

**TOWN OF MANHATTAN  
Regular Meeting  
January 11, 2018  
MINUTES**

Mayor Glen Clements called the meeting to order in the Town Meeting Room, at 207 S 6<sup>th</sup> St. at 7:00 P.M. Present were Council Members Gregg Dietz, Steve Gonzalez, Greg Schack and Dan Ryan. Also present was Clerk/Treasurer Pam Humphrey. Six members of the public and Town employees were also present.

**PUBLIC COMMENTS:**

*Steve Kurk, Public Works:* He stated that he brought in a portion of the leaking pipe that was repaired in the alley off of S 5<sup>th</sup> St.

**YADON ROAD PARKING:**

*Dennis Hengel, Chief of Police:* He has received some complaints from a local producer that he is unable to move his large vehicles through on Yadon Rd in the afternoons because of people parking on both sides of Yadon Rd to pick up students. He stated that if it continues to interfere with the producer's business, that they may need to put up signs that prohibit parking on the west side of the road by the irrigation ditch. He will follow up with the producer and come back to the Council with a recommendation. A special parking ordinance may be required to put up the signs, depending on the designation of the street.

There is also a problem in front of the school with people parking in the fire zone. The school has not been cooperative with the parking issues in front of the elementary school in the fire zone.

Council discussed the need for one side to stay open for emergency vehicles, possible on a permanent basis. The Council asked Chief Hengel to write a letter and councilman Ryan will present it to the superintendent of the school.

**POLICE GRANTS UPDATE:**

*Dennis Hengel, Chief of Police:* He stated that they are preparing for the next budget year. They are looking into grants that are available for small departments. The Crown Vic is nearing the end of its life. Some are fully funded grants and some are matching grants. They have a list of needs that they feel could be covered by grants. The most pressing need is a new vehicle. They can get in on fleet sales within the state. The purchases are processed with the same bid that is used throughout the state.

Council asked about getting in with fleet sales for other departments.

**OWENS – SENIOR PATROL OFFICER:**

*Dennis Hengel, Chief of Police:* He stated that he has been a police officer for a long time and he feels that Officers Hamilton and Owens are both excellent officers. They work hard and take their jobs seriously. Officer Owens was promoted to Senior Patrol Office in July. Chief Hengel was going to present Owens his new badge, but he is not available at this time.

**COUNCIL APPOINTMENTS:**

Motion- Gonzalez; Second- Dietz; Vote- Unanimous: Motion passed to appoint Greg Schack as Council President.

Motion- Ryan; Second- Dietz; Vote- Unanimous: Motion passed to re-appoint the Councilmen to their previous position – Ryan as Sewer Commissioner, Schack as Water Commissioner, Dietz as Park Commissioner, and Gonzalez as Street Commissioner.

**PLANNING BOARD APPOINTMENTS:**

**Council Appointment – Owens**

Motion- Schack; Second- Ryan; Vote- Unanimous: Motion passed to re-appoint Austin Owens to the Manhattan City-County Planning Board.

**Mayor Appointment – Schack**

Motion- Ryan; Second- Dietz; Vote- Unanimous: Motion passed to approve the Mayoral appointment of Lindsay Schack to the Manhattan City-County Planning Board.

**ENGINEERING SERVICES CONTRACT RENEWAL:**

Motion- Dietz; Second- Gonzalez; Vote- Unanimous: Motion passed to approve the Engineering Services Contract Renewal with Thomas, Dean, and Hoskins for 2018 and 2019.

*Kyle Scarr, TD&H:* He introduced himself. He has worked on several projects for the Town. He has helped the Town obtain some new GIS software, as well as other projects that the Town has done. Dave Crawford retired at the end of the year, but Kyle has been working with Dave for the Town since 2006.

**MAYORS REPORT:**

- Public Works uncovered a leak in an alley recently. He commended them on the job that they did to get the problem fixed. There were a lot of utilities in the area and it was a complicated job.

Councilman Gonzalez also commended Public works on the job that they have done clearing the snow and taking care of the intersections throughout town. The rest of the council agreed.

Councilman Ryan reported that the conversion of the treatment plant is going smoothly and the current situation is stable and working well.

**CONSENT AGENDA:**

Motion- Dietz; Second- Ryan; Vote- Unanimous: Motion passed to approve the consent agenda.

**Town Business Licenses:** Monarch Heating and Cooling LLC and Keldon Graff Contractor.

**Kennel License:** Lime & Ulrich renewal at 710 Jefferson

**Approval of Minutes:** Regular Meeting minutes from December 14, 2017 and Special Meeting minutes from December 26, 2017.

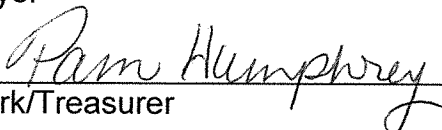
**Claims:** Dated 12/15/17 - 01/11/18 totaling \$ 283,405.16 including payroll.

**ADJOURN:**

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



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Mayor



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Clerk/Treasurer

**TOWN OF MANHATTAN  
Regular Meeting  
February 8, 2018  
MINUTES**

Mayor Glen Clements called the meeting to order in the Town Meeting Room, at 207 S 6<sup>th</sup> St. at 7:00 P.M. Present were Council Members Gregg Dietz, Steve Gonzalez, Greg Schack and Dan Ryan. Also present was Clerk/Treasurer Pam Humphrey. Seven members of the public and Town employees were also present.

**PUBLIC COMMENTS:**

None

**BID ACCEPTANCE FOR AERATION SYSTEM AT WWTP:**

Motion- Schack; Second- Ryan; Vote- Unanimous: Motion passed to accept the bid from isiWEST for the equipment for the Replacement Aeration System.

**PIONEER CROSSING – EXTENSION OF PHASE I:**

Motion- Dietz, Second – Ryan: Vote- Unanimous: Motion passed to table the item until the March meeting.

**BOARD APPOINTMENT:**

**Board of Adjustment – Mayoral appointment with Council consent**

Motion- Dietz; Second- Gonzalez; Vote- Unanimous: Motion passed to approve the Mayoral appointment of Jennifer Bowen to the Board of Adjustment.

**GALLATIN LOCAL WATER QUALITY DISTRICT APPOINTMENT:**

Motion- Dietz; Second- Schack; Vote- Unanimous: Motion passed to appoint Glen Clements to the Gallatin Local Water Quality District Board.

**NORTHERN ROCKY MOUNTAIN ECONOMIC DEVELOPMENT DISTRICT APPOINTMENT:**

Motion- Schack; Second- Ryan; Vote- Unanimous: Motion passed to appoint Glen Clements to the Northern Rocky Mountain Economic Development District.

**MAYORS REPORT:**

- The Town recently closed on the sale of the old Town Hall at 120 W Main. The proceeds were used to pay off the new Town Hall and Police Department at 207 S 6<sup>th</sup> St.

Councilman Ryan stated that he spoke to the school superintendent last month about the parking situation at the school. Chief Hengel will be working with the engineer on the new school to determine signage and parking areas.

Steve Kurk from Public Works let the Council know that the garbage cans in the park have been refurbished and repainted with the school colors and placed back in the park.

Councilman Gonzalez stated that he asked Public Works how the drainage is looking right now, as the weather is warming and we have a lot of snow and water on the ground. He also informed the Council that the Snow Removal Plan was revised and is on the website along with a Town Map.

Jeff McAllister, Public Works Supervisor, stated that there is a lot of water moving now. The Town is prepared as can be. They have cleared out ditches and culvert and grates. He will be monitoring intakes and flows.

Councilman Ryan suggested that an article be placed on the Town website that explains how the French Drains in Town work. He feels that their function is widely misunderstood.

**CONSENT AGENDA:**

Motion- Ryan; Second- Dietz; Vote- Unanimous: Motion passed to approve the consent agenda.

**Town Business Licenses:** Montana School Equipment Company

**Kennel License:** Morgan & Shawna Taylor, 105 N 2<sup>nd</sup>.


**Chicken Coop Permit:** Joe Elrod 210 S 7<sup>th</sup>, Jay & Kelli Stanley 210 Valley, Shaun & Kimberly Tenney 315 Fabrick, and Morgan & Shawna Taylor 105 N 2<sup>nd</sup>.

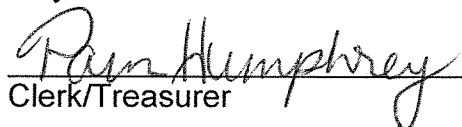
**Approval of Minutes:** Regular Meeting minutes from January 11, 2018.

**Claims:** Dated 01/12/18 - 02/08/18 totaling \$ 310,306.47 including payroll.

**ADJOURN:**

Motion- Gonzalez; Second- Dietz; Vote- Unanimous: Motion passed to adjourn the meeting.

  
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Mayor

  
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Clerk/Treasurer

**TOWN OF MANHATTAN**  
**Regular Meeting**  
**March 8, 2018**  
**MINUTES**

Mayor Glen Clements called the meeting to order in the Town Meeting Room, at 207 S 6<sup>th</sup> St. at 7:00 P.M. Present were Council Members Gregg Dietz, Steve Gonzalez, Greg Schack and Dan Ryan. Also present were Town Planner Ralph Johnson, Town Engineer Kyle Scarr, Chief of Police Dennis Hengel, Public Works Supervisor Jeff McAllister, and Clerk/Treasurer Pam Humphrey. Ten members of the public were also present.

**PUBLIC COMMENTS:**

*Steel Anderson, Edward Jones:* He introduced himself. He is opening up a branch office in Town and wanted everyone to know who he is.

**POLICE DEPARTMENT UPDATE:**

*Dennis Hengel, Chief of Police:* He informed the Council that the department is in transition again. One officer was in Afghanistan and was wounded when he was there. His status is unknown. They would like to have him back, but it will be dependent on his recovery. The Town will have to wait for his military release. Austin Owens has been offered a position with the Sheriff's Department. He will probably be gone by the end of March. The department has just completed interviews. They decided to hire one of the four interviewees pending the outcome of a psychological evaluation and background investigation. The second hire is on hold because he is in Yellowstone County and may decide to stay there. The hiring process will not start the process until we are sure he wants to come here.

Hengel reported that he had a fire in the carport at the apartment where he lives. Six cars were lost, including his two personal vehicles and a patrol car. MMIA will cover total replacement cost of the car and contents, which totals approximately \$50,000. He will start the process of ordering the new car and submitting the paperwork to MMIA. He is in the process of finding a new residence. He summarized the fire situation and the other damage caused. The County will remove the burned patrol car into the junk vehicle program. The Mayor will just need to sign off on the agreement.

Hengel will be going to the Dodge representative soon to talk about purchasing a truck for a replacement for the Crown Vic in the next fiscal year. He will bring his findings to the Council for determining timing for a purchase.

The school has not gotten back to him regarding the parking situation at the school. He plans to talk to the project manager for the new school about planning for the future parking issues. He suggested placing permanent No Parking signs along one side of Yadon Rd. The Council agreed with the placement of the signs.

**SOFTBALL ASSOCIATION:**

*Dennis Elgas, Manhattan Girls Softball Association:* He stated that they have formed a new group with Amsterdam/Churchill. This year 68 girls have signed up. The two in an

older group has joined a Belgrade group. There is only one softball field in Taylor Park. He applied for a grant to improve the softball field at Taylor Park. They would like to use the corner for U8 and U10 on a smaller field with a backstop and two dugouts. He wanted to keep the Council informed about what the Association is doing in the Park. Parking will be an issue, but they will manage the best they can. He will work with public works and the park people to manage the project.

**PIONEER CROSSING – REVISION TO PHASE II-TRANSFER OF NINE (9) LOTS FROM PHASE II TO PHASE IIA:**

Motion- Dietz; Second- Gonzalez; Vote- Unanimous: Motion passed to approve Pioneer Crossing Phase IIA Final Plat, and recommend the Mayor sign the Municipal Facilities Exclusion Checklist.

*Ralph Johnson, Town Planner:* He stated that when Phase I went through Final Plat, the northern most road was completed and infrastructure put in place, but the lots were not included in Phase I. The 9 lots could be served by the infrastructure that is already in place. His recommendation, as well as the Town Engineer and Town Attorney, is approval of Phase IIA. The Municipal Facilities Exclusion Checklist will need to be sent to the DEQ to verify: that the subdivision is within the area covered by the Growth Policy, and; that adequate storm water drainage and adequate municipal facilities will be provided by the Town of Manhattan for the subdivision and; that adequate municipal facilities for the supply of water and disposal of sewage and solid waste are available from the Town of Manhattan. Staff recommends approval of the proposed Plat of Pioneer Crossing Subdivision, Phase IIA, A P.U.D, a tract of land being a portion of Tract 1 of Certificate of Survey No. 1495G, situated in the W1/2 Section 3, T1N, R3E, P.M.M, Town of Manhattan, Gallatin County, Montana as submitted by Gaston Engineering.

*Kristen Swenson, 9501 Frontage Rd:* She asked about which phase these lots would be in alignment with. She also asked about the covenants in Phase II compared to Phase I.

*Bill Luehrs, Developer:* He stated that their intent is to follow the preliminary plat. Phase II has 64 lots with same size and configuration as Phase I. While awaiting DEQ, DNRC, and other regulatory agencies, they would like to keep going with the project.

**NON-CONFORMING USE COMPLAINT-SOUTH OF INTERSTATE:**

Motion- Schack, Second- Dietz, Vote – unanimous: Motion passed to have the building inspector do the due diligence and look into the matter and report back to the Council.

*Ralph Johnson, Town Planner:* He described the process for addressing non-conforming use complaints. A letter of complaint has been received. The council needs to determine if it is appropriate to pursue the complaint with the direction of the building official to follow up. He stated that in this case it is appropriate to investigate and verify the location and its use. Depending on the investigation

The Council reviewed the permitted and prohibited uses in the Neighborhood Highway Business District.

*Kristen Swenson, complainant:* She encouraged the Council to pursue the issue and to take Ralph Johnson's advice and direction.

**ENGINEERING AGREEMENT FOR SEWER IMPROVEMENTS PROJECT:**

Motion- Dietz; Second- Gonzalez; Vote- Unanimous: Motion passed to approve the engineering agreement for the scope of work for the Sewer Improvements Project.

*Kyle Scarr, Town Engineer:* He stated that the TSEP grant for construction was awarded at the last legislative session. He explained the project scope to the Council. The grant would need to be matched with Town funds. The next step would be to secure the SRF funding for the match.

**ORDINANCE NO. 18-001- LIMITING THE USE OF CAMPERS AS RESIDENCES:****First Reading:**

Motion- Dietz; Second- Schack; Vote- Unanimous: Motion passed to set a public hearing and second reading for the April 12, 2018 Council meeting.

*Ralph Johnson, Town Planner:* He gave a background of the ordinance. If someone parks on the street and sleeps in their vehicle, the police can remove them. If it happens on private property, the police cannot enforce it. It is a health, safety and welfare problem. If someone tried to hook up to water and sewer, the connections would not be inspected and fees would not be collected for usage. The fire department would have no idea that it could be occupied if there were to be a fire. Campers do not meet the International Residential Building Code. This ordinance gives the Council the authority to enforce violations.

Discussion included the people that are currently living in campers. Living in campers is an illegal non-conforming use, so they would not be grandfathered in. A discussion of tiny houses also took place.

**MAYORS REPORT:**

- Exhaust fans are installed in the shop.
- Sludge pump rebuild kits are on order for the WWTP.
- Public Works has been watching and clearing ditches, culverts, and grates. The Town is as ready as can be if a flood occurs. The Town also has sand bags in reserve at the shop.
- He summarized the issues that the Town is facing to use the water rights that it has. Fish Wildlife and Parks and the Town would like to enter into an agreement for the Town to mitigate some water for the winter depletion within a ten-year period. FWP would be willing to subordinate rights for that amount of water. FWP will present the agreement to the DNRC. If the DNRC rejects the agreement, the Town would have a strong case for litigation in court.

**CONSENT AGENDA:**

Motion- Dietz; Second- Ryan; Vote- Unanimous: Motion passed to approve the consent agenda.

**Town Business Licenses:** Edward Jones – Steel Anderson, Wendy Ward Bookkeeping, 3 Brothers Plumbing of Gallatin Valley, Carl Thomas Construction, and O Team Homes, LLC.

**Approval of Minutes:** Regular Meeting minutes from February 8, 2018.

**Claims:** Dated 02/09/18 - 03/08/18 totaling \$ 133,954.34 including payroll.




Councilman Dietz stated that Cory Taylor has volunteered to build a cement pad for a hockey rink and basketball court in the park. He will present the idea to the Council when he gets all of his ideas and paperwork together.

Councilman Ryan stated that he would like the Council to meet with the Chief to address some ordinances that are in place, but not being enforced. The Council agreed.

**ADJOURN:**

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

  
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Mayor

  
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Clerk/Treasurer

**TOWN OF MANHATTAN**  
**Regular Meeting**  
**April 12, 2018**  
**MINUTES**

Mayor Glen Clements called the meeting to order in the Town Meeting Room, at 207 S 6<sup>th</sup> St. at 7:00 P.M. Present were Council Members Gregg Dietz, Steve Gonzalez, Greg Schack and Dan Ryan. Also present were Chief of Police Dennis Hengel, Public Works Supervisor Jeff McAllister, Town employees Steve Kurk and Audrey Ulmen, Officer Rocky Hamilton, and Clerk/Treasurer Pam Humphrey. Three members of the public were also present.

**PUBLIC COMMENTS:**

*Jim Simon, Gallatin Solid Waste Management District:* He stated that the recycling site has been removed from the hardware store site. They are looking at a new host site. He wanted to let everyone know that they are working on getting a new site up and going. He described the issues and needs to make a suitable site. He asked for ideas and input from the Council or anyone that had a suggestion.

**ORDINANCE NO. 18-001- LIMITING THE USE OF CAMPER TRAILERS AS RESIDENCES –  
Second Reading:**

**Public Hearing**

None

**Discussion/Decision**

Motion- Schack; Second- Ryan; Vote- Unanimous: Motion passed to approve Ordinance No. 18-001, an ordinance of the Town Council of the Town of Manhattan, Montana providing for the amendment of Title 10, Chapter 13, Section 2-A of the Manhattan Town Code regulating off-street parking and loading for the purpose of limiting the use of recreational vehicles and camper trailers as residential dwellings.

**PARK MOWER PURCHASE:**

Motion- Gonzalez; Second- Schack; Vote- Unanimous: Motion passed to approve the purchase of a new Scagg mower for the parks.

Mayor Clements stated that the park is in need of a new mower.

*Steve Kurk, Public Works:* He stated that the Toro was bought in 1991. The hydraulic drive motor is out now. It will cost around \$1200 to fix it. It will have been fixed 3 times in the past 4 years. The mower they have chosen is the least expensive, but better built mower. It will also be the easiest to maintain and repair. The park employees take very good care of the equipment and it lasts longer than normal. The Town will not trade in the Toro, but put it up for sale.

*Pam Humphrey, Clerk/Treasurer:* There is a fund that was established years ago to build a savings for mower replacement. There is adequate money in the fund at this time to purchase the new mower.

**UPDATE ON NON-CONFORMING USE COMPLAINT-SOUTH OF INTERSTATE:**

Council discussed the issue and the information that had been received since the last meeting. The owner has been identified as Archie Johnson. He has been in contact with the Town Office and seems interested in complying with zoning restrictions. The current use of the lot as storage is a prohibited use in the Neighborhood Highway District. Council discussed the condition and appearance of the lot. Council will have the Town Planner draft a letter to the owner of the lot asking for information on the nature of his business, plan of action and timeline.

**OPEN CONTAINER APPLICATION:**

*Dennis Hengel, Chief of Police:* He has received an open container application for a street dance at the Potato Festival. He would like the Chamber to have additional trash bins. He would like a better comprehensive plan for safety barriers and an adequate plan for street closures and detours. He wanted to let the Council know about the application and everything that he was going to add to the requirements before he made a decision on the application. The applicant assumes all responsibility for damage and clean up.

**MOA WITH COUNTY FOR LOANER CAR:**

Motion- Gonzalez; Second- Dietz; Vote- Unanimous: Motion passed to approve the Memorandum of Agreement between the Town of Manhattan, Montana and Gallatin County, Montana for the use of a patrol vehicle.

*Dennis Hengel, Chief of Police:* The Gallatin County Sheriff's Office has offered to provide with a loaner car to the Chief. A new patrol car has been ordered, but will take up to 120 days to be delivered. Chief Hengel would like to have the extra vehicle for when the two cars we have need repairs or maintenance. He would like to have the car from April 20 to August 31<sup>st</sup>.

**REAPPOINTMENT OF GALLATIN CONSERVATION DISTRICT REPRESENTATIVES:**

Motion- Dietz; Second- Ryan; Vote- Unanimous: Motion passed to approve the reappointment of representatives Bob Logar and Michael Hansen to serve as Manhattan and Three Forks' voices on the Gallatin Conservation District.

**PARK BOARD APPOINTMENTS:**

Motion- Dietz; Second- Gonzalez; Vote- Unanimous: Motion passed to approve the Mayoral appointment of Audrey Ulmen to the Park Board for a 2 year term to expire 12/2019.

Motion- Ryan; Second- Dietz; Vote- Unanimous: Motion passed to approve the Mayoral appointment of Elly Summers to finish the term of Ben Summers, which is to expire 12/2018.

**MAYORS REPORT:**

- Water rights – The Trout Unlimited and FWP settlement agreement has been drafted. The agreement details that the Town would do wetlands work in exchange for FWP withdrawing their objection to water rights. Lawyers have the

draft agreement at this time. The Council should be able to review at the next council meeting.

- He summarized what is happening in Public Works and at the WWTP. Jeff McAllister provided a summary of Public Works Department. They are working on a digital map of curb boxes, manholes, etc., getting training, water testing, repairing hydrants, services and repairs, and maintenance on equipment. Jeff McAllister gave a report of his water tank inspection.
- He was approached by the Rotary and Manhattan Historical Society to see if the Town would be interested in taking ownership of the Nixon Gulch Bridge. He would like to get feedback on if the Town should take ownership of the Bridge, including liability and maintenance. Council and audience discussed the pros and cons and possible issues that could exist. He will look into it some more and report back at the next meeting.

**CONSENT AGENDA:**

Motion- Dietz; Second- Ryan; Vote- Unanimous: Motion passed to approve the consent agenda.

**Kennel Application:** Gregg & Joni Dietz, 121 N 8<sup>th</sup> St.

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

**Town Business Licenses:** Krouss Builders, Inc., 406 Plumbing & Heating, Cold Iron Excavation, Chamberlin Construction, Dave's Electric, ACTS Construction LLC, RS Bearrow Construction, Inc., B&G Builders LLC, Yellowstone Gutters, Inc, All Notary Services, and Northern Hardwood Co, Inc.

**Approval of Minutes:** Regular Meeting minutes from March 8, 2018.

**Claims:** Dated 03/09/18 - 04/12/18 totaling \$ 194,883.38 including payroll.

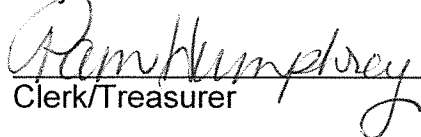
Chief Hengel presented the Police Department yearly reports to the Council. He also gave an example from Town Minutes regarding issues from 1960.

Councilman Dietz informed the Council that the Softball Association got \$10,000 from the grant they applied to for U8 and a practice field.

**ADJOURN:**

Motion- Gonzalez; Second-Dietz; Vote- Unanimous: Motion passed to adjourn the meeting.

  
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Mayor

  
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Clerk/Treasurer

**TOWN OF MANHATTAN**  
**Regular Meeting**  
**May 10, 2018**  
**MINUTES**

Mayor Glen Clements called the meeting to order in the Town Meeting Room, at 207 S 6<sup>th</sup> St. at 7:00 P.M. Present were Council Members Gregg Dietz, Steve Gonzalez, Greg Schack and Dan Ryan. Also present were Officer Rocky Hamilton, Steve Kurk, Jeff McAllister, Chief of Police Dennis Hengel, and Clerk/Treasurer Pam Humphrey. Ten members of the public were also present.

**PUBLIC COMMENTS:**

*Dave Hebner, 6617 W Dry Creek Rd:* He invited everyone to the Senior Center on the Monday the 14<sup>th</sup> at 7:00 pm for the annual meeting of the Manhattan Area Historical Society.

*Tony Drypolcher, 208 S 3<sup>rd</sup> St:* He stated that he came to talk about dust control on the gravel streets. He is hoping that the Council will agree to do the cost sharing again this year for dust control.

*Eli Cuelho, 201 S 3<sup>rd</sup> St:* He stated that Gallatin Ave was very weathered this winter. He followed up with the dust control issue because the gravel is quite loose. He asked the council to consider dust control again this year. He stated that the mag chloride helps to preserve the road surface. In the end, it may save money with less maintenance and less gravel to bring in.

**MOA DRAFT DISCUSSION – FWP/TOWN OF MANHATTAN:**

Mayor Clements stated that Trout Unlimited and FWP have drafted an agreement to help with the water rights issues that Manhattan has been facing regarding the Pioneer Crossing well.

Council discussed how will it affect the discharge permit at the Treatment Plant. There will be some restrictions on the effluent. The Town will still need to meet the DNRC requirements as well as meet DEQ requirements for the discharge of the plant. This mitigation will only use the effluent amount from the new development.

The agreement would increase the size of current wetlands. Cost was discussed. The Town will need to contact the experts to determine costs. This is a path to get an agreement in place to be able to use the Pioneer Crossing well. This draft will be forwarded to the attorneys for review and revision.

*Bill Luehrs, Pioneer Crossing:* He commented that Pioneer Crossing is 79 lots into 266 lots. The agreement with the Town says that if they have performed as required, that the Town will issue building permits. He encouraged the Council to proceed with haste to get the issue cleared up so that they can continue their development.

**MAYORS REPORT:**

- He has had additional discussions regarding the Nixon Gulch Bridge. He feels that the next step is for the Mayor and perhaps one council member, and a representative from the Historical Society to meet with the County Commissioners. He will report back at the next meeting.
- Public works report was sent out to the Council. Council thanked Public Works for the information.

**CONSENT AGENDA:**

Motion- Dietz; Second- Ryan; Vote- Unanimous: Motion passed to approve the consent agenda.

**Chicken Coop Application:** Henry & Bobbi Robertson, 415 E Manhattan Ave.

**Town Business Licenses:** Ice Line Roofing LLC, Divide Electric Inc, Travisties International Inc, Corder & Associates, Glee Dunbar MSW LCSW MHPP, Baileys Plumbing and Heating LLC, David A Nice Builders Inc, Brian Wagner Inc dba Live Work Builders and Wagner Cabinetry & Design, Staanz LLC dba Healthy Big Sky Vending, and Rapid Roofing

**Approval of Minutes:** Regular Meeting minutes from April 12, 2018.

**Claims:** Dated 04/13/18 - 05/10/18 totaling \$ 163,075.84 including payroll.

**EXECUTIVE SESSION – LITIGATION DISCUSSION:**

The Council, Mayor, Clerk/Treasurer and Attorney went into a closed Executive Session. The public meeting was re-opened following the Executive Session.

**ADJOURN:**

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




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Mayor




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Clerk/Treasurer

**TOWN OF MANHATTAN  
Regular Meeting  
June 14, 2018  
MINUTES**

Mayor Glen Clements called the meeting to order in the Town Meeting Room, at 207 S 6<sup>th</sup> St. at 7:00 P.M. Present were Council Members Gregg Dietz, Steve Gonzalez, and Dan Ryan. Greg Schack was excused. Also present were Officer Rocky Hamilton, Chief of Police Dennis Hengel, Public Works Supervisor Jeff McAllister, Equipment Operator Steve Kurk, and Clerk/Treasurer Pam Humphrey. Eleven members of the public were also present.

**PUBLIC COMMENTS:**

None

**CONDITIONAL USE PERMIT APPLICATION – CARETAKER FACILITY AT 145 E WOODEN SHOE LANE:**

**Public Hearing**

*Carolyn Nistler, owner/operator of Matson's Lab at 135 Wooden Shoe Lane:* She stated that she owns and operates Matson's Laboratory. She presented a letter and read it to the Council. She is opposed to the conditional use permit.

**Discussion/Decision**

Motion- Dietz; Second- Gonzalez; Vote- Unanimous: Motion passed to table until the next meeting.

Council discussion included that the Planning Board and Town Planner reviewed the application and recommended approval of the Conditional Use Permit.

The Planning Board minutes were read. Dave Hebner updated the council on the discussion that took place at the Planning Board meeting.

**RESOLUTION NO. 18-001: DEFINITION OF CARETAKER FACILITY**

Motion- Dietz; Second- Ryan; Vote- Unanimous: Motion passed to approve Resolution No. 18-001, a resolution of the Town Council of the Town of Manhattan, Montana to define Caretaker Facilities in the Manhattan Town Code.

Mayor Clements read the Resolution and summarized the staff report from the Town Planner.

**WETLANDS FEASIBILITY – CONFLUENCE CONTRACT**

Motion- Gonzalez; Second- Dietz; Vote- 2, For, 1 opposed (Ryan): Motion passed to have Mayor Clements sign the contract with Confluence Consulting Incorporated for a wetland feasibility study.

Mayor Clements summarized the contract to do a wetland feasibility study. He explained the reason for the study in relation to the water rights issues that the Town is facing.

**DUST CONTROL:**

Mayor Clements gave some estimates for doing dust control for the entire town and for the main collector streets. Doing the whole town would be too labor intensive for the Public Works crew at this time. He and Jeff also came up with an average charge per block for the other neighborhood blocks. It would be approximately \$250 per block for the homeowners on the cross streets to provide. The Town would split the cost with the homeowners for the cross streets. The crew has plans to add gravel and grade some of the streets before the dust control is applied. They would like to make it an annual program. The council suggested adding a note to the monthly bill to let residents on the cross streets know about the program.

**TRAFFIC CONTROL ON S 5<sup>TH</sup> AND PARK ST:**

*Elly Summers, S 5<sup>th</sup> St:* She is requesting a review of the intersections on S 5<sup>th</sup> St and Park Ave and S 5<sup>th</sup> St and Gallatin. She stated that S 5<sup>th</sup> St has more traffic from commercial vehicles avoiding the four-way stop. She suggested a 3 way stop on S 5<sup>th</sup> St. and stop signs on Gallatin to control that traffic. She would also like to propose a 15 mph speed limit on S 5<sup>th</sup> St since it leads to the park. She asked the Council to consider her proposal and try to budget some money for the review and new street signs. She asked that S 5<sup>th</sup> St be considered a collector street for dust control also, as it is a main thoroughfare with the business traffic in the area.

*Dennis Hengel, Chief of Police:* He agreed that stop signs at Gallatin Avenue would probably help to slow down traffic in that area. 15 mph signs are harder to enforce. Council, audience, and Law Enforcement discussed some possible options for stop signs in the area. The Council will consider a Resolution at the next meeting to install some stop signs if needed.

**STREET CLOSURE FOR STREET DANCE:**

*Dennis Hengel, Chief of Police:* He provided the Council information on a street closure application for a street dance at the Potato Festival. He is recommending more trash cans and detour signs and routes marked. Open container permit could be for the entire block for the street dance, from S 5<sup>th</sup> St to S 6<sup>th</sup> St on Main Street. He would like to grant approval of the application.

Council discussion included increasing barrier distance and numbers to keep the participants safe from traffic.

**TOWN LOGO**

Motion- Dietz; Second – Ryan: vote- unanimous: Motion passed to approve the new town logo as presented.

Public Works and the Police Department would like to update the Town Logo. This Logo also ties in the current signs for the Town Hall, the WWTP and on the Public Works vehicles.

Jeff McAllister has worked with Beartooth Signs, who did the Town and vehicle signs, and has a partial work up done.

**BOARD APPLICATIONS – Park Board:**



Motion- Deitz; Second- Gonzalez; Vote- Unanimous: Motion passed to approve the Mayoral appointments of Candace Lucht and Michelle Paluck to the Park Board for four year terms.

**SET SPECIAL BUDGET MEETING:**

Special meeting set for Thursday June 21, 2018 for the departmental budget requests.

**MAYORS REPORT:**

- He updated the Council on the Nixon Bridge issue. The Town has contacted MMIA and coverage is possible, but it would expose the Town to liability. MMIA and the Town Attorney both advised the Town not to take possession because it would be a liability issue. The Mayor asked the Bridge group to collect some information on the liability issues that have arisen from bridges in the County as well as reaching out to the citizens of Manhattan for opinions.
- Public Works Department report was presented to the council. They are currently advertising for a seasonal position. They are working on parks, budget, vacuuming drains, training, the CI system, logo, and street work.

**CONSENT AGENDA:**

Motion- Dietz; Second- Ryan; Vote- Unanimous: Motion passed to approve the consent agenda.

**Chicken Coop Application:** Tonya Andrews & Gordon Carpenter, 507 W Gallatin.

**Kennel License Application:** Ryan Marsh, 710 Madison Ave

**Town Business Licenses:** AB Sewing, Triple J Dirtworks, LLC, Kashor Construction, Leroy Alton Roberts Handyman, Higgins Heating & Cooling, Blue Moose Builders, Lucky Concrete, and Egbert Electric & Plumbing


**Approval of Minutes:** Regular Meeting minutes and Executive Session minutes from May 10, 2018.

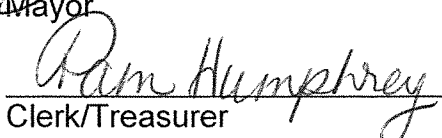
**Claims:** Dated 05/11/18 - 06/14/18 totaling \$ 125,607.97 including payroll.

Councilman Dietz stated that Councilman Schack asked him to mention that the Audit Review went very well and congratulated Clerk/Treasurer Pam Humphrey for her work on the yearly financial reporting.

**ADJOURN:**

Motion- Dietz; Second- Gonzalez; Vote- Unanimous: Motion passed to adjourn the meeting.

  
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 Mayor

  
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 Clerk/Treasurer

**TOWN OF MANHATTAN  
Special Meeting  
June 21, 2018  
MINUTES**

Mayor Glen Clements called the meeting to order in the Town Meeting Room, at 207 S 6<sup>th</sup> St. at 7:00 P.M. Present were Council Members Gregg Dietz, Steve Gonzalez, Greg Schack, and Dan Ryan. Also present were Library Assistant Director Trudy Dundas, Park Manager/Fire Secretary Audrey Ulmen, Police Chief Dennis Hengel, Treatment plant operator Tom McKenna, Public Works Supervisor Jeff McAllister, Public Works Equipment Operator Steve Kurk, and Clerk/Treasurer Pam Humphrey. No members of the public were present.

**PUBLIC COMMENTS:**

None

**BUILDING DEPARTMENT:**

*Pam Humphrey, Clerk/Treasurer:* Dave Rowell has one budget request to the Council for a monthly reimbursement for the use of his personal vehicle.

**LIBRARY:**

*Assistant Library Director, Trudy Dundas:* She presented the expenditure and revenue budgets to the Council. She explained the changes and additional costs because of the school expansion project. She presented the proposed layout of the library after the expansion. She also gave some detail of the capital purchases. She listed some of the additional items they would like to purchase for the Library.

**FIRE DEPARTMENT:**

*Pam Humphrey, Clerk/Treasurer:* She presented his budget requests to the Council. He explained the reason for the requests and added some history of the Fire Department funding. The Town portion of the revenue is much less than the County portion, and some adjustment to the expenditure budget will be necessary.

**PARK DEPARTMENT:**

*Councilman Gregg Dietz:* He presented some of the items that he has spoken to community members and town employees about that may need done.

*Jeff McAllister, Public Works Supervisor:* He presented several budget requests for needed items in the Park. He described some of the ideas that they have to improve the upkeep of the Park.

**POLICE DEPARTMENT:**

*Dennis Hengel, Police Chief:* He presented his budget proposal along with an explanation of the items on the proposal. He explained some of the changes and increased costs. He also explained some of his long term ideas and future purchases.

**WASTEWATER TREATMENT PLANT:**

*Pam Humphrey, Clerk/Treasurer:* He presented the Treatment Plant budget to the Council and explained the purpose and urgency of the requests. Extra training for Public Works employees to offer support at the plant was also discussed and planned.

**PUBLIC WORKS:**

*Jeff McAllister, Public Works Supervisor:* He presented several budget requests for Street Maintenance, Public Works, Sewer Transmission, and Water pumping, treatment, and transmission. He talked about some of the issues that they faced this year that they would like to avoid and where some of the budget shortfalls happened. He described some of the new things that they would like to try to maintain and repair some infrastructure in town.

**TOWN OFFICE:**


*Pam Humphrey, Clerk/Treasurer:* She asked for preliminary increases to payroll for the new fiscal year. She requested a transfer of funds from the General Fund to the Planning Board fund. She also presented a budget request for the maintenance and support of the accounting software that is currently being used.

A Budget workshop was set for July 11, 2018 at 7 pm.

**ADJOURN:**

Motion- Dietz; Second- Gonzalez; Vote- Unanimous: Motion passed to adjourn the meeting.

  
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Mayor


  
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Clerk/Treasurer


**TOWN OF MANHATTAN  
Special Meeting  
July 11, 2018  
MINUTES**

Mayor Glen Clements called the meeting to order in the Town Meeting Room, at 207 S 6<sup>th</sup> St. at 7:00 P.M. Present were Council Members Gregg Dietz, Steve Gonzalez, Greg Schack, and Dan Ryan. Also present were Clerk/Treasurer Pam Humphrey and Public Works employee Steve Kurk.

**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.

  
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Mayor

  
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Clerk/Treasurer

**TOWN OF MANHATTAN**  
**Regular Meeting**  
**July 12, 2018**  
**MINUTES**

Mayor Glen Clements called the meeting to order in the Town Meeting Room, at 207 S 6<sup>th</sup> St. at 7:00 P.M. Present were Council Members Steve Gonzalez, Dan Ryan, and Greg Schack. Gregg Dietz was excused. Also present were Chief of Police Dennis Hengel, Public Works Supervisor Jeff McAllister, Equipment Operator Steve Kurk, and Clerk/Treasurer Pam Humphrey. Ten members of the public were also present.

**PUBLIC COMMENTS:**

None

**CONDITIONAL USE PERMIT APPLICATION – CARETAKER FACILITY AT 145 E WOODEN SHOE LANE:**

A public hearing was held at the June 14<sup>th</sup> meeting. The Council tabled the item until this meeting to ask questions of the applicant.

Continued public hearing:

*Carolyn Nistler, 81 Jefferson River Road:* She read her comments in opposition to the conditional use permit.

*Constance Wagner, applicant:* She stated that the live-work concept is an up and coming idea in the Gallatin Valley. She stated that she understands concerns, but believes that it helps condense a footprint and decrease the use of materials. It allows the person that works there to live where they work. She understands that the Farmstead has strict rules. She feels that she did great due diligence with her plans. She described her definition of live work and what the Town's caretaker definition means. She described her vision of the live work situation.

*Robin Hubley, Farmstead:* She stated that there is a concern that a future owner may not follow the conditional use permit guidelines.

*Dave Rowell, 278 Northwest Passage:* He suggested a note on the deed of the property. He suggested the Council have a discussion with the Planner about some of the outdated definitions and updates to the zoning regulations. He stated that some things need to be done to make things more clear in the code.

**Discussion/Decision**

Motion- Ryan; Second- Gonzalez; Vote- Unanimous: Motion passed to approve the Conditional Use Permit application for a Caretaker Facility at 145 E Wooden Shoe Lane. Council discussed that the regulations of the Farmstead may be more stringent than the Town's. The definition of a caretaker facility was read. The CUP process and regulations were discussed.

**RESOLUTION NO. 18-002: 2017-2018 BUDGET AMENDMENT**

**Public Hearing**

None

**Discussion/Decision**

Motion- Schack; Second- Ryan; Vote- Unanimous: Motion passed to approve Resolution No. 18-002, a resolution of the Town Council of the Town of Manhattan, Montana amending the Fiscal 2017-18 Budget to allow for appropriations and funding.

**PUBLIC NUISANCE COMPLAINT: 205 Fabrick St.**

The Town has received two written complaints on this property in the last couple of weeks. The owner's daughter called the office and stated that she will have the grass and weeds mowed by this weekend. She is working on getting the cars out and having the buildings removed. She was open to suggestions on what to do or who could take down the buildings.

*Dave Rowell, 278 Northwest Passage:* When he was Mayor, he met with the Town Attorney regarding two properties in Town. This was one of the them and has been a problem for a long time. He is making a complaint as the Building Official. The block building is in very bad shape and has been for years.

The Council discussed having a letter sent to the property owner with strict deadlines for a response. A letter from the Mayor will be sent letter asking for a timeline. The letter will include a copy of the Nuisance section of the Town Code.

**PRELIMINARY BUDGET 2018-2019:**

**Budget available for public inspection at Town Office on July 13, 2018.**

Motion- Gonzalez; Second- Schack; Vote- Unanimous: Motion passed to approve the preliminary budget for Fiscal Year 2018-2019.

**MAYORS REPORT:**

- Stop signs off of Gallatin and 5<sup>th</sup>. Council discussed putting 2 stops signs at that intersection along with no parking here to corner. Council and audience discussed several options. There will be a resolution for a four way stop at Gallatin and S 5<sup>th</sup> prepared for the next meeting.
- He highlighted the public works report. Dust control is scheduled for Friday and Monday.
- Police department report – Daryl completed the academy. He was voted class president by his peers. He is currently in the FTO program. They have also made an offer to another officer. They should have full staff by December. The burned car replacement will be here tomorrow. He still has to order the vehicle accessories and installation.
- The Town received a complaint about noisy construction in the residential areas of Town, requesting a noise ordinance for construction times. The Council discussed the complaint. The heat is a factor in the early start times right now.

**CONSENT AGENDA:**

Motion- Ryan; Second- Schack; Vote- Unanimous: Motion passed to approve the consent agenda.


**Town Business Licenses:** Lavender House Massage, Montana Pond Care Company, Steel Building Brokers, and Casey Ventures, Inc. dba Allied Electric


**Approval of Minutes:** Regular Meeting minutes from June 14, 2018 and Special Meeting minutes from June 21, 2018.

**Claims:** Dated 06/15/18 - 07/12/18 totaling \$ 505,611.09 including payroll.

**ADJOURN:**

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

  
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Mayor

  
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Clerk/Treasurer

**TOWN OF MANHATTAN  
Regular Meeting  
August 9, 2018  
MINUTES**

Mayor Glen Clements called the meeting to order in the Town Meeting Room, at 207 S 6<sup>th</sup> St. at 7:00 P.M. Present were Council Members Gregg Dietz, Steve Gonzalez, Dan Ryan, and Greg Schack. Also present were Chief of Police Dennis Hengel, Officer Rocky Hamilton, Officer Daryl Rogers, Public Works Supervisor Jeff McAllister, Equipment Operator Steve Kurk, and Clerk/Treasurer Pam Humphrey. Nine members of the public were also present.

**PUBLIC COMMENTS:**

*Steve Kurk, Public Works:* He thanked Audrey, Theresa, and Tonya for traffic control help when they were applying the Mag CI to the streets.

Written comment from *Buck & Carol Buchanan, 315 N 5<sup>th</sup>:* They wrote in support of the Town taking ownership of the Nixon Gulch Bridge.

**RESOLUTION NO. 18-003: FOUR WAY STOP AT E. GALLATIN AND S. 5<sup>TH</sup> ST**

Motion-Dietz; Second- Gonzalez; Vote- Unanimous: Motion passed to approve Resolution No. 18-003, a resolution of the Town Council of the Town of Manhattan to install a four-way stop at the intersection of South 5<sup>th</sup> Street and East Gallatin Avenue.

**RESOLUTION NO. 18-004: REQUEST DISTRIBUTION OF BRIDGE AND ROAD SAFETY AND ACCOUNTABILITY PROGRAM FUNDS**

Motion- Schack; Second- Dietz; Vote- Unanimous: Motion passed to approve Resolution No. 18-004, a resolution of the Town Council of the Town of Manhattan requesting distribution of Bridge and Road Safety and Accountability Program Funds.

Clerk/Treasurer Humphrey explained that the resolution is a part of requesting the funds set aside from the new Gas Tax funds by the state for each municipality. There is a 5% match for each request from a separate fund in the Town. The available amount is set by the state based on the mileage of streets in each municipality.

**RESOLUTION NO 18-005: BUDGETARY AUTHORITY FOR BSTF GRANT**

Motion- Dietz; Second- Gonzalez; Vote- Unanimous: Motion passed to approve Resolution No. 18-005, a resolution of the Town Council of the Town of Manhattan to grant budgetary authority for a Job Creation Grant from the Big Sky Economic Development Trust Fund for Vista Outdoor, Inc., aka Blackhawk.

**SET FINAL BUDGET SPECIAL MEETING:**

Budget meeting was set for August 30, 2018 at 7 pm.

**RAILROAD LEASE AGREEMENT FOR RAILROAD PARK:**

Mayor Clements informed the Council that the lease on Railroad park has expired. They have provided a new indefinite lease agreement. The Town Attorney has advised that



the Town does not sign the lease because of the very open ended indemnity section and the liability issues that could be associated. The Town insurance has a limited amount of coverage, which may not cover the possible liabilities that could be incurred.

The Mayor has signed a temporary right to enter the Park, which is effective for 60 days. The Council discussed talking to other Towns regarding their leases with the Railroad. Obtaining additional liability insurance was also discussed. The Council discussed possible repercussions of not having the lease any longer. Costs to the taxpayer were discussed resulting from claims against the property as well as the cost of additional liability coverage. More information is needed before a decision can be made.

#### **TOWN PLANNER RESIGNATION:**

Long time Town Planner, Ralph Johnson has resigned his position as the Town Planner. The Council discussed posting the position and asking for RFQ's. Hopefully the Town can have some candidates by Sept 1, 2018.

#### **MAYORS REPORT:**

- Police Department report – Officer Rogers graduated from the academy. He was selected as his class representative. He is currently in his FTO program. A second new officer is in the process of being hired also. The new replacement car was received and is being outfitted. Chief Hengel tried to get more quotes for the pickup purchase. None of the dealerships were able to help him. Another option was to buy a used Ford Expedition from West Yellowstone, which may not meet the department's needs.
- Public works has been working on the streets, gravel, durapatching, and Mag Cl.

Council President Greg Schack stated that he participated in interviewing for a new wastewater treatment plant operator. The hiring committee decided to hire Glen Clements. The Town Attorney advised that the Mayor may work as a Town Employee, but the Council President would act as the hiring authority and supervisor of the position.

Councilman Ryan did some research with other wastewater plants. The rags in the screens are a common problem. They are flushable wipes. He suggested sending a letter to retirement homes to ask them not to flush the wipes. Also, schools, machine shops, etc. A PSA will be placed on the website.

#### **CONSENT AGENDA:**

Motion- Schack; Second- Ryan; Vote- Unanimous: Motion passed to approve the consent agenda.

**Town Business Licenses:** None

**Approval of Minutes:** Special Meeting minutes from July 11, 2018 and Regular Meeting minutes from July 12, 2018.


**Claims:** Dated 07/13/18 - 08/09/18 totaling \$ 242,301.63 including payroll.

**ADJOURN:**

Motion- Gonzalez; Second- Dietz; Vote- Unanimous: Motion passed to adjourn the meeting.

  
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Mayor

  
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Clerk/Treasurer

**TOWN OF MANHATTAN  
Special Meeting  
August 30, 2018  
MINUTES**

Mayor Glen Clements called the meeting to order in the Town Meeting Room, at 207 S. 6<sup>th</sup> St. at 7:15 P.M. Present were Council Members Steve Gonzalez, Dan Ryan, and Greg Schack. Gregg Dietz was excused. Also present were Chief of Police Dennis Hengel, and Clerk/Treasurer Pam Humphrey. Zero members of the public were present.

**PUBLIC COMMENTS:**

Councilman Gonzalez relayed comments from citizens asking for the one-way sign to the east side of Taylor Park to be removed.

Police response was to keep it the same for safety during baseball/softball season.

**RESOLUTION NO. 18-006: FISCAL BUDGET 2018-2019**

**Public Hearing**

*Chief Hengel:* He indicated that he contacted two additional dealerships for quotes on a patrol ready Dodge truck similar to the one he got a quote on. None of the additional dealerships could give him a quote. He would like to use the dealer with the patrol ready pickup.

**Discussion/Decision**

Motion- Schack; Second- Ryan; Vote- Unanimous: Motion passed to approve Resolution No. 18-006, a resolution of the Town Council of the Town of Manhattan adopting a budget for the Town of Manhattan for the Fiscal Year 2018-2019.

**RESOLUTION NO. 18-007: STREET LIGHTING MAINTENANCE DISTRICT 2018-2019 BUDGET**

**Public Hearing**

None

**Discussion/Decision**

Motion- Ryan; Second- Schack; Vote- Unanimous: Motion passed to approve Resolution No. 18-007, a resolution of the Town Council of the Town of Manhattan providing for the assessment of maintenance costs for the Street Lighting Maintenance District for Fiscal Year 2018-19 which is a continuation of the present method of assessment.

**RESOLUTION NO 18-008: STREET MAINTENANCE DISTRICT 2018-2019 BUDGET**

**Public Hearing**

None

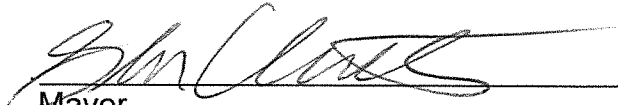
**Discussion/Decision**

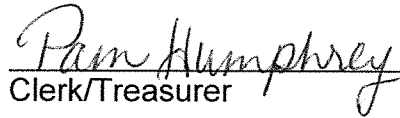
Motion- Schack; Second- Gonzalez; Vote- Unanimous: Motion passed to approve Resolution No. 18-008, a resolution of the Town Council of the Town of Manhattan providing for the assessment of Street Maintenance District costs for the Fiscal Year

2018-19 pursuant to §7-12-4425, MCA which is a continuation of the present method of assessment.

**ADJOURN:**

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

  
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Mayor

  
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Clerk/Treasurer

**TOWN OF MANHATTAN  
Regular Meeting  
September 13, 2018  
MINUTES**

Mayor Glen Clements called the meeting to order in the Town Meeting Room, at 207 S 6<sup>th</sup> St. at 7:00 P.M. Present were Council Members Steve Gonzalez, Dan Ryan, and Greg Schack (via phone). Gregg Dietz was excused. Also present were Public Works Supervisor Jeff McAllister, Equipment Operators Steve Kurk and Ben Johnson, Officer Rocky Hamilton and Clerk/Treasurer Pam Humphrey. Seven members of the public were also present.

**PUBLIC COMMENTS:**

*Jeff McAllister, Public Works Supervisor:* He introduced new employee Ben Johnson.

**TOWN PLANNER APPOINTMENT:**

Motion- Schack; Second- Gonzalez; Vote- Unanimous: Motion passed to appoint Randy Carpenter as the Town Planner.

**PLANNING BOARD APPOINTMENT (Council Appointment):**

Motion- Ryan; Second- Gonzalez; Vote- Unanimous: Motion passed to appoint Jennifer Bowen to the Manhattan City-County Planning Board. She will finish the term of resigned member Austin Owens, which ends January 1, 2020.

**CENTENNIAL VILLAGE PHASE II- PRELIMINARY PLAT EXTENSION**

Motion- Gonzalez; Second- Ryan; Vote- Unanimous: Motion passed to approve the Preliminary Plat extension for Centennial Village Phase II for a period of one year.

*Ken Vidar, Developer:* He stated that the Preliminary Plat was revised in 2016 and he is asking for an extension of the preliminary plat.

*Ben Johnson:* He asked about the type of extension that is being applied for.

**PUBLIC NUISANCE – 205 FABRICK:**

Motion- Ryan; Second- Schack; Vote- Unanimous: Motion passed to have the Town Attorney start the abatement process by sending a certified letter asking for a timeline and plan from the owner with a 30-day timeline for how they plan to address the problem.

*Patty Hebner:* She stated that the property belongs to her sister. She asked for 30 days to come up with a solution for the property. They are in the process of trying to sell it.

There was much discussion about how the process works and how long the property has been an issue in the community.

**MEETING DATE CHANGE FOR OCTOBER AND NOVEMBER 2018:**

Motion- Gonzalez; Second- Ryan; Vote- Unanimous: Motion passed to move the October and November meeting dates to the second Wednesday instead of the second Thursday at the recommendation of Councilman Dietz.

**MAYORS REPORT:**

- Water rights – The agreement with FWP for water rights in exchange for wetlands was drafted. The Town’s water lawyer has relayed to the Mayor that FWP is stalling and trying a different approach. They are not following through with the things that were agreed upon. It appears that the next step is litigation.

**CONSENT AGENDA:**

Motion- Ryan; Second- Gonzalez; Vote- Unanimous: Motion passed to approve the consent agenda.

**Town Business Licenses:** Kate Schintzius Design, Camp Creek Coffee Bar, Tom Wegley Construction, and Sunrise Heating & Cooling LLC.


**Approval of Minutes:** Regular Meeting minutes from August 9, 2018 and Special Meeting minutes from August 30, 2018.

**Claims:** Dated 08/10/18 - 09/13/18 totaling \$ 178,818.74 including payroll.

**ADJOURN:**

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

  
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Mayor

  
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Clerk/Treasurer

**TOWN OF MANHATTAN**  
**Regular Meeting**  
**October 10, 2018**  
**MINUTES**

Mayor Glen Clements called the meeting to order in the Town Meeting Room, at 207 S 6<sup>th</sup> St. at 7:00 P.M. Present were Council Members Gregg Dietz, Steve Gonzalez, Dan Ryan, and Greg Schack. Also present were Public Works Equipment Operator Steve Kurk and Clerk/Treasurer Pam Humphrey. Seventeen members of the public were also present.

**PUBLIC COMMENTS:**

None

**CONDITIONAL USE PERMIT - CASINO DESIGNATION FOR MANHATTAN DEPOT AT 214 W MAIN:**

**Public Hearing**

*Seth Higbee, 101 Cameron Loop, Bozeman- Designer:* He stated that the proposed project is a restaurant with a casino as an additional source of income. He presented the floor plan and layout of the proposed business. He stated that they plan to be a positive addition to the Town. They have large seating area for family and also bar seating. Liquor sales will be available in the restaurant and in the casino for consumption in the building. Retail liquor sales will be available in the casino. They used details in other downtown buildings and unique features also. He stated that it should fit well into the community. It is 4000 sf with additional coolers. More parking will be provided than was available previously.

*Cathy Bushnell, business partner and manager of the Manhattan Depot:* She introduced herself and offered to answer any questions.

*Bill Luehrs, Pioneer Crossing:* He asked how many machines there will be and if the casino is the largest part of the business' profits.

*Esther Lantz, 318 W Main:* Written comment read in opposition to the Casino designation.

**Discussion/Decision**

Motion- Ryan; Second- Dietz; Vote- Unanimous: Motion passed to approve the Conditional Use Permit for Casino designation for Manhattan Depot at 214 W Main.

Councilman Ryan mentioned grease problems from restaurants into the sewer system. The applicant indicated that there will be an in ground grease trap.

Construction start date was discussed. They hope to get started this year, with the foundation in place before winter.

**RAILROAD PARK LEASE**

Motion- Dietz; Second- Schack; Vote- Unanimous: Motion passed to accept and have the Mayor sign the lease agreement with MRL for Railroad Park.

The Railroad has mailed a hard copy of the Lease agreement for signature from the Town.

The Railroad has given the town 30 days to sign the lease agreement. All communities with railroad leases for parks sign the same lease agreement.

The Town received an email from Tina Eloka in favor of signing the lease.

*Pat Figgins, 112 W main, 310 N Broadway, Farmers Market:* She stated that the Oasis also has the same lease requirements for the parking lot.

Council discussed that they have received many comments in favor of signing the lease.

*Bill Luehrs, 220 Pioneer Crossing Blvd:* He stated that the park is the streetscape of the Town. It would be harmful to the health and vibrancy of the town to lose the park. He urged the Council to take the risk to keep the park.

#### **DECLARE PUBLIC NUISANCE AT 205 FABRICK:**

Motion- Schack; Second- Gonzalez; Vote- Unanimous: Motion passed to declare a Public Nuisance at 205 Fabrick St.

John Steele address: He voiced his concern with new neighbors making the complaint, not long-time residents.

*Patty Hebner, 6617 W Dry Creek Rd:* She stated that she asked for 30 days at the last meeting. She has a buy/sell agreement that is to complete on Friday. The vehicles have been taken off, with one more to go soon. The new buyer will take down the 2 buildings.

#### **SCHOOL ACCESS ROAD:**

Mayor Clements stated that this is the secondary access road from the school to Nixon Gulch road. There is an easement in place. The Town needs to improve the road for the busses and community members that use the road.

Pat Figgins suggested talking to the school board about getting a grant for the street for safety and school access.

Dave Hebner stated that the school and Dave Richards both agreed to pay for ½ of the road each. The school has paid their half to make the construction road.

*Shawna Longie, 311 Pine St:* She asked if taxes would increase if the town pays for the road.

*Mark Longie, 311 Pine:* He stated that it was a plan to make the road an actual street.

*Bill Luehrs, Pioneer Crossing:* He remembered that the road became a fire department requirement for the school.

Fire protection and access for emergency vehicles was discussed as well as whose responsibility it is to upgrade and maintain the road.

The Council decided to contact the school and set up a conference call to discuss the issue and come to a conclusion.

#### **OFFER ON TOWN LOTS ON S 4<sup>TH</sup>:**

Council discussed that it would be beneficial to sell the lots. They directed the Clerk to draft a resolution for the next meeting to put the lots up for sale.

#### **MAYORS REPORT:**

- He summarized the Public works monthly report. New employees have been locating curb stops and will be taking their water operator tests this week.
- The water tower was inspected and was in great condition.
- Park sprinkler systems have been winterized.
- WWTP – the aeration system should be up and running soon.



- Pioneer Crossing water attorney is setting up a meeting at the end of October to come to an agreement.

**CONSENT AGENDA:**

Motion- Dietz; Second- Schack; Vote- Unanimous: Motion passed to approve the consent agenda.

**Town Business Licenses:** C&C Contractors, Chad Loessberg Woodworks, and E.S.I. Services

**Approval of Minutes:** Regular Meeting minutes from September 13, 2018.

**Claims:** Dated 09/14/18 - 10/10/18 totaling \$ 166,897.72 including payroll.

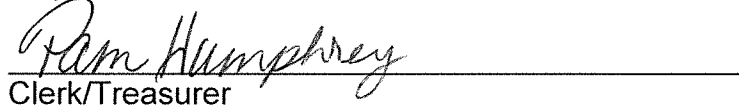
**ADJOURN:**

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



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Mayor



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Clerk/Treasurer

**TOWN OF MANHATTAN  
Regular Meeting  
November 14, 2018  
MINUTES**

Mayor Glen Clements called the meeting to order in the Town Meeting Room, at 207 S 6<sup>th</sup> St. at 7:00 P.M. Present were Council Members Steve Gonzalez and Dan Ryan. Gregg Dietz and Greg Schack were excused. Also present were Chief of Police Dennis Hengel, Officers Rocky Hamilton and Sean Tomlins, and Clerk/Treasurer Pam Humphrey. Seventeen members of the public were also present.

**PUBLIC COMMENTS:**

None

**POLICE UPDATE:**

*Dennis Hengel, Chief of Police:* He introduced new Officer Sean Tomlins, who will finish his FTO program this month. The SUV that burned in the fire has been replaced and is now totally outfitted. The pickup has been ordered to replace the Crown Vic. It is being built and will be here sometime in the next 4 months. They are updating their communication and record keeping along with the County, Bozeman, Belgrade, and MSU, with a new database and information system. He explained the use of the system and how it integrates information from all agencies that are on it. Speeding continues to be an issue in Town. An inventory of junk vehicles on property that are not operational was conducted. Forty-five to fifty junk vehicles were identified. He asked the Council if they want the PD to move forward with removing the vehicles. He discussed with the Council sending letters, pictures, and ordinance information and asking all junk vehicle owners to remove the vehicles.

**RESOLUTION NO. 18-009 – BUDGET AMENDMENT FOR SCHOOL ACCESS ROAD:**

A quorum was not present, so no decision was made. The Resolution will be on the December meeting agenda, at which time a Public Hearing will be held.

**RESOLUTION NO. 18-010 – RESOLUTION OF INTENT TO SELL LOTS:**

A quorum was not present, so no decision was made. The Resolution will be on the December meeting agenda.

**NIXON BRIDGE DISCUSSION:**

This agenda item was requested by a group of individuals that would like the Town of Manhattan to take possession of the Nixon Bridge for a Town owned park.

*Dave Hebner, 6617 W Dry Creek Rd:* He thanked the Mayor for putting the item on the agenda. He stated that he felt that there were some misconceptions about the condition of the bridge. He stated that the bridge was inspected by the DOT in April of 2016 and found to be not deficient in fair to good condition. He referenced the Manhattan Growth Policy that shows trails leading out to the river and to the bridge. He stated that any

action taken by the Town has liability involved, and encouraged the Council to consider it and asked them to keep an open mind.

*Elaine Skinner-Hale, 203 N 5<sup>th</sup>:* She stated that she is a retired anthropologist. She has worked with historic bridges in Yellowstone Park with road projects. She stated that the Nixon Bridge is a significant bridge. She had a letter from the state historic preservation board. She read parts of the letter, which described the construction of the bridge. She also presented a newspaper article about a bridge that was preserved in Wolfpoint for use by the community. She is in support of preserving the Nixon Bridge. She contributed some history and information about the process of the bridge project. She stated that historical value is not being considered in this case.

*Brad Roskie, County Historic Preservation Board and the Montana Ghost Town Preservation Society:* He stated that both boards have committed funds to help support the preservation of the bridge. He gave some examples of other bridges that have been preserved by other communities.

*Eleanor Mest, 317 S Broadway:* She spoke in favor of the Council preserving the bridge even though it is not located in Town. It is historic and generations have gone there to play. A trail is needed. She stated that it would be an asset for Manhattan.

*Gary Stoner, 8A Eliza Dr.* He stated that the Rotary Club submitted a letter to the Commissioners in support of keeping the bridge. They have not been able to raise the money required. They would like more time to do that. He stated that it is a unique bridge. He agreed that there are liability issues.

*Debbie Jones, Three Forks:* She stated that the bridge is the only way for walkers or bike riders to go across the river.

*Rachel Phillips, Gallatin History Museum:* Written comment was read in support of preserving the bridge.

*Don Seifert, Gallatin County Commissioner:* Written comment was read that the bridge cannot be preserved in place.

*Nancy Clark, Amerimont:* She stated that she was in support of preserving the bridge. The Rotary has offered to help support the bridge. She gave a history of the bridge project and the changes and hurdles that have come up.

*Jennifer Bowen, 214 N 4<sup>th</sup>, Unit B:* She asked if the decision is still up for debate and who will be making the decision. She asked if it is the point of the discussion tonight that the Town take possession of the bridge and would the Town be responsible for the bond amount like the Rotary was asked to provide.

Council and audience discussed liability issues, cost to the Town, the opinions of all of the taxpayers in town, and other entities that could preserve the bridge.

Councilman Gonzalez asked the audience to be respectful of the decision that the Council has to make on behalf of all of the taxpayers in the Town and the things that need to be considered.

Both Councilmen, as well as the Mayor, voiced that it would be good if the bridge were preserved, but that the Town should not be the entity to preserve it. They also added that the decision is up to the County Commissioners, who indicate that the bridge cannot be preserved. Mayor Clements suggested that the group take their concerns back to the County Commissioners.

**MAYORS REPORT:**

- Public works put in the secondary access road to the new school.
- The WWTP west aeration basin is running and the east will be running by next week. DEQ ratings will then be met consistently.

**CONSENT AGENDA:**

A quorum was not present, so the Consent agenda was not approved. All Consent Agenda items will also be on the December meeting agenda.

**Town Business Licenses:** Eilers Construction and Rocky Mountain Heating & Cooling

**Approval of Minutes:** Regular Meeting minutes from October 10, 2018.

**Claims:** Dated 10/11/18 - 11/14/18 totaling \$ 219,930.45.

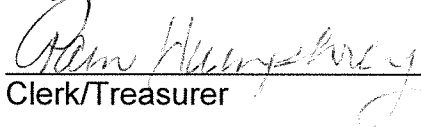
**ADJOURN:**

Mayor Clements adjourned the meeting.



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Mayor



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Clerk/Treasurer

**TOWN OF MANHATTAN  
Regular Meeting  
December 13, 2018  
MINUTES**

Mayor Glen Clements called the meeting to order in the Town Meeting Room, at 207 S 6<sup>th</sup> St. at 7:00 P.M. Present were Council Members Steve Gonzalez and Greg Schack. Gregg Dietz was present by phone. Dan Ryan was excused. Also present were Public Works Supervisor Jeff McAllister and Mechanic Steve Kurk and Clerk/Treasurer Pam Humphrey. Three members of the public were also present.

**PUBLIC COMMENTS:**

Steve Kurk, Public Works: He proposed a street name for the school access road – Tiger Lane.

**CONDITIONAL USE PERMIT-ACCESSORY DWELLING AT 202 N 3RD:**

**Public Hearing**

None

**Discussion/Decision**

Motion- Schack; Second- Gonzalez; Vote- Unanimous: Motion passed to approve the Conditional Use Permit for an accessory dwelling at 202 N. 3<sup>rd</sup>.

The Planning Board reviewed the application and recommended approval of the CUP. The Town Planner

**RESOLUTION NO. 18-009 – BUDGET AMENDMENT FOR SCHOOL ACCESS ROAD:**

**Public Hearing**

Pam Humphrey updated the Council on the reason for the amendment. The cost share agreement with the school indicated that the Town will take possession of the road and is responsible for the improvements. The \$9000 expense was not budgeted.

**Discussion/Decision**

Motion- Gonzalez; Second- Schack; Vote- Unanimous: Motion passed to approve Resolution No. 18-009, a resolution of the Town Council of the Town of Manhattan, Montana amending the fiscal 2018-2019 budget to allow for appropriations and funding.

**RESOLUTION NO. 18-010 – RESOLUTION OF INTENT TO SELL LOTS:**

Motion- Schack; Second- Gonzalez; Vote- Unanimous: Motion passed to approve Resolution No. 18-010, a resolution of the Town Council of the Town of Manhattan, Montana to sell the Town owned lots located on S 4<sup>th</sup> Street, Manhattan Orig Plat, S10, T01 N, R03 E, Block 5, Lot 11-B, AMND Plat C-48-G and Manhattan Orig Plat, S10, T01 N, R03, Block 5, lot 10-B, AMND Plat C-48-G.

Mayor Clements updated the council and audience on the reason for the resolution. Cities and Towns have to follow the steps set forth by Montana Law to sell real property.

**MAYORS REPORT:**

- WWTP aeration system now fully installed and is up and running. The Blowers can be cycled and will save a significant amount of money on power bills. The effluent is back in compliance and meeting DEQ requirements.
- They had a DEQ inspection and passed with flying colors.
- Public Works has been doing a lot of maintenance and helping other departments.

**CONSENT AGENDA:**

Motion- Gonzalez; Second- Schack; Vote- Unanimous: Motion passed to approve the Consent Agenda.

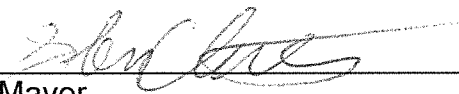
**Town Business Licenses:** Eilers Construction, Rocky Mountain Heating & Cooling, Arctic Air, Gallatin Valley Homes, and Roadarmel Construction, Inc.

**Approval of Minutes:** Regular Meeting minutes from October 10, 2018 and November 14, 2018.

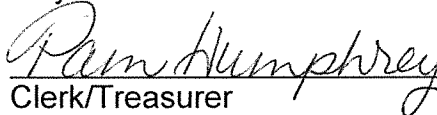
**Claims:** Dated 10/11/18 - 11/14/18 totaling \$ 219,930.45 and claims date 11/15/18 – 12/13/18 totaling \$ 153,759.85.

**ADJOURN:**

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

  
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Mayor

  
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Clerk/Treasurer