then go to the County Commission for approval in a 2-step process. The public has seen the draft and has been given the opportunity to comment.

Gary Dykstra, 64 River Front Rd, Bozeman: He stated that he owns property along Sales Road and Dry Creek Road. He had requested the property to be designated as agricultural/residential. Hazelton confirmed that it was.

Discussion/Decision

Motion- Miller; Second- Powell; Vote- Unanimous: Motion passed to approve Resolution No. 24-007, a resolution of the Town Council of the Town of Manhattan, Montana to adopt an amendment to the Jurisdictional Planning Area of the Manhattan City-County Growth Policy.

The Council commended Hazelton for the work he did to finish the amendment.

PROFESSIONAL CONTACT POLICY:

Motion- Mancuso, Second- Powell; Vote- Unanimous: Motion passed to approve Policy #23, Professional Contact Policy with the suggested amendment to paragraph 5 and paragraph 6 strike "permission" and replace with "direction".

Motion- Miller; Second- no second: Motion failed to table approve Policy #23, Professional Contact Policy.

Mayor Howells explained that the policy is to streamline the process for contacting the Town professionals.

Jane Mersen, Town Attorney: She suggested an exception for criminal and civil litigation in paragraph 5.

REMOTE PLANNER PROPOSAL:

Motion- Powell; Second- Miller; Vote- Unanimous: Motion passed to approve the Remote Work Scheduling Option Planner Proposal and allow the Mayor to sign the agreement.

Scott Hazelton, Town Planner: He outlined the proposal for working remotely and covering Town issues if he is not available.

Joe Mancuso, 113 N 4th St: He asked the Council to make sure the accountability to the schedule is monitored.

Councilwoman Mancuso: She stated that she appreciates Hazelton and is happy the proposal covers replacement and has a six-month review period.

ORDINANCE NO. 24-004 – VARIANCE AND APPEAL PROCESS, 1st Reading:

Scott Hazelton, Town Planner: He explained the process outlined in the ordinance. The goal is to streamline variances. It also makes sign applications administrative decisions instead of Planning Board decisions. Variances in sign code will still go through the Board process. There is now a Zoning Permit on all building applications. This process also sets appeals to go before the Council and then to the Courts. The Ordinance was set for second reading and public hearing at the May Council meeting.

ORDINANCE NO. 24-005 – BUILDING REVIEW VARIANCE APPEAL PROCESS, 1st Reading:

Scott Hazelton, Town Planner: He stated that the ordinance clarifies language for Zoning Permit review and provides an appeal process for building official decisions. It outlines that the Board of Adjustment is the official review board for the building department.

The Ordinance was set for second reading and public hearing at the May Council meeting.

SENIOR CENTER UPDATE:

Rosanne Kruse, 524 Antelope Ridge Rd: She provided a written snapshot of the Senior Center. They are trying to become more of a partner with the Town. She described their vision, history and what they are currently doing. The Senior Center rents their space from the Town. She presented the problems that they are currently having using the building for what they need. She presented grant information that she has applied for but is asking the Town to contribute the \$10,000 grant match for an electrical project. She described their goals for additional grant applications and their current statistics.

Councilman Powell: He asked for the goal number of seniors. He also cautioned about electrical costs for unforeseen problems that could be encountered.

Councilwoman Mancuso: She asked if they have pursued any fundraisers, she offered the thought that the Town could sell the building and use that money to build a community center on the S 6th lots. Size and parking would be much better at that location.

Mayor Howells: He stated that he felt that if the building was sold, he would want a contingency that the buyer let the seniors stay until a new building could be built.

Councilman Miller: He stated that electrical improvements should be the responsibility of the building owner.

The item was set for the May meeting agenda.

IMPACT FEE COMMITTEE APPOINTMENT:

Motion- Mancuso; Second- Powell; Vote- Unanimous: Motion passed to approve the Mayor appointment of Robert Barksdale to the Impact Fee Committee.

MAY MEETING DATE CHANGE:

No change

COMMISSIONER'S REPORTS:

Water Commissioner Mancuso: The Public Works crew went to the water conference and completed CEC's. Water quality testing is up to date. They are still working on lead service line inventory. PFAS testing was negative. A water tank contractor is coming to clean and repair the tank this spring. The 3 wells in Taylor Park will be scheduled every other day. There is a need to consider a lot for materials storage for Public Works.

She also stated that she met with the Town's auditor last month. The Town got a very high rating. The auditor stated that of all the Towns and Cities that they audit in Montana, only two clerks prepare their own Annual Financial Reports. Clerk/Treasurer Humphrey is one of them. She read the audit results with no material weaknesses, no significant deficiencies, no non-compliance with financial statements, no weaknesses, or deficiencies in controls over Federal awards, and no financial statement findings. She congratulated Humphrey for doing a good job for the Town.

Park Commissioner Engbretson: Mayor Howells gave the report that the rink liner has been cleaned and will be patched by volunteers.

Street Commissioner Miller: Streets are being graded. Public Works is using a new dust control product that is environmentally friendly and not harmful to vehicles. Maintenance on drainage around town is being done. Ditches by the lagoon have been burned. They repaired the v-plow. Yadon Rd needs a lot of maintenance, it costs a lot, he suggested un-annexing it.

Sewer Commissioner Powell: The sewer project is getting started on Monday. They are hauling equipment in. There is a power line issue, and the blower building will be moved over about 10 feet. Lead Operator Eyman is figuring out how to haul the geotubes to the dump himself, instead of hiring a trucking firm. Eyman's continued education will be finished this week. Eyman was commended for his great work for the plant.

MAYOR'S REPORT:

- Construction on the plant will start next week, more truck traffic is expected.
- Please do not dump yard debris in the Perks Canal.
- Plant milkweed to help the Western Monarch Butterfly.
- Owens and Fisher worked well with GCSO to find lost children; he commended them.

CONSENT AGENDA:

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

Town Licenses: Carpenter Frog Hot Dogs, Holman Construction & Design, Crazy Torta, Excel Orthopedic Physical Therapy, The Life Yoga Studio LLC, Reve Exteriors LLC dba DaBella, Tri County Heating and Cooling Inc, and AX&T Dirtworks.

Home Occupation Application: Brittany Braaksma 116 N 5th

Chicken Coop Application: Meagan Fernandez 108 N 7th, Jennifer Smith 321 E Fulton, Morgan & Bridger Gordon 310 Pine St, and Dallas Skinner 309 S Broadway

Approval of Minutes: Regular Meeting minutes from March 14, 2024.

Claims: Dated 03/15/24 – 04/11/24 totaling \$ 461,391.37.

ADJOURN:

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

Mayor

Clerk/Treasurer

DRAFT