

**TOWN OF MANHATTAN  
Regular Meeting  
January 9, 2020  
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 Callie Hamilton, Betsy Mancuso, Greg Schack and Dan Ryan. Also present were Building Official Dave Rowell, Police Chief Dennis Hengel, and Clerk/Treasurer Pam Humphrey. Twelve members of the public were present.

**PUBLIC COMMENTS:**

None

**COUNCIL APPOINTMENTS:**

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

Motion- Schack; Second- Ryan; Vote- Unanimous: Motion passed to appoint Greg Schack as Water Commissioner, Dan Ryan as Sewer Commissioner, Betsy Mancuso as Street Commissioner, and as Park Commissioner.

**BENCHES – SAM BELL, BOY SCOUT:**

*Sam Bell, Boy Scout:* He would like to build benches for an Eagle Scout project along main street. He will use other boy scouts to help them assemble them. He will fund the project by asking local companies to sponsor the benches. The Town would be responsible for the maintenance of the benches.

Doug Bell, Leader: He asked the Council for their preference of materials, anchors, number of benches, and locations.

Councilman Schack offered to donate the wood and Dan Ryan offered to help with plaques for the benches.

The Council asked Sam to get the details worked out, get some sponsors, meet with the Park Board and come back to the Council with the details.

**WFR ENGINEERING UPDATE:**

Mayor Clements passed on the update for Kyle Scarr. The Draft PER will be to the Town on January 13, 2020. The discharge and treatment plant alternatives are dependent on the DEQ discharge permit. There is a design team meeting scheduled for late January. They will review the PER and see if any changes need to be made and get the changes back to TD&H. There will be a public hearing at the February Council meeting. TD&H will do a presentation for the public and answer questions. They will also discuss doing a cost, rate and impact fee study.

**NIXON BRIDGE:**

Motion- Schack; Second- Hamilton; Vote- 3 for, 1 against (Ryan): Motion passed to save as much of the bridge as possible and store it at the treatment plant.

*Eleanor Mest, 317 S Broadway:* She stated that she has been working with the bridge project. The County Commissioners want to give the Town a section of the bridge. The group of people involved would like to put by the trail that enters the park from South Broadway. They need the Council to make a decision on whether they will take possession of it or not.

*Elaine Skinner-Hale, 203 N 5<sup>th</sup>:* She state that there has been a series of considerations with the bridge. It needs to be removed. The County has to go through a process of mitigation for the historic preservation to get their permit from the corps of engineers. The County is willing to cut the bridge, sand blast it, and powder coat it. She has talked to metal artists about the different options for displaying it. There is no time constraint for the work, but there is a time constraint for making the decision. The alternative to the Town keeping a section is public education. They want it to be a showpiece vs. a hunk of metal.

*Buck Buchanan, 315 N 5<sup>th</sup>, President of Manhattan Trail Committee:* He stated that the County will remove the section and bring it back after it is powder coated. The Town would be responsible for setting in place and maintaining it. He thinks it would be great for it to be in a place for the most people to see it.

*Cathy Thompson, Stahly Engineering:* She stated that they have agreed for the contractor to cut a 12' piece of the bridge, it may be negotiable however.

Council discussion included other possible places for the bridge section. They would prefer a larger piece of the bridge because a 12' piece would not be a representative section of the bridge. Storing the section may be an option for a period of time. Scrapping the section was also discussed as a possibility if a place could not be found. The County would also pay for the movement from storage to the permanent place.

The bridge qualifies to be on the historic register. There are 2 options. Documentation and photos will be done regardless, then either preserve a piece of it with a permanent entity or do more educational options for preservation.

**RESOLUTION NO. 19-016 - 457:**

Motion- Ryan; Second- Schack; Vote- Unanimous: Motion passed to approve Resolution No. 19-016, a resolution to participate in the State of Montana 457(b) deferred compensation plan administered by the Montana Public Employee Administration (MPERA).

**RESOLUTION NO. 19-017- BUILDING CODES:**

Motion- Hamilton; Second- Mancuso; Vote- Unanimous: Motion passed to approve Resolution No. 19-017, a resolution of the Town of Manhattan to adopt the 2018 Uniform Plumbing Code, 2018 International Mechanical Code, 2018 International Fuel Gas Code, 2017 National Electrical Code, 2018 International Building Code, 2018 International Residential Code, and 2018 International Swimming Pool and Spa Code.

Dave explained the reason for the adoption of the new codes. The Town must adopt the codes that the state adopted, or will lose the certified jurisdiction designation.

He will start enforcing the new codes as soon as the resolution is passed.

**BOARD APPOINTMENTS:**

**Planning Board – Jennifer Bowen, Council Appointment**

Motion- Schack; Second- Ryan; Vote- Unanimous: Motion passed to appoint Jennifer Bowen to the Manhattan City-County Planning Board.

**PARKING:**

Dennis Hengel, Chief of Police: He stated that the last meeting had some discussion about parking issues in Town. He stated that the police enforce parking on a complaint basis, if it creates a problem, or if public works needs to maintain the road. There are over 2 dozen vehicles in violation currently. Many more are parked on the right of ways longer than is allowed. Other towns have a code compliance officer to address parking, except for West Yellowstone. Bozeman, Belgrade and Three Forks all have code compliance officers. The Manhattan Police Department had 2652 calls for service in 2019. That is calls that officers take care of. It would be accurate to add another 1000 calls for all police activities. He presented a written report for the council that summarized the process in the surrounding communities. He also provided some suggestions to address the code compliance issues, such as getting a part time code compliance officer, doing a permit process for longer term trailer parking, changing the length of time cars are allowed to park. He does not want to create an adversarial relationship between the public and the police. Changes could require minimum movement of the vehicles, provide for towing, removal and storage of vehicle that are not moved. He would suggest a committee to come up with a Town Ordinance to address the issues. He had some additional thoughts on semi-trucks parking on the streets and leaving refer trucks running all night in the residential areas. Chief Hengel has a written compliance letter that he can provide to the Mayor for updating and publishing for the citizens.

Councilman Ryan stated that the reason for enforcement is to clean up the town. A notice to the public would be helpful.

Council discussion included education of the current law, so that the public will not be angry with the police. They discussed the reasons for enforcement and the need for actual citizen complaints to address issues.

**MAYOR'S REPORT:**

None

**CONSENT AGENDA:**

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

**Town Business Licenses:** Billings Seafood Guys, Mountain Air Systems, and Wilder Construction, LLC.

**Kennel License:** Bob Uhrich – Renewal for 710 Jefferson


**Chicken Coop:** Shirley VanDyken, 203 Cottonwood


**Approval of Minutes:** Regular Meeting minutes from December 12, 2019.

**Claims:** Dated 12/13/19 – 01/09/20 totaling \$ 915,302.69.

**ADJOURN:**

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

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk/Treasurer

**TOWN OF MANHATTAN  
Special Meeting  
January 27, 2020  
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 Callie Hamilton, Betsy Mancuso, Greg Schack and Dan Ryan. Also present were Town Engineer Kyle Scarr and Clerk/Treasurer Pam Humphrey. Seven members of the public were present.

**PUBLIC COMMENTS:**

None

**NIXON GULCH BRIDGE:**

Motion- Hamilton; Second- Schack; Vote- Unanimous: Motion passed to authorize the Mayor to sign the inter-local agreement with Gallatin County to disagree on behalf of the Town of Manhattan, MT to accept a segment of Nixon Bridge to establish a permanent historic monument with the size of the monument at the discretion of the Town of Manhattan, MT. Our disagreement to accept a segment of Nixon Bridge releases the Town of Manhattan from any further historic preservation mitigation requirements as it pertains to Nixon Bridge and thus requires Gallatin County to exercise Option B in the Army Corps of Engineers' Memorandum of Agreement.

Motion- Schack; Second- Ryan: Vote- Unanimous: Motion passed to authorize the Mayor to sign the Memorandum of Agreement with the Army Corps of Engineers at a later date.

*Don Seifert, Gallatin County Commissioner:* He relayed that the Army Corps of Engineers has given them some guidelines that they must follow. He presented an inter-local agreement between the County and the Town. The bridge has to be removed and the agreement outlines what will happen to the bridge after removal. The County is on a tight timeframe. The Town would need to sign whether they will accept or reject the bridge segment. If the Town does not accept the bridge segment, the County will go ahead with the documentation and presentation for the Haps-hair requirement. They will also put the information out at the site of the bridge and into museums around the area. If the Town would choose to accept the bridge, the County will store the bridge until the Town decides what they want to do with it. The County is requesting one signature from the Mayor to accept the bridge or one signature from the Mayor to reject the bridge. The Town would have one year to take possession and set the bridge if they chose to accept the bridge. The County changed the agreement from 3 years to 1 year to comply with the historic preservation portion of the project. They need to be able to start the contract by February 1, 2020. The Army Corps of Engineers has to agree and give them the permit to proceed. It is a 120-day construction project. It has to be done while the water is low. It was not moved through earlier, now they have to push it forward. If not, the contract will expire and they will have to redo it in the next year. That could push the project to \$300,000-\$400,000 more than the original contract, which is a cost to the Gallatin

County taxpayers. The Part 106 Review (historic preservation) was the delay, which was triggered by public comment from historic preservation groups.

*Councilwoman Mancuso* summarized a review of the project so far. At the November 14 2018 meeting, the Council agreed to not be the entity to preserve the bridge. At the January 2, 2020 meeting the preservation committee asked to the Council to take a portion of the bridge and display it in the park. The Council voted to store the bridge, but did not make any commitment to install it or take possession of it. Then there was a meeting on January 15, 2020 with the County Commission. The information at the meeting indicated that if the Town stores the bridge portion on their property, it becomes the Town of Manhattan's property and would be responsible for it. The Council has to represent the whole town and this would be an expensive responsibility to undertake with the Town's money.

*Councilman Schack* agreed that the Council agreed to store the bridge section to help the preservation committee, not take possession of it. He stated that he did not feel that the Town should take the liability of owning the bridge section.

Mayor Clements added that when taking possession of the bridge was discussed in 2018, the Town Attorney has concerns about the liability associated with it.

*Councilwoman Hamilton* stated that she is also concerned with liability. Also, looking at the minimum requirements from the State Preservation Office, it becomes just random parts that don't make sense. The larger portion option is a huge liability and it is unknown what the cost would be to set and maintain either size option. She stated that she ran the project by the building manager at the Museum of the Rockies because he has been involved in other preservation projects. He was very worried about the liability to the Town of this project.

*Buck Buchanan, 315 N 5th:* He stated that he has visited with Craig Bergstedt and he presented an idea that they came up with to take the end sections and put them in the park as a visual representation of the length of the bridge. He stated that they could do fundraisers to pay for the mounting and maintenance of the sections. He was concerned with the timeframe, however. It was 2-3 years in the previous version of the agreement and is now 1 year. There is no time to try to raise the funds for another group to fund the project.

*Eleanor Mest 317 S Broadway:* She stated that other communities have things that are mounted outside that must have liability.

*Councilman Ryan* stated that he likes the idea of preserving something for the historical value, but the Town cannot absorb the cost. This has been talked about for a long time, and this decision is a binding contract that the Town cannot take on because of the cost. Liability issues were discussed. The height of the structure was discussed. What constitutes a liability issue was discussed and how the insurance company views liability in parks. The current cost of the Town's liability was also discussed.

#### **WASTEWATER PER DISCUSSION AND INFORMATION:**

Mayor Clements reported that the PER draft chapters 1-4 will be to the Town on February 7, 2020. This portion of the draft will be presented at the February Public Hearing. Then, at the March meeting treatment options will be discussed. The Council will be provided information and cost estimates for discharge and water rights, then

treatment options. There are multiple options for discharge, which could range from \$4-6,000,000. Treatment requirements and expansions will likely cost 3-5 times the discharge amount. The current plant is at or near capacity in terms of concentration/loads. It will be under capacity after the new discharge permit is issued because the new permit is much more stringent. It is not an option to do nothing. Even the least amount possible will be expensive at the plant. The proposed infiltration basins may require the Town to acquire some land for storage of effluent.

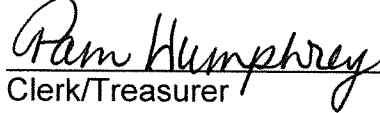
*Kyle Scarr, Town Engineer:* The DEQ requires that the average over the worst month is used to determine what the requirements need to be met. The current plant is doing a very good job with the current permit. This proposed project would be a 5-7 year project. The plan is to submit grant applications this year, which are then awarded by the legislature next year. Then the project is designed, followed by 1-2 years of construction. The capacity issue is with the discharge permit to meet the requirements. Water rights mitigation could help with the treatment requirements. He explained the benefits of a combination of processes/alternatives.

**ADJOURN:**

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



Mayor



Clerk/Treasurer

**TOWN OF MANHATTAN**  
**Regular Meeting**  
**February 13, 2020**  
**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 Callie Hamilton, Betsy Mancuso, Greg Schack and Dan Ryan. Also present were Town Engineer Kyle Scarr, Building Official Dave Rowell, Public Works Supervisor Jeff McAllister and Clerk/Treasurer Pam Humphrey. Twenty members of the public were present, sign in sheet is attached.

**PUBLIC COMMENTS:**

None

**COURTESY REVIEW AND RECOMMENDATION OF TOWN'S ZONING MAP AND ZONING ORDINANCES:**

*Lisa Ledoux, NREMDD:* She stated that they offer economic development programs for area communities. They would like to help develop rural prosperity through a cooperation program. In October of 2019, the NREMDD and the City of Bozeman hosted a round-table discussion on the topic of the economic urban/rural divide. A guest speaker from Virginia did a presentation, during which they sought to identify some issues and ideas on best-practices for regional cooperation. A Community Assessment Team (CAT) was formed. They provide resources in planning and economic development. They looked at the Town's zoning maps and ordinances. This is a courtesy review. They will also reach out to the Manhattan City-County Planning Board.

*Marty Matsen, Planning City of Bozeman:* He stated that they looked at things that might help spur some economic growth ideas. He gave the Council some ideas to think about. The CAT recommended expanding residential zoning by changing some single family zones to allow for more different types of housing. Alleys were looked at, including using alleys for centering of activities. State lands are within the Town's growth boundary. The state has the ability to lease the lands for businesses under 99-year leases. He suggested looking at the state lands as an opportunity in the Growth Policy for future land use. He stated that the text of the Town's zoning is boilerplate and outdated. He suggested that the Town update and make the Code more user friendly and easier to read.

*Ryan Kreuger, Intrinsic Architecture Planner:* He reinforced the practicality of recommendations and expanded on them.

*Frank Dougher, Gallatin County GIS Analyst:* He stated that GIS is contributing special analysis information as needed for measuring or simulating scenarios. They can also help with maps.

*Mayor Clements:* He stated that it would be helpful to hear from the other small communities and how they deal with the same types of problems.

**PRELIMINARY ENGINEERING REPORT – WASTEWATER TREATMENT AND DISPOSAL:**

**Public Hearing**



*Kyle Scarr, Town Engineer:* They now have a draft document of the PER for treatment and discharge. He introduced the team from Thomas Dean & Hoskins and A2ES, as well as the Pioneer Crossing team with the water rights side of things for the groundwater discharge option.

*Nichole Rediske, Great Falls TD&H:* She stated that the PER will go with the grant applications for the projects. Cost estimates are for the disposal system only, not the treatment plant. She discussed the need for the project and the alternatives. She described the existing facility. She described the process that happens before the wastewater is discharged and the critical things that the plant has gone through throughout the past few years. Hydraulic capacity and treatment capacity may be different. The pending flow rate plus the current flow rate are over what the plant was designed to handle. The system is stressed in some areas, the effluent requirements from DEQ are what the plant must meet. The current discharge permit was set to expire in 2015, but was extended by the DEQ. The EPA sets the nutrient requirements, and the DEQ enforces them throughout the state. The new standards are very stringent. Many Montana communities have trouble meeting the standards. There is a process to get a variance for the standards. The timeline is under litigation and may change. There is currently a public hearing in Helena discussing water standards. She talked about the water rights issues that Manhattan is dealing with.

*Bill Luehrs, Pioneer Crossing:* He stated that they bought the development in 2014. He gave a history of the development and the water rights issues. When they took over the development, they transferred the water rights to the Baker Ditch, who then transferred them to the Town. He described the process of getting the change application permit for the Pioneer Crossing Well. They hired engineers and water rights attorneys to help to prepare the permit applications on behalf of the Town. They are proposing an infiltration gallery for the treatment plant effluent during the irrigation system to mitigate the issues that the objectors to the permit application had, which addresses the DNRC's time arguments. The DNRC reviewed the applications and issued comments for clarification. The motor and pump of the well have been tested and are operating correctly. They believe that leaving a certain amount of water in the river and the infiltration gallery will meet the requirements of the DNRC.

*Mace Mangold, Pioneer Crossing:* He explained how the previous use of the irrigation water rights translate to residential use. When the water is used, timing is the main issue. The recharge eliminates the higher standards of the DEQ during the time the water needs to be mitigated. Timing of surface water discharge was discussed. This alternative is a way to save a lot in terms of money spent on meeting the discharge permit.

*Nicole Rediske, TD&H:* She presented the six disposal alternatives: 1. No action, 2. Groundwater discharge, 3. Surface water discharge to the Gallatin River, 4. Land application spray irrigation, 5. Combine discharge, groundwater and the Gallatin River, 6. Combine discharge, groundwater and Dita Ditch. She gave an overview of each of the most desirable options and the environmental impacts, land requirements, additional concerns and cost estimates. The cost for the most desirable options are #2 = \$6.5 million; #5 = \$5.9 million; #6 = 3.8 million. She compared the cost, feasibility, O&M, public health and safety, environmental impacts, and public acceptance.

They will present treatment alternatives at the next public hearing, discuss the proposed project, and then submit the PER to the funding agencies. She presented the funding options. She has created a Facebook page for public comment, Town Manhattan Water Reclamation Facility Improvements. A link will be placed on the Town website.

*Steve Gonzalez, 315 E Gallatin:* He asked if the ditch is older than a 50 years old, and if so there may be historical issues.

*Bill Leuhrs, Pioneer Crossing:* He asked about the assumption of capacity. He suggested that the Town needs to move a little more slowly in terms of planning for a very large capacity.

*Tom Wells, N 5<sup>th</sup> St:* He stated that we need to push for the larger capacity so growth is not hindered.

Kyle described the process from here and through the decision process.

#### **MANHATTAN TRAIL SYSTEM COMMITTEE:**

No representative present.

#### **PUBLIC WORKS EAST MAIN LOT PURCHASE PROPOSAL:**

Motion- Schack; Second- Ryan; vote- Unanimous: Motion passed to not purchase the property on East Main.

*Jeff McAllister, Public Works Supervisor:* He stated that the town shop is reaching space limitations. There is a lot close to the shop that is available for purchase at this time. The Public Works needs to grow and improve infrastructure for the equipment and materials. The lot is \$110,000. It is located on East Main, between the shop and Main Street. The lot will be a lay down area.

*Dave Rowell, 275 NW Passage:* He stated that he realizes that Public Works needs to have more room. He is concerned that there are only 2 building lots on Main Street for businesses. He suggested that other alternatives need to be explored.

*Rocky Hamilton, 505 Milwaukee:* He stated that the Town, the Fire Department, has a lot in Centennial Village that could possibly be used.

Council discussion included how to pay for the land. Other storage options were discussed. Other lot options were discussed.

#### **RESOLUTION NO. 20-001: POLICY #17, RIGHT-OF-WAY POLICY:**

Motion- Schack; Second- Mancuso; Vote- Unanimous: Motion passed to approve Resolution No. 20-001, a resolution of the Town Council of the Town of Manhattan to approve Policy #17 – Right-of-way Policy.

*Kyle Scarr, Town Engineer:* He explained that there are a few documents that allow the Town to review anything that happens in the right-of-way. These documents are application forms that allow Public Works to review and make decisions on work done in the right of way. This also covers liability issues that may arise.

#### **CHARTER FRANCHISE AGREEMENT:**

The agreement is not ready, so the item was tabled until the next meeting.

#### **MAYOR'S REPORT:**

- The DNRC Deficiency Letter response for the Pioneer Crossing well is getting wrapped up. He will sign it and send it as soon as it is ready. The Pioneer Well is almost ready to be turned on. He thanked Bill Luehrs.

**CONSENT AGENDA:**

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

**Town Business Licenses:** Main Mechanical Heating & Cooling, Asset Consulting, and Grizzly Groundworks, LLC.

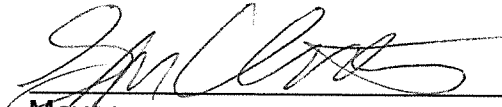
**Kennel License:** Morgan & Shawna Taylor, 106 N 2<sup>nd</sup>

**Approval of Minutes:** Regular Meeting minutes from January 9, 2020 and Special Meeting minutes from January 27, 2020.

**Claims:** Dated 01/10/20 – 02/13/20 totaling \$ 191,257.45.

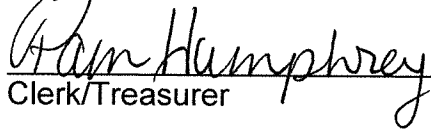
**ADJOURN:**

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



---

Mayor



---

Clerk/Treasurer

**TOWN OF MANHATTAN**  
**Regular Meeting**  
**March 12, 2020**  
**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 Callie Hamilton, Betsy Mancuso, Greg Schack and Dan Ryan. Also present were Town Engineer Kyle Scarr, Town Attorney Jane Mersen, Public Works Supervisor Jeff McAllister, Chief of Police Dennis Hengel, and Clerk/Treasurer Pam Humphrey. Seven members of the public were present, sign in sheet is attached.

**PUBLIC COMMENTS:**

None

**PRELIMINARY ENGINEERING REPORT - DISCUSSION:**

**Public Hearing**

Clerk read public hearing notice.

*Kyle Scarr, Town Engineer:* He stated that originally they were going to do the hearing on the treatment alternatives. They were unable to get the official draft to the Mayor and Plant Engineer in time for the presentation at this meeting. They will have that hearing at a later date. The alternatives are taking longer than anticipated. They are taking extra time to make sure it is accurate. The information will be to the Town early next week. He recapped the last presentation on discharge. He gave some ballpark figures for the upgrades, which were \$3.8-6.5 million for the discharge and \$18-24 million for treatment. The consultant team is suggesting a phased approach to the project and getting into multiple funding cycles. The discharge alternatives and a few plant upgrades would be the first phase so that the pending discharge permit can be met. This phase does not gain any capacity. Currently the plant does not have redundancy. The DEQ's draft discharge permit is still being worked on. Once the permit is finalized, the plant can be tailored to that permit requirements. With phase one being the discharge, phase two would be by the treatment expansion.

There will be a special meeting on April 2, 2020 to have the public hearing to present the treatment alternatives and they will also present their preferred alternative. Then at the regular meeting on April 9, 2020, the Council will decide on the preferred alternative. Then a special meeting will have to be held on April 23, 2020 for a decision on sending the PER to the funding agencies and submitting grant applications. Kyle answered the question from the public and the council.

*Walt Sales, Representative for House District 69:* He stated that he is surprised that the TSEP grant deadline was moved up to earlier than normal. He will see if he can look into it. A variance for the EPA guidelines was applied for, he is not sure if it was granted.

**Written comment** from *Bill Luehrs, 220 Pioneer Crossing Blvd:* He cautioned the Town to carefully consider the growth assumptions of the PER. He thinks that the projection is too aggressive and recommended that the expansion be at a smaller capacity. Then it can be scaled up in the future if needed.

*Bill Luehrs, Pioneer Crossing:* He clarified his points verbally. He urged the Council to go slower and add modules as the Town grows. He asked for clarification of the plant being designed to go to 4 times the current capacity. He asked about if the groundwater discharge would solve the quality problem.

*Steve Gonzales, 315 E Gallatin:* He asked if it is feasible to develop in stages. He asked for clarification on the DEQ permit information. He asked about a grace period. Council discussed how much additional capacity would be added and why Manhattan is being singled out as not being able to meet the new discharge permit. They clarified that Amsterdam/Churchill is included in the data. They discussed that when the plant was built, it was built for future expansion. They have gotten questions relating to development paying for the expansion. They were concerned that we are still paying for current plant, it is not paid off and now we need to expand. They discussed if the upgrades will this actually meet the new permit.

*Jill Stowasser 207 N 2<sup>nd</sup>:* She stated that when the plant was designed, the citizens were told it would last for 30 years. She asked about funding. She is concerned about the cost and she questions if the growth will come if the water/sewer bills increase substantially.

#### **RESOLUTION NO 20-002 – IMPACT FEES:**

Clerk read public hearing notice

#### **Public Hearing**

**Written comment** from *Bill Luehrs, 220 Pioneer Crossing Blvd:* He wrote in opposition of raising impact fees.

#### **Discussion/Decision**

Motion- Schack; Second- Hamilton; Vote- Unanimous: Motion passed to table Resolution No. 20-002.

Council discussed that when the impact fees were recommended by the study, the Town chose to enact fees that were lower than the recommended fees.

*Jane Mersen, Town Attorney:* She stated that the law requires the Town to update and do a study every 5 years. She advised that the Town table the resolution and do the study.

#### **IMPACT FEE STUDY PROPOSAL:**

Mayor Clements presented a proposal from AE2S Nexus to do a study on water and sewer impact fees.

Council discussed that since there must be a new study every 5 years, it should be on water, sewer, streets, and fire.

Mayor Clements suggested putting a committee together and start the process. Councilwoman Hamilton will work on setting up the committee.

Attorney Mersen suggested doing a new capital improvement plan, and then using that to do the impact fee study.

### **CHARTER FRANCHISE AGREEMENT:**

Motion- Hamilton; Second- Schack; Vote- Unanimous: Motion passed to authorized the mayor to sign the Charter Franchise Agreement once it is finalized.

*Jane Mersen, Town Attorney:* She stated that she has been negotiating the agreement with a representative from Charter. She had one issue that she wants to follow up on. She gave the history of the current 20-year agreement. This is a renewal of the old agreement. The current agreement pays approximately \$16,000 - \$17,000 per year.

### **RESOLUTION NO. 20-003: GUIDELINES FOR PARK EVENTS/SPORTS:**

Motion- Mancuso; Second- Schack; Vote- Unanimous: Motion passed to approve Resolution No. 20-003, a resolution of the Town Council of the Town of Manhattan setting guidelines for scheduled events in Taylor Park.

Councilwoman Hamilton stated that Park Board met and talked about the rules for the parks. They felt that some additional rules were needed for sporting events and special events.

### **POLICE DEPARTMENT UPDATE:**

*Dennis Hengel, Chief of Police:* He informed the Council that officer Daryl Rogers has accepted a position with the Gallatin County Sheriff's Office. Wages were given as the reason for leaving. He will leave in 4-6 weeks. Hengel stated that it will create a scheduling problem until another officer is hired, which will be approximately June.

Second, Chief Hengel informed the Council that two handheld radios stopped working so they will need to purchase new radios. He gave the Council some information on what he would like to purchase. There is money in the CIP fund to cover the expenditure. The council followed the purchasing procedure for a purchase within the budget but over \$2500. The Council signed the purchasing paperwork.

### **WELLS IN TAYLOR PARK**

Mayor Clements presented some quotes at the advice of the Town Engineer to put 35 gal/minute wells in Taylor park instead of using treated Town water.

Councilman Ryan asked if the Farmstead wells could be used to water the park instead of drilling new wells, with them regulated to 35 gpm.

The Town Engineer will do a cost analysis on drilling wells and using the Farmstead wells.

### **PLANNING BOARD APPOINTMENT**

#### **Mayoral Appointment**

Motion- Ryan; Second- Hamilton; Vote- Unanimous, Schack abstained: Motion passed to approve the Mayoral appointment of Lindsay Schack to the Planning Board.

### **MAYOR'S REPORT:**

- Corona virus concerns are apparent. He attended a webinar with DES today. The county has an emergency plan in place already. They are reaching out to schools to provide information also. There is a link on the website to Gallatin County Health Department and the CDC.

- Taylor park gazebo is in the process of being repaired. The roof will also be replaced.
- Public works report – Pioneer Crossing well has been turned over to the Town. There is still work to be done on the SCADA system and generator. Then it will be ready for fire flow for the town.
- He gave an update on the status of the permit for the Pioneer Crossing well, there should be word from the DNRC soon. So far is sounds favorable.
- Jeff McAllister has been talking to 911 center about leasing a space on the water tower for communications.

**CONSENT AGENDA:**

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

**Town Business Licenses:** McIntosh Construction, Tree Care Solutions, and KW Construction Co, Inc.

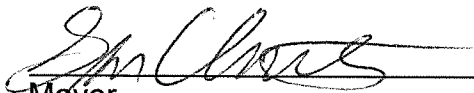
**Kennel License:** Steffan Simpkins, 211 Valley St.


**Approval of Minutes:** Regular Meeting minutes from February 13, 2020.

**Claims:** Dated 02/14/20 – 03/12/20 totaling \$ 159,600.96.

**ADJOURN:**

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

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk/Treasurer

**TOWN OF MANHATTAN  
Special Meeting  
March 19, 2020  
MINUTES**

Mayor Glen Clements called the meeting to order in the Town Meeting Room, at 207 S. 6<sup>th</sup> St. at 5:00 P.M. Present were Council Members Callie Hamilton, Betsy Mancuso, Greg Schack and Dan Ryan. Also present was Clerk/Treasurer Pam Humphrey. No members of the public were present.

**PUBLIC COMMENTS:**

None

**RESOLUTION NO. 20-004 – EMERGENCY DECLARATION:**

Motion- Mancuso; Second- Ryan; Vote- Unanimous: Motion passed to approve Resolution No. 20-004, a Municipal Declaration Resolution of Emergency.

The reason for the resolution is to ensure that the Town can receive emergency funding if emergency measure have to be taken. It also gives the Mayor some addition powers to make some decisions without Town Council approval/meetings. It allows the Town to follow the County Emergency Plan which lets Towns combine resources if needed.

Council discussed some of the groups and options that are already offering assistance for seniors or anyone that needs them in the community.

Councilwoman Mancuso stated for the record that the Town is doing its best to prepare for a crisis. She acknowledged that many businesses have incurred a huge financial hit. She wanted to assure the citizens that this governing body will not allow their Constitutional rights to be infringed upon.

Mayor Clements added that the Small Business Administration is offering assistance to businesses that are feeling the effects of the shut downs.

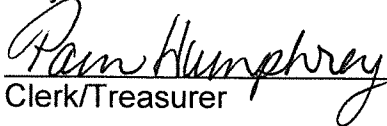
Mayor Clements would like to enact a Manhattan Disaster Emergency Service Committee. He appointed Councilperson Mancuso to help set up the committee and contact the Police and Fire Chief as well as the Senior Citizens center for volunteers. Councilman Schack offered to also be on the committee.

**ADJOURN:**

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



\_\_\_\_\_  
Mayor

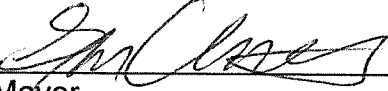


\_\_\_\_\_  
Clerk/Treasurer



**TOWN OF MANHATTAN  
Regular Meeting  
April 9, 2020  
MINUTES**

No essential business was on the agenda, so no meeting was held due to Covid-19. Mayor Clements approved the Town Business Licenses for Dark Timber Construction, Avant Building Group, Miller Construction, and Great Western Insulation. Mayor Clements also approve the Chicken Coop application for Joe and Betsy Mancuso at 113 N 4<sup>th</sup> St as well as for the claims from 03/13/20 to 04/09/20 for a total of \$182,351.93.

  
\_\_\_\_\_

Mayor

  
\_\_\_\_\_

Clerk/Treasurer

**TOWN OF MANHATTAN  
Special Meeting  
April 16, 2020  
MINUTES**

Mayor Glen Clements called the meeting to order via Zoom meeting at 7:00 pm. Council members Callie Hamilton, Betsy Mancuso, Dan Ryan and Greg Schack were present. Also present were Bill Luehrs, Vianna Larrabaster, Mace Mangold, April (no last name provided), CT Wambacki, Andy Powner, Diane LeTendre, Wendy (no last name provided), Jill (no last name provided), and one additional woman who did not provide a name. Engineers present related to the project were Kyle Scarr, Scott Buecker, Nicole Residke, and Camille Johnson. Clerk/Treasurer Pam Humphrey was also present.

**PUBLIC COMMENTS:**

None

**PRELIMINARY ENGINEERING REPORT – WASTEWATER TREATMENT SYSTEM ALTERNATIVES:**

**Public Hearing**

Clerk read public hearing notice.

*Kyle Scarr, Town Engineer:* He presented the Power Point and turned the presentation over to Scott Buecker.

*Scott Buecker: AE2S:* He gave an overview of the current situation and gave a brief summary of the treatment alternatives that were explored. He stated that the plant is currently at its limit for treatment capacity. The need for improvements stems from the inability to remove total nitrogen from the wastewater to meet the DEQ discharge permit if the flow increases at all.

There are four main alternatives, with one additional option for future expansion. The first is to do nothing, which is not an option if the Town expands at all.

The second alternative is a minor improvements project that would have a design average day flow rate of .37 MGD. This option would add internal mixed liquor recycle, add a redundant blower and small blower building and locate all blowers in a building, add media for mixed film and a dewatering facility. This option is projected to cost \$3.9 Million.

The third alternative is a 4 Train MLE with a design average day flow rate of .63 MGD with redundancy. It would construct two more treatment trains, reconfigure existing basins to MLE, expand the UV system, aerobic digestion expansion, and a dewatering facility. The projected total cost is \$16.1 Million.

The fourth alternative is a 6 Train MLE with a design average day flow rate to .8 MGD with redundancy. It would construct four more treatment trains, MLE configuration, add blower, chemical, and electrical buildings, expand the UV system, aerobic digestion expansion, dewatering facility. The projected total cost is \$24.1 Million.

A fifth alternative for future expansion would be a 4 Train MBR with a design average day flow rate of 1.0 MGD. It would construct two more treatment trains, build a

membrane facility at the end of all four trains, add blower, chemical, and electrical buildings, expand the UV system, aerobic digestion expansion, and a dewatering facility. The projected total cost is \$26.6 Million.

He stated that the costs are high, which many small communities cannot afford. The state and federal government have programs to help with affordability of meeting regulations.

He showed a capacity and cost summary for each alternative. He also summarized the advantages and disadvantages of each of the alternatives.

Mayor Clements asked for Council questions.

*Councilman Dan Ryan:* He asked how the average annual flow was calculated and if they were able to take into account that the Town just did an improvement project on the lines in town which eliminated some of the infiltration that had been happening in the past. The engineers explained that the number is the maximum flow day divided by the average yearly flow. We have not gone through a cycle after the project so the actual maximum flow currently has not been calculated. The ultimate capacity of the flow is not changed by the repair because the flow will be increased with more connections.

*Councilwoman Hamilton:* She asked what the estimated population would be to need the .6 or .8 MGD designs. The engineers stated that would be roughly double what the town is at now and double Churchill.

Rates and funding were also discussed. Rate changes would be dependent on how much and what types of funding the Town could get for the project. The Town does not have to accept funding and do the project if they choose not to.

*Kyle Scarr, TD&H:* He gave an overview of chapter 5 of the PER. The PER team met with the Mayor and the plant engineer in March. They made a selection of the recommended alternative. They recommended the third alternative for treatment and the combined discharge alternative (6<sup>th</sup>) with ground water and surface water discharge. He explained the reasons for the selection, which included getting the Pioneer Crossing well permitted and being able to use those water rights. They are recommending making the project a phased project. He described the phasing. The first phase would be to put in the groundwater discharge infrastructure, do the minor improvements of alternative two and acquire the water rights. The cost of the first phase would be approximately \$7.7 Million. It would happen in 2020-2022. The second phase would be to do the plant expansion and upgrades. It would cost approximately \$16 Million and would happen around 2024. Phasing allows some time to find out more about some of the unknown issues with the regulatory agency and new discharge permit. The Town could participate in two rounds of funding, but show the costs as a total. This would allow the Town to possibly qualify for a better funding package.

*Nicole Rediske, TD&H:* She presented some estimates on conservative possible funding alternatives. She presented two different loan options. She also presented some assumptions about what the user rates could be with the funding options. With the funding options presented, user rates would be approximately \$96-\$99 for sewer base rates. They also plan to apply for a WRDA grant, but it is unpredictable if it would be awarded.

Mayor Clements asked for Public Comments. There were no public comments.

*Kyle Scarr, TD&H:* He stated that Chapter 5 of the PER is done and Chapter 6 will be the written detail of the preferred alternative. Chapter 7 will be a summary. They are currently putting together the grant applications and have been talking to the funding agencies. There will be another public hearing in May to discuss the environmental documents. They would like the Council to make a decision to adopt the PER and authorize the Mayor to sign the funding applications. The funding will not be awarded until the next legislative session.

The Council briefly discussed personnel needs related to the different alternatives.

**ADJOURN:**

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

  
\_\_\_\_\_

Mayor

  
\_\_\_\_\_

Clerk/Treasurer

**TOWN OF MANHATTAN**  
**Regular Meeting**  
**May 14, 2020**  
**MINUTES**

Mayor Glen Clements called the meeting to order via Zoom meeting in the Town Meeting Room, at 207 S. 6<sup>th</sup> St. at 7:00 P.M. Present were Council Members Callie Hamilton, Betsy Mancuso, Greg Schack and Dan Ryan. Also present were Nicole Rediske (TD&H), Mace Mangold, Bill Luehrs, Adam Jensen, Jill (no last name provided), Jamie (no last name provided, and one via phone with no name provided). Town representatives present were Town Engineer Kyle Scarr, Town Attorney Jane Mersen, Public Works Supervisor Jeff McAllister, and Clerk/Treasurer Pam Humphrey.

**PUBLIC COMMENTS:**

*Councilman Ryan:* He reported that are several good things going on in town. The senior citizens are appreciating the efforts of everyone delivering meals, etc. The school lunch program has provided over 1000 meals for school kids. HRDC is helping people with utility costs, medical expenses, programs for rent and housing assistance. They are also working on a program to help residents pay sewer and water fees.

**FINAL PRELIMINARY ENGINEERING REPORT AND RECOMMENDED IMPROVEMENT TO THE WATER RECLAMATION FACILITY AND ANTICIPATED ENVIRONMENTAL IMPACTS OF THE PROJECT:**

**Public Hearing**

Clerk read public hearing notice.

There was no public comment from the attendees.

*Written comment from Sara Vaccaro, 302 W Manhattan Ave:* She expressed concern about the cost of the project. She had several questions about funding and covering the overall cost and would like to see more actual costs.

*Written comment from April Scharen, 112 N 3<sup>rd</sup>:* She expressed concern about the cost of the project to the rate payers. She also had several questions for the engineers and Council.

**Discussion**

Mayor Clements stated that the rates and costs have been addressed in the previous public meetings that have been held. There is a cost share agreement with Churchill/Amsterdam. They will be paying their share of the flow for the cost of the required upgrades.

Councilwoman Callie Hamilton asked if the upgrades would still be necessary if Amsterdam/Churchill were not hooked to the Town system. Mayor Clements answered that, yes, the new DEQ permits had stricter requirements that the Town will have to meet regardless of the number of users on the system. Councilwoman Hamilton also asked if the Town is still paying on the loans from when the plant was built. Clerk/Treasurer Humphrey confirmed that those loans are still in place.

Councilwoman Betsy Mancuso asked if the Town can negotiate with the DEQ on the requirements of the new permit or the timing of meeting the requirements. Town

Engineer Kyle Scarr stated that the requirements will have to be met but there are options for time. They are proposing the phases to not have to implement everything at once. Nicole Rediske added that they have already gotten a little leeway with the DEQ. Some variances will be granted for Nitrogen and Phosphorus, however the actual standards will have to be met eventually.

*Kyle Scarr, Town Engineer.* He presented a recap of the project and the proposed alternatives. This is the final presentation for the PER and grant applications. Phase I specifically meets the DEQ requirements to meet the discharge permit and permit restrictions. He described the updates and additions that will be made in this phase, including a dewatering facility. A groundwater discharge unit would be added at Phase I also. The future phases are for the actual physical expansions and upgrades of the plant. Funding opportunities will determine what is applied for and when. He described what would be done in the plant to meet the future DEQ permits. He recapped the possible grant funding opportunities. The annual increase in costs for just Phase I would equate to \$35.58 per EDU (equivalent dwelling unit). Currently Amsterdam/Churchill has 37.5% of the plant capacity and would be responsible for that percentage of the costs. The cost per EDU is only the Town's portion of the increase. He described the Environmental Impacts. The engineers concluded that an Environmental Assessment is warranted vs an Environmental Impact Study. He described the items required on the agenda to move forward with the grant applications and environmental assessment determination.

Councilman Dan Ryan asked if groundwater injection of the waste was considered. Engineer Kyle Scarr indicated that the Rapid Infiltration Basin puts the water back into the ground.

Mayor Clements again asked for public comments. None were made.

**RESOLUTION NO. 20-005 – ADOPT THE WATER RECLAMATION FACILITY PRELIMINARY ENGINEERING REPORT:**

**Decision**

Motion- Ryan; Second- Schack; Rollcall Vote- Dan Ryan- aye, Callie Hamilton- aye, Betsy Hamilton- aye, Greg Schack – aye: Motion passed to approve Resolution No. 20-005, a resolution of the Town Council of the Town of Manhattan, Montana to adopt the Town of Manhattan Water Reclamation Facility preliminary engineering report.

**RESOLUTION NO. 20-006 – ACCEPT DETERMINATION THAT AN ENVIRONMENTAL ASSESSMENT IS APPROPRIATE FOR THE WATER RECLAMATION FACILITY:**

Motion- Ryan; Second- Hamilton; Rollcall Vote- Dan Ryan- aye, Callie Hamilton- aye, Betsy Hamilton- aye, Greg Schack – aye: Motion passed to approve Resolution No. 20-006, a resolution of the Town Council of the Town of Manhattan, Montana to accept the determination that an Environmental Assessment is appropriate for the Town of Manhattan Water Reclamation Facility.

**RESOLUTION NO. 20-007 – AUTHORIZE SUBMISSION OF TSEP APPLICATION FOR WRF:**

Motion- Ryan; Second- Hamilton; Rollcall Vote- Dan Ryan- aye, Callie Hamilton- aye, Betsy Hamilton- aye, Greg Schack – aye: Motion passed to approve Resolution No. 20-007, a resolution of the Town Council of the Town of Manhattan, Montana to authorize submission of a TSEP application for the Town of Manhattan Water Reclamation Facility.

**AUTHORIZE MAYOR TO SIGN RRGL AUTHORIZING STATEMENT:**

Motion- Ryan; Second- Schack; Rollcall Vote- Dan Ryan- aye, Callie Hamilton- aye, Betsy Hamilton- aye, Greg Schack – aye: Motion passed to authorize the Mayor to sign the RRGL Authorizing Statement.

**AUTHORIZE MAYOR TO SIGN UNIFORM APPLICATION FORM FOR MONTANA PUBLIC FACILITIES PROJECTS:**

Motion- Ryan; Second- Hamilton; Rollcall Vote- Dan Ryan- aye, Callie Hamilton- aye, Betsy Hamilton- aye, Greg Schack – aye: Motion passed to authorize the Mayor to sign the uniform application form for Montana Public Facilities Projects.

**AUTHORIZE MAYOR TO SIGN ENVIRONMENTAL REVIEW:**

Motion- Schack; Second- Ryan; Rollcall Vote- Dan Ryan- aye, Callie Hamilton- aye, Betsy Hamilton- aye, Greg Schack – aye: Motion passed to authorize the Mayor to sign the environmental review.

Town Engineer Kyle Scarr thanked the Council and Town Employees for the assistance and time spent on putting the PER together. They appreciate the help and support received. He also acknowledged the help received from State Representative Walt Sales and State Senator Scott Sales on behalf of the Town's project.

**NUISANCE COMPLAINT – 230 S 4<sup>TH</sup> ST:**

Motion- Schack, Second- Betsy: Rollcall Vote- Dan Ryan- aye, Callie Hamilton- aye, Betsy Hamilton- aye, Greg Schack – aye: Motion passed to investigate the complaint.

A complaint was received from a neighbor on the residence at 230 S 4<sup>th</sup>.

*Adam Jensen, 230 S 4<sup>th</sup> St:* He stated that he is the person being complained about and was there to represent himself.

*Town Attorney Jane Mersen:* She stated that the process outlined in the code is for the Council to ask for an investigation before making any decisions on a complaint. There are three issues in the complaint, zoning, nuisance, and right-of-way.

Mayor Clements will contact the building official and/or police chief to proceed with the investigation.

*Councilman Dan Ryan:* He asked Attorney Jane Mersen if the Town can use the original impact fee study to set impact fees.

*Town Attorney Jane Mersen:* She replied that she would be reluctant to go back to the original fees, the statute requires that the fees are based on current information.

*Councilman Dan Ryan:* He asked Bill Luehrs from Pioneer Crossing about their plans for water and sewer for the new phase. He also asked if Pioneer Crossing is willing to help with the discharge system.

*Bill Luehrs, Pioneer Crossing:* He stated that all water and sewer hookups are present. They are working under the prescription that if they are working with the DNRC, the Town will issue building permits. There are water capacity questions. The plan for the discharge has changed since their initial proposal. They are open to discussing the cost issue with the town.

**MAYOR'S REPORT:**

- The Police report was received for the month. It shows a drop in warnings and citations. Less people are driving and officers are limiting contacts with people. Thefts and Partner Family Member Assaults have increased during the pandemic. He reminded everyone to keep cars and houses locked and try to help out neighbors to reduce stress levels.
- Public works are working on the gravel roads. This is weather dependent.

**CONSENT AGENDA:**

Motion- Hamilton; Second- Schack; Rollcall Vote- Dan Ryan- aye, Callie Hamilton- aye, Betsy Hamilton- aye, Greg Schack – aye: Motion passed to approve the Consent Agenda.

**Town Business Licenses:** Dykstra Electric LLC


**Kennel License:** Kristi Martenson, 114 S 6<sup>th</sup> St

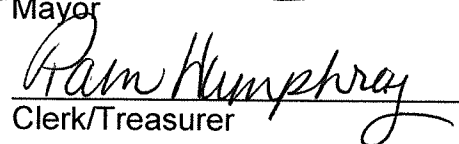
**Approval of Minutes:** Regular Meeting minutes from March 12, 2020, Special Meeting minutes from March 19, 2020, Regular Meeting minutes from April 9, 2020, and Special Meeting Minutes from April 16, 2020.

**Claims:** Dated 04/17/20 – 05/13/20 totaling \$ 161,401.17.

**ADJOURN:**

Motion- Ryan; Second- Mancuso; Rollcall Vote- Dan Ryan- aye, Callie Hamilton- aye, Betsy Hamilton- aye, Greg Schack – aye: Motion passed to adjourn the meeting.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk/Treasurer



**TOWN OF MANHATTAN**  
**Regular Meeting**  
**June 11, 2020**  
**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 Callie Hamilton, Betsy Mancuso, and Dan Ryan. Greg Schack was excused. Also present were Town Attorney Jane Mersen, Public Works Supervisor Jeff McAllister, Chief of Police Dennis Hengel and Clerk/Treasurer Pam Humphrey. Six members of the public were present.

**PUBLIC COMMENTS:**

*Tony Drypolcher, 208 S 3<sup>rd</sup> St.* He thanked Jeff and crew for dust control efforts and coordination with the neighborhood.

**QUIET ZONE PRESENTATION:**

*Tony Drypolcher, 208 S 3<sup>rd</sup>:* He showed a presentation on how the Town would go about getting a Quiet Zone at the railroad crossings. He covered the reasons that he thought that a Quiet Zone would improve the quality of life in Manhattan while maintaining safety. He explained the process and what would be required. He also presented some of the costs involved.

Dan Ryan stated that in his experience, most quiet zone processes end up going by the wayside because of cost. He also questioned being able to move large farm equipment with the lane splitters.

Chief Hengel asked about the safety statistics.

Council discussed looking into the issue a little further.

**GROWTH POLICY AWARD:**

Motion- Ryan; Second- Hamilton; Vote- Unanimous: Motion passed to award the Growth Policy project to Logan Simpson.

Bruce and Whitney from Logan Simpson were present by phone

**CENTENNIAL VILLAGE II PRELIMINARY PLAT EXTENSION:**

Motion- Ryan; Second- Mancuso; Vote- Unanimous: Motion passed to approve the Preliminary Plat Extension for Centennial Village II for one year.

Mayor Clements relayed a message from the Town Attorney Jane Mersen that the Town will not be able to issue a sewer capacity letter until after the treatment plant expansion.

**ORDINANCE NO. 20-001 - TOWNHOUSES:**

Motion- Ryan; Second- Mancuso; Vote- : Motion passed to approve the First Reading of Ordinance No. 20-001 with amendments and set it for a public hearing and Second Reading at the July Council meeting.

Building Official Dave Rowell submitted written comments with some suggested amendments to the ordinance.

**RESOLUTION NO. 20-008 – BUILDING CODES:**

Motion- Hamilton; Second- Ryan; Vote- Unanimous: Motion passed to approve Resolution No. 20-008, a resolution of the Town Council of the Town of Manhattan to adopt the 2018 International Mechanical Code, 2018 International Fuel Gas Code, 2018 International Building Code, 2018 International Residential Code, 2018 International Existing Building Code and 2018 International Swimming Pool and Spa Code.

**PARK CURFEW:**

*Dennis Hengel, Chief of Police:* He stated that he met with the Park Board regarding a park curfew. Currently there is no camping or parking overnight. He requested a Park curfew from midnight to 4 am. This will allow the Police Department to make contact with people legally that are in the park and parking lot in the early morning hours. He suggested making a policy and approving a resolution. If there are more problems, then the Council could enact an ordinance.

**NUISANCE COMPLAINT FOLLOWUP – 230 S 4<sup>TH</sup> ST:**

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

Dave Rowell and Greg Schack investigated the complaint. Greg Schack provided a written report on their findings. Dave Rowell also provided a written report. The Mayor discussed the issue with the Town Attorney. She recommended that the Council make their findings and state them

*Peter Bade, 226 S 4<sup>th</sup>:* He is asking that the structure be moved back to meet the 8 ft side yard setback to preserve his property value. He feels that it is a nuisance.

*Adam Jensen, 230 S 4<sup>th</sup>:* He stated he has tried to communicate with the neighbor. The planter boxes are not permanent, as they have no bottom. He agrees that the wood storage needs to be cleaned up. He asked for one month to finish the fort.

The Council discussed the Code regarding setbacks and nuisances.

**MAYOR'S REPORT:**

- Kyle Scarr has written a draft for a RFP for an impact fee study.
- He stated that there have been some very high water use days. One of the wells is off line currently. The North well needs some repairs. He asked that everyone conserve water as much as they can.
- He has talked to the Town Attorney about annexing the Wooden Shoe Lane properties that are on the sewer line. He will have more information at the next meeting. They also discussed de-annexing the property that is currently annexed up Yadon Road.

*Jeff McAllister, Public Works Supervisor:* He stated that they are getting the Pioneer Crossing well online currently. It is available for use as a redundant well when one of our main wells is down. The Farmstead is also a redundant well.

**CONSENT AGENDA:**

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

**Town Business Licenses:** Hayward Home Services, Integrity Design & Construction, David Jacobi, and Camber Construction

**Kennel License:** Amber Weber, 303 W Railroad Ave, N.


**Approval of Minutes:** Regular Meeting minutes from May 14, 2020.

**Claims:** Dated 05/14/20 – 06/11/20 totaling \$ 174,495.24.

There will be a Special meeting on June 18 at 7:00 for budget presentations from the Department Heads.

**ADJOURN:**

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

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk/Treasurer

**TOWN OF MANHATTAN  
Special Meeting  
June 18, 2020  
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 Callie Hamilton, Betsy Mancuso, Greg Schack, and Dan Ryan. Also present were Town Librarian Trudy Dundas, Fire Chief Mike Ulmen, Wastewater Engineer Robert Seamons, Public Works Supervisor Jeff McAllister, Chief of Police Dennis Hengel, Fire Secretary Audrey Ulmen, Deputy Clerk/Treasurer Tonya Owens, Officer Rocky Hamilton and Clerk/Treasurer Pam Humphrey. One members of the public, Alissa Farley was present.

**PUBLIC COMMENTS:**

None

**LIBRARY:**

*Trudy Dundas, Librarian:* She gave the Council a report of how the library operated for curb side pickup during the Covid-19 shut down and into Phase II. They lended out over 1300 items. There were 850 downloads during that time. She outlined how they will do the summer reading program and other activities, which are modified versions of what they normally do. The Manhattan Library is a pilot program for lending out hotspots. The State is providing the service throughout the first year. They will utilize one for promoting the Census.

She presented the Library budget. She described expenditure increases and changes in operating costs.

**FIRE DEPARTMENT:**

*Mike Ulmen, Fire Chief:* He presented the capital outlay information from the County side of the budget. He indicated that he would like to get the fire department budget up to close to the Police Department budget. Paid firefighters will be necessary in the near future.

**SEWER TREATMENT:**

*Robert Seamons, Engineer:* He stated that everything that they do involves contaminated materials and equipment. Regulations are getting tighter. The area growth also affects the plant. The PER for expansion for 20 years is finished. While waiting for the upgrades they have to operate the plant to the best of their abilities. He commended the plant operators for the job they do. Flushable wipes will be adding to the costs of keeping the plant free of debris and working correctly. He summarized the ongoing costs involved in operating the plant. He also presented his ideas for moving forward with engineering and permitting.

Cost savings from changing to aeration from the biowheels was discussed.

**PUBLIC WORKS:**

*Jeff McAllister, Public Works Supervisor:* Currently they are dealing with high water usage and a failure of the North Well. There will be significant costs in getting the North Well back up and running. Another cost is maintaining the dirt roads/ditches. He went over some the requests for public works as a whole, street maintenance, water, and parks. He discussed immediate needs vs. some that could wait a while. He discussed the upcoming capital improvements for equipment. He also requested some additional safety items.

**POLICE:**

*Dennis Hengel, Chief of Police:* He commended the fire department for the job that the volunteers do. There is a very good working relationship. He presented his budget requests, which includes an additional part-time officer and some additional supplies and repairs. He described the things that they needed and prioritized some additional capital improvement items.

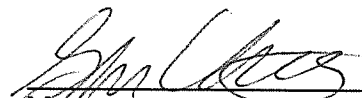
**TOWN OFFICE:**

*Pam Humphrey, Clerk/Treasurer:* She discussed the proposed additions to the Town office budget.

The budget schedule was discussed.

**ADJOURN:**

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

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk/Treasurer

**TOWN OF MANHATTAN  
Regular Meeting  
July 09, 2020  
MINUTES**

Council President Greg Schack 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 Callie Hamilton, Betsy Mancuso, and Dan Ryan. Mayor Clements was excused. Also present were Building Official Dave Rowell, Chief of Police Dennis Hengel and Clerk/Treasurer Pam Humphrey. Nine members of the public were present.

**PUBLIC COMMENTS:**

*Ell Bennett, 306 Pine St:* He voiced his concern about the types of fireworks that are going off in town. He feels that they are too loud, dirty, and dangerous. He has to clean his whole property even though he doesn't light any off. He relayed some stories about what happened in his neighborhood and his concerns. He asked the Council to put on the agenda to address the problem. He is interested in what the other people in town are feeling about this.

*Written Comment from Ell Bennett, 306 Pine St:* He asked the Council to consider limiting the types of fireworks that can be set off in town.

*Alissa Farley, 205 S 5<sup>th</sup> St:* She stated that she agreed with the fireworks concern. She read a document that she had prepared. She stated that she was concerned about rodent management in the Town. She stated that she has corresponded with the Mayor about the issue and was told a plan is in place to develop an SOP. She is also interested in the continued downtown beautification. She asked the Town to ask the State to clean the state highway and paint curbs. She presented the document to the Clerk to be placed in the Town records.

*Michelle Moore, 512 W Park:* She asked the Council to consider letting her have ducks in Town. She is now taking care of her ill stepfather. She is traveling to and from Belgrade to care for her ducks. The farmer is starting to kill the ducks. She asked if the Town would consider letting her bring the ducks back. She has signatures from her neighbors. She has a large area to keep them out of sight. She would like to keep the ducks until he has passed away, after which she will move to Missouri as she had previously planned. There are less than 10 ducks at this time. She assured the Council that she will keep them clean, quiet and safe.

**ORDINANCE NO. 20-001 – TOWNHOUSES, SECOND READING:**

**Public Hearing**

None

**Discussion/Decision**

Motion- Ryan; Second- Hamilton; Vote- Unanimous: Motion passed to approve Ordinance No. 20-001, an Ordinance of the Town Council of the Town of Manhattan amending the Manhattan Municipal Code to amend Title10, Chapter 6 to add townhomes as a permitted use in the R-3 District and a conditional use in the R-1 District, and to provide standards for the design and construction of townhomes.

**RESOLUTION NO. 20-009 – PARK CURFEW:**

Motion- Mancuso; Second- Hamilton; Vote- Unanimous: Motion passed to approve Resolution No. 20-009, a resolution of the Town Council of the Town of Manhattan, Montana to close Taylor Park during certain hours.

*Chief Hengel:* He gave the history of the resolution. He stated that this will allow the police to provide assistance with issues and problems in the park at night.

**NREMDD COVID RESPONSE:**

*Rob Gilmore, Executive Director of NREMDD:* He gave the Council an update on the Covid response. There were several teams formed when Covid became a problem. He is part of the economic development team. They were to measure the impacts of Covid on the community. They did surveys and identified businesses that needed assistance. They tracked the companies that were in need. There is a complete summary on their website of the data. He shared some of the findings with the Council. He relayed the results of some of the surveys. They also formed a lighthouse committee to check in periodically. He shared the results of the last one. The next step is to hire a coordinator to bring the teams together. They applied for a grant to hire a coordinator for 2 years. He stated that there is a long way to go. He indicated that they did not have strong participation within the Manhattan community. They asked for a representative from the Council to help them link with the business community in Manhattan.

**IMPACT FEE ADVISORY COMMITTEE:**

*Councilwoman Callie Hamilton:* She stated that the Town has to have the committee by law to make changes to the impact fees. She had two volunteers. One member of development committee has volunteered. She will ask for a volunteer from the planning board also.

**NUISANCE COMPLAINT FOLLOWUP – 230 S 4TH:**

Motion- Hamilton; Second- Mancuso; Vote- Hamilton-aye, Mancuso-aye, Ryan-nay: To have the structure moved to 8 ft from the property line if stays a permanent structure, or 5 ft if it is not a permanent structure.

The Council directed Adam Jensen to move the garden boxes by November 1<sup>st</sup>. The wood around the property will be required to be cleaned up within 30 days.

*Peter Bade, 226 S 4<sup>th</sup>:* He relayed that the issue was tabled at the last meeting for measurements of the structure. He is asking the structure to be moved to the regular side yard setback. The neighbor has cut the structure down to ½ the size it was. It is still tall and 3.5 ft from the property line.

*Adam Jensen, 230 S 4<sup>th</sup>:* One of the components of the complaint was that it was an eyesore. He has finished it now. He would like to keep it where it is. He will add a staircase with a ladder. He is almost finished moving the wood from the back of his shop.

*Dave Rowell, Building Official:* He wrote a letter to the Council referencing the International Residential Code. When it was first inspected, Adam Jensen was told that he had to get a permit for his deck on the house, which he has not done. The Council

can make a decision on the structure since the Code does not address structures of this type. The house deck needs to be permitted. A permanent structure needs an 8 ft setback according to Manhattan Code, a non-permanent structure needs a 5 ft setback for fire.

Council discussed that Bade's fence is also too tall and needs to be cut down to 6 feet in height. They discussed the appearance of the structure currently and how those things are subjective. Options for making the structure a non-permanent structure were explored. Decks and permanent structures were discussed.

Councilwoman Hamilton and Councilwoman Mancuso voiced that the code should be enforced.

Councilman Ryan stated that he thought it is fine as it is.

**PRELIMINARY BUDGET 2020-2021:**

**Budget available for public inspection at Town Office on July 10, 2020.**

Motion- Ryan; Second- Hamilton; Vote- Unanimous: Motion passed to approve the Preliminary Budget for Fiscal Year 2020-2021.

*Council President Greg Schack* reported that he spoke to the Auditor and the Audit is finished. He reported that the Audit went well and he thanked Clerk/Treasurer Humphrey for doing a good job.

*Councilwoman Callie Hamilton* gave a Park Board update. She stated that they have talked about the rodent control SOP and are looking at long range planning in the Park and are working with Public Works.

*Councilman Dan Ryan* suggested closing the park during rodent control times.

**CONSENT AGENDA:**

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

**Town Business Licenses:** Sacred Sun Vending

**Approval of Minutes:** Regular Meeting minutes from June 11, 2020 and Special Meeting minutes from June 18, 2020.


**Claims:** Dated 06/12/20 – 07/09/20 totaling \$ 384,836.35.

There will be a Budget Workshop on July 16 at 7:00.

**ADJOURN:**

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

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk/Treasurer




**TOWN OF MANHATTAN  
Budget Workshop  
July 16, 2020  
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 Callie Hamilton, Betsy Mancuso, Greg Schack and Dan Ryan. Also present were Officer Rocky Hamilton and Clerk/Treasurer Pam Humphrey. No members of the public were also present.

**DISCUSSION OF DEPARTMENTAL BUDGET REQUESTS:**

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

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk/Treasurer

**TOWN OF MANHATTAN  
Regular Meeting  
August 13, 2020  
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 Callie Hamilton, Betsy Mancuso, and Greg Schack. Dan Ryan was excused. Also present was Clerk/Treasurer Pam Humphrey. Seven members of the public were present.

**PUBLIC COMMENTS:**

None

**BENCH UPDATE – SAM BELL:**

*Sam Bell, Boy Scout:* He reported that the project is finished. He put the benches in Railroad, Taylor and the Dog Park, as well as by some businesses on Main Street. He used wood donated by Western Millworks and the metal was donated by S&W Fabrications. They spent three days building the benches. There are six in Railroad Park, four on the west end and two on east end. Taylor Park has two benches and the Bark Park has one. He also placed the rest on the sidewalk by the businesses that sponsored them. He stated that the ones by the businesses are owned by the businesses. He has left over money from the donations. He needs to return the money to the beneficiary, the Town asked him to donate the additional money to the Senior Center.

The Council thanked Sam for all of his hard work. They established that the Town owns the benches in the parks and the businesses own the ones by the businesses that have their plaques on them. The congratulated Sam on his outstanding Eagle Scout Project.

**RESOLUTION NO 20-010 – 2019-2020 BUDGET AMENDMENT:**

**Public Hearing**

None

**Discussion/Decision**

Motion- Schack; Second- Mancuso; Vote- Unanimous by roll call vote called by the Mayor: Motion passed to approve Resolution No. 20-010, a resolution of the Town Council of the Town of Manhattan, Montana amending the Fiscal 2019-20 Budget to allow for appropriations and funding.

**RESOLUTION NO. 20-011 – FISCAL BUDGET 2020-2021:**

**Public Hearing**

None

**Discussion/Decision**

Motion- Mancuso; Second- Schack; Vote- Unanimous by roll call vote called by the Mayor (Hamilton abstained from parts relating to Officer Hamilton): Motion passed to approve Resolution No. 20-011, a resolution of the Town Council of the Town of

Manhattan, Montana adopting a budget for the Town of Manhattan for the fiscal year 2020-2021.

**RESOLUTION NO. 20-012 – LIGHT MAINTENANCE DISTRICT 2020-2021:**

**Public Hearing**

None

**Discussion/Decision**

Motion- Schack; Second- Mancuso; Vote- Unanimous by roll call vote called by the Mayor: Motion passed to approve Resolution No. 20-012, 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 2020-21 which is a continuation of the present method of assessment.

**RESOLUTION NO. 20-013 – STREET MAINTENANCE DISTRICT 2020-2021:**

**Public Hearing**

None

**Discussion/Decision**

Motion- Hamilton; Second- Schack; Vote- Unanimous by roll call vote called by the Mayor: Motion passed to approve Resolution No. 20-013, a resolution of the Town Council of the Town of Manhattan providing for the assessment of Street Maintenance District costs for the Fiscal Year 2020-21 pursuant to §7-12-4425, MCA, which is a continuation of the present method of assessment.

**RESOLUTION NO. 20-014 – BARSAA FUND ALLOCATION:**

Motion- Mancuso; Second- Hamilton; Vote- Unanimous by roll call vote called by the Mayor: Motion passed to approve Resolution No. 20-014, a resolution of the Town Council of the town of Manhattan requesting distribution of Bridge and Road Safety and Accountability Program Funds.

**MAYOR'S REPORT:**

- There has been a discussion with Pioneer Crossing regarding the Phase II capacity letter for water supply in Pioneer Crossing. The water issues are related to the treatment plant upgrade. Pioneer Crossing has come up with a proposal to meet the mitigation requirements. They are proposing to pay for the drilling and installation of some wells in Taylor Park to irrigate the park. That would mitigate the treated water back into the system. They also propose installing irrigation wells in the Phase III and IV for irrigation of parks and lawns. That would require a change of the water ordinance. The third part would be that Pioneer Crossing would pay for and be the driving force behind obtaining the groundwater discharge permit. This permit is tied to obtaining the water rights for the Pioneer Crossing well. The Mayor will have the Town professionals read the proposals and the Mayor will bring the proposal to the Council at the next meeting.

Councilman Schack asked for an update on the water leak on the springline. Mayor Clements relayed that the springline has a leak near a couple of ponds in the easement.

The leak has not been found. There is a plan to slip line the pipe to alleviate the leak and prevent future leaks. New valves would need to be installed during the slip lining of the pipe. There are 3 miles of springline, not all are in high priority for slip lining. Public Works will be seeking a quote for the slip lining and talking to the property owners about a cost sharing agreement.

Councilwoman Hamilton updated the Council on Park Board recommendations for Ground squirrel control and use for charge in the park without a permit. They feel that they may need to do further research and maybe update the Code. They are working with Public Works on who is responsible for tree and park maintenance.

Aspects of the MDT Sidewalk project were discussed.

Mayor Clements pulled a Chicken Coop application that was actually for ducks out of the Consent Agenda to be discussed on its own. The application was presented at the last meeting by Michelle Moore, but could not be decided on at that time.

Motion- Mancuso; Second- Schack; Vote- Schack aye, Mancuso aye, Hamilton nay: Motion passed to approve the Chicken Coop application for ducks for Michelle Moore until the end of December at which time she will need to reapply and update the Council.

**CONSENT AGENDA:**

Motion- Schack; Second- Hamilton; Vote- Unanimous by roll call vote called by the Mayor: Motion passed to approve the Consent Agenda.

**Town Business Licenses:** Authentic Inc., Nico Electronic Systems Inc., IT&M Division Inc., Wilson Building & Remodel, Keilah Pomeroy PLCC, CompuSource, Inc., and Manhattan Ace Hardware.


**Chicken Coop Applications:** Taylor McDowell, 312 N 5<sup>th</sup> St and Tyler Zaichkin, 211 N 5<sup>th</sup> St.


**Approval of Minutes:** Regular Meeting minutes from July 09, 2020 and Special Meeting minutes from July 16, 2020.

**Claims:** Dated 07/10/20 – 08/13/20 totaling \$ 253,757.89.

**ADJOURN:**

Motion- Schack; Second- Mancuso; Vote- Unanimous by roll call vote called by the Mayor: Motion passed to adjourn the meeting.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk/Treasurer

**TOWN OF MANHATTAN  
Regular Meeting  
September 10, 2020  
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 Callie Hamilton, Betsy Mancuso, Dan Ryan and Greg Schack. Also present were Town Attorney Jane Mersen, Town Engineer Kyle Scarr, Building Official Dave Rowell, Police Chief Dennis Hengel, Public Works Supervisor Jeff McAllister and Clerk/Treasurer Pam Humphrey. Twelve members of the public were present.

**PUBLIC COMMENTS:**

*Alissa Farley, 205 S 5<sup>th</sup>:* She read an email that she had sent to the Town requesting that a virtual meeting option be on the October agenda.

*Dona Gonzalez, 315 E Gallatin:* She also read an email that she sent to the Town and requested that a virtual meeting option be put on the agenda for the October meeting.

*Gretchen Engbretson, 206 S 5<sup>th</sup>:* She wanted to encourage that the virtual meeting option be added to the agenda for the next meeting.

*Glee Dunbar, 202 S 5<sup>th</sup>:* She also supported the virtual meeting option be added to the agenda.

*Buck Buchanan, 315 N 5<sup>th</sup>:* He also encouraged the Council to put the virtual meeting option on the agenda for the next meeting. He relayed how he has used Zoom meetings in other situations.

*Tony Drypolcher, 208 S 3<sup>rd</sup>:* He spoke in favor of the Zoom idea. He stated that since the presentation that he did on quiet zones, he has done some research to increase pedestrian safety. He explained one additional option for pedestrian safety. He asked if there is interest of the Council to pursue a quiet zone.

Mayor Clements relayed that the Council cannot make a decision about support for an item without it being on the agenda. He will consider putting the item on the agenda for the October meeting.

*Alissa Farley, 205 S 5<sup>th</sup>:* She stated that she supported a discussion about the quiet zone and would like to see it on the agenda. She suggested having a committee to look at all train issues.

**RESOLUTION NO. 20-015 – BARSAA GAS TAX ALLOCATION:**

Motion- Schack; Second- Hamilton; Vote- Unanimous: Motion passed to approve Resolution No. 20-015, a resolution of the Town Council of the Town of Manhattan requesting distribution of Bridge and Road Safety and Accountability program funds.

**DRAFT AMENDED ORDINANCE ALLOWING EXEMPT WELLS FOR IRRIGATION:**

Mayor Clements stated that the Town is considering irrigation wells to ease the pressure on the public water supply.

*Jane Mersen, Town Attorney:* She presented a draft ordinance amendment. She explained what would be amended in the code to address the proposed changes.

Landscaping was added to the current exempt well portion of the code. The Council was asked to read the ordinance and make any changes or suggestions and the ordinance can be set for public hearing and a first reading at the October meeting.

*Kyle Scarr, Town Engineer:* He stated that outside the irrigation season, the Town uses approximately five million gallons of water per month. During the irrigation season, it varies from year to year, but has gone up to twenty to thirty million gallons per month. In the winter it is around 60 gallons per day per household, and up to 130-150 gallons per day in the summer months. The DNRC has laws for exempt wells that will also have to be met by people to qualify to do this.

Council discussed when the Town would be able to see increased capacity for growth. They also asked if it is an expensive thing for people to do. Mayor Clements added that this is a good option for new construction. Cross contamination was discussed.

*Dave Rowell, Building Official:* He suggested having the wells be permitted by the Town so there is a record of who has them and where they are located on the lots. He is also concerned about cross contamination.

*Buck Buchanan, 315 N 5th:* He asked who would be liable if someone was guilty of contaminating the system.

*Ell Bennett, 306 Pine St:* He reminded the Council that this was discussed years ago by the Council and suggested that it should be researched further.

#### **DRAFT AGREEMENT WITH PIONEER CROSSING FOR WATER CAPACITY:**

*Kyle Scarr, Town Engineer:* He explained that the Town and Pioneer Crossing are looking at an agreement to use the wastewater effluent to mitigate water for certain times of the year in order to permit the Pioneer Crossing well. Groundwater discharge is a part of the treatment plant PER that would provide the process for mitigating the effluent. The agreement outlines some things that Pioneer Crossing has offered to do for use of the Town's wastewater effluent mitigation. They have offered to help in the permitting and change application for the water right, some engineering design to help in the wastewater treatment design, and the installation of three wells in the Town's parks at a maximum cost of \$50,000. That would offset to reduce the amount of water being treated and put on the park.

*Jane Mersen, Town Attorney:* She explained that Pioneer Crossing has agreed to fund up to \$100,000 toward the engineering for the application for the groundwater discharge permit. They have agreed to fund up to \$50,000 for three irrigation wells for the Town. They have agreed to assist the Town in its efforts to get the modification to the beneficial use permit for the Pioneer Crossing well and for the change application to use that water in Pioneer Crossing and throughout the Town. The Town, then has agreed to issue a letter of capacity for the water system for Phase IIB in Pioneer Crossing. Phases III and IV will require more calculations outlined in the exhibits to the agreement to see if there is enough effluent for the mitigation water. Pioneer Crossing has agreed to a five-year Letter of Credit the Town can draw against if the payments are not made as agreed.

*Bill Luehrs, Pioneer Crossing:* He stated that currently the DNRC will allow the Pioneer Crossing well to be turned on for domestic use providing they get temporary waivers from Trout Unlimited and Fish Wildlife and Parks until the well is fully permitted. The well

can currently be used for fire protection. The wells in the park will save millions of gallons of water. Shared irrigation wells will save 8 million gallons in Phase III and 6 million gallons in Phase IV. That also decreases the amount of mitigation required by DNRC. The groundwater discharge is needed for the well permit, the Town needs it to meet the discharge permit requirements.

Mayor Clements added that the agreement is still a draft agreement. It will be on the agenda for the October meeting for a final decision. Jane Mersen and Kyle Scarr will address questions and concerns before the next meeting.

#### **DISCUSSION ON WATER AND WASTEWATER CAPACITY ALLOCATION:**

*Jane Mersen, Town Attorney:* A draft policy was not available at meeting time. The bottom line is that the Town needs to come up with new water sources and then decide how to allocate those. The ordinance for irrigation wells is one step. The Pioneer Crossing agreement is another step. The Capital Improvement Plant should be looked at to see if the Town can drill another well and get a permit. Building another storage facility could help. The town needs to decide how to allocate water and wastewater capacity.

*Kyle Scarr Town Engineer:* Capacity is the main issue, along with conservation of water. He explained how the state requires what needs be assessed. Currently the Town's water use has drastically increased since the water tower was put in and previous studies were done. The Town is officially out of capacity at the wastewater treatment plant. They did an analysis of the water system as it is now. There is currently capacity for roughly 200 single family homes with the current water situation. He explained that there is currently no sewer capacity for new developments. He explained the phases and timing of the treatment plant upgrades and funding applications. Phase One may slightly increase treatment capacity. Phase Two would add the additional trains to increase the treatment capacity. He stated that the Town has discretion, but lots finally platted in Town and already approved would not require capacity letters. He cannot issue new sewer capacity letters for developments, subdivisions, or project that would require a capacity letter or certification that there is available capacity.

Council discussed annexing Wooden Shoe Lane and if the wells there would add to the water capacity. Options for allocating the water capacity could be first come first serve or be reserved for certain areas or developments. Wastewater capacity was discussed.

*Mayor Clements:* He explained how they are dealing with the DEQ regulations at the treatment plant. Currently there are a couple of violations each year. The Town will usually get a letter from the DEQ asking for an explanation and how it will be fixed in the future. Consistent violations may result in enforcement action. The Town has upgrades planned, so he does not anticipate penalties.

He also explained that the original equipment at the plant failed twice as fast as it was supposed to. The original equipment treated the sewage better than the replacement aeration system does. Discharge standards have also increased quite a bit since the original plant was designed.

*Dave Rowell, Building Official:* He asked if there are alternatives. He asked if he needs to stop issuing building permits. Going forward, he would like the Town to have a form with the capacity information on it signed by the Mayor or Council that all builders have a

copy of in their files. He wants something in writing with the building permit that states that there is water and sewer for that lot.

Discussion about the form included who would be able to sign the form and what information they would use. When developments were approved, they should already have capacity letters. Council discussed that the Town is responsible for assuring the builders that they can build and not worry about water and sewer.

Engineer Kyle Scarr offered to create the form for new builds, along with the limits that the Town faces for new projects. The Council agreed that would be a good step to take.

### **MORELAND MILLS CONDO CERTIFICATION OF EXEMPTION FROM SUBDIVISION REVIEW:**

Motion - Hamilton; Second- Mancuso; Vote- Unanimous: Motion passed to authorize Dave Rowell, the Building Inspector to sign the Certificate of Exemption from Subdivision Review for Moreland Mills Condos.

*Jane Mersen, Town Attorney:* She created the form based on ones used by other municipalities. She has designated the Building Official as the signer. She suggested getting a process in place where more complex projects will have to file an application for this and then have the Council authorize the Building Official to sign it.

*Jim DeJong, owner of Moreland Mills Condos:* He stated that he bought two lots in the Farmstead three years ago. He was approved to build condos on the lots. He has an plot plan approved by the Farmstead review committee. He is planning to build them in phases. He has one triplex built and is has an offer for one unit in the next building. He is from Manhattan and wants to build owner occupied condo units. His buyers are threatening to drop out of the sale because of the Municipal Facilities Exclusion issue. He will complete the next 3 units by June, then maybe six units the next year. There are seventeen units in total. He is being told now there is no sewer capacity, but he was approved to build the units because the Farmstead was approved and given sewer capacity many years ago. He is planning duplex condos on the second lot to be appealing on the corridor into Town. He has the roads into the units built and his cost into the first building. He needs to sell the units to be able to pay the costs involved with building. DeJong stated that he wants to work with the Town and figure out how he can meet the regulations and keep moving on his approved project.

*Jane Mersen, Town Attorney:* She indicated that she had sent the signed MFE to Mr. DeJong's attorney earlier in the day. The Town Engineer signed the MFE for the current building that is built.

*Kyle Scarr, Town Engineer:* He explained that a Municipal Facilities Exclusion is required for condos. One item on the MFE is certifying if they have water and sewer capacity. The Town has an obligation to provide water and sewer to currently platted lots. A new capacity letter, or MFE, cannot be signed for anyone at this time.

The Town Attorney and Town Engineer will check to see if the capacity letter for the Farmstead would suffice as the capacity letter for this project. Council advised Mr. DeJong to hold off on the next building until they hear about the Farmstead capacity letter.

### **FIREWORKS:**



*Councilwoman Betsy Mancuso:* She relayed that she has talked to Mr. Bennett who spoke at a previous meeting about the types and amounts of fireworks used around the 4<sup>th</sup> of July. Belgrade was going to address it this year, but because of the Covid, they are going to table it until the following year.

*Ell Bennett, 306 Pine St:* He stated that fireworks are now like military munitions. They are loud, dangerous, dirty and potentially deadly. Professionals that use the same fireworks have to have licenses and insurance. He is afraid that something will happen and the Town will be held liable for allowing them. His neighbor hosed down things to keep them from starting on fire this year. Cleanup does not seem to get done until months after the Fourth. Many people are drinking while lighting fireworks also. He would suggest limiting the days and times of day that fireworks can be set off in Town. He suggested a no fee permit with information on it. There has to be a penalty and enforcement.

Council and audience members discussed talking to the County to limit the size of explosives and researching what other communities outside of the Gallatin Valley do. Enforcement was discussed, as well as having a permit for setting off fireworks. Banning fireworks altogether was also discussed.

Councilwoman Mancuso offered to put together a committee to research ideas. The item will be on a future agenda.

#### **CONSENT AGENDA:**

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

**Home Occupations:** Glee & Ed Dunbar – Mental Health Counseling Office, 108 E Gallatin.

**Town Business Licenses:** Life Support Coaching LLC, Norplex Advanced Composites, Inc., Trumptana LLC, Rowan Nyman Photography LLC, and Manhattan Remodels and Construction LLC.

**Approval of Minutes:** Regular Meeting minutes from August 13, 2020.

**Claims:** Dated 08/14/20 – 09/10/20 totaling \$ 179,052.35.

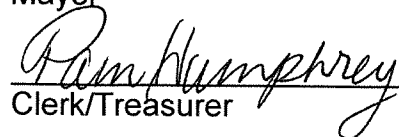
#### **MAYORS REPORT:**

- There is a new employee at the treatment plant, who will be split with public works also.
- Public Works reports that on September 21 and 22, the County contractors will be hauling large I-beams, there will be traffic issues on Nixon Gulch Rd on those days.
- The State ADA sidewalk project is complete.
- Police department report was also received.
  - o Chief Hengel added that Daryl Rogers has been hired by the County, and the new Manhattan officer will start October 7, 2020.

#### **ADJOURN:**

Motion- Mancuso; Second- Schack; Vote- Unanimous by roll call vote called by the Mayor: Motion passed to adjourn the meeting.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk/Treasurer

**TOWN OF MANHATTAN  
Regular Meeting  
October 8, 2020  
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 Callie Hamilton, Betsy Mancuso, and Dan Ryan. Greg Schack was excused. Also present were Town Attorney Jane Mersen, Police Chief Dennis Hengel, and Clerk/Treasurer Pam Humphrey. Twelve members of the public were present.

**PUBLIC COMMENTS:**

*Buck Buchanan, 315 N 5<sup>th</sup> St.* He asked if they would be able to comment on items in the rest of the agenda.

**SWEAR IN NEW OFFICER:**

Mayor Clements administered the Oath of Office to Jacob Ross. Chief Hengel made a statement about small town policing. He introduced Jacob Ross and told the audience a bit about the officer.

**CONDITIONAL USE PERMIT- ACCESSORY DWELLING AT 116 N 5TH:**

**Public Hearing**

None

**Discussion/Decision**

Motion- Ryan; Second- Mancuso; Vote- Unanimous: Motion passed to approve the Conditional Use Permit for an accessory residential dwelling unit on the property belonging to Robert and Brittany Braaksma at 116 N 5<sup>th</sup> St.

**ORDINANCE NO. 20-002-EXEMPT WELLS FOR IRRIGATION OF LANDSCAPING:**

**First Reading**

*Jane Mersen, Town Attorney:* She indicated the changes that were made to the draft. She added in the dates for the readings as well as subsection G regarding keeping track of where the wells were.

The Ordinance was set for a public hearing and second reading at the November meeting.

**AGREEMENT WITH PIONEER CROSSING FOR WATER CAPACITY:**

Motion- Hamilton; Second- Mancuso; Vote- Unanimous: Motion passed to approve and authorize the Mayor to sign the agreement with Pioneer Crossing for water capacity.

*Jane Mersen, Town Attorney:* She indicated that this is an agreement to provide water capacity for Phase IIB.

**CHAMBER REQUEST TO PAY RAILROAD PARK ELECTRICITY:**

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

## **FIREWORKS:**

Motion- Mancuso, Second- Hamilton; Vote- Unanimous: Motion passed to table this item until a future meeting.

Councilwoman Mancuso has been researching the state laws regarding fireworks. She has found some ambiguity. She would suggest July 3 from 12-10 pm, and July 4 from 12pm-12am. Belgrade has tabled their changes until next year.

Council discussed what the main goal would be to change the ordinance. Banning fireworks was discussed as an option. People are assuming the responsibility for any damages or injuries. Having the fireworks stand distribute the information was discussed.

*Chief Hengel:* He stated that it was the loudest year for fireworks, however during the season the police department did not receive any complaints. The 5<sup>th</sup> is traditionally about 1/5 of the total fireworks and a cleanup day. He did not think that going from 2 days to 3 would not make a significant impact. He did not think that a ban would be enforceable.

*Alissa Farley, 205 S. 5<sup>th</sup> St:* She asked that the New Year fireworks be part of the discussion. She asked about regulating the types of fireworks.

*Ell Bennett, 306 Pine St:* He asked about the state code regarding letting off fireworks in the vicinity of other people. He feels that these are dangerous munitions, not fireworks. He suggested shortening the hours of discharge.

*Rocky Hamilton, Police Officer:* He stated that it would be difficult to prove the height of fireworks, so writing citations would cost more to prosecute than

Jane Mersen asked if maybe the Planning Board could research some other towns' ordinances. Mancuso volunteered to research other towns' ordinances and how they are enforced.

## **ONLINE MEETINGS:**

Motion - Hamilton; Second- Mancuso; Vote- Unanimous: Motion passed to authorize Town staff to set up an online meeting option for the next Council meeting.

*Jane Mersen, Town Attorney:* She suggested that public comments come into the facilitator through chat or microphone that are then relayed to the Council at the appropriate time.

*Buck Buchanan, 315 N 5<sup>th</sup> St:* He commented on his experience with Zoom meetings. He offered to donate a webcam with a microphone. He also suggested using the chat function for public comment. He stated that the requesters would also donate a laptop.

*Donna Gonzalez, 315 E Gallatin Ave:* She shared some of her experiences with Zoom also. She felt that citizens could participate on the items that interest them.

*Alissa Farley, 205 S 5<sup>th</sup> St:* She spoke in support and suggested having criteria to evaluate it to decide if it would be continued.

Council discussed the benefits of more public participation.

**QUIET ZONE:**

*Tony Drypolcher, 208 S 3<sup>rd</sup> St:* He stated that there are options. One is a quiet zone, one is a wayside horn. The wayside horn is not as loud, it is directional and sounds when the gates go down. Quiet zones have more involvement with involved parties. Wayside horns involve the railroad, as they would engineer and install it. Both options would need signage. Gates, fencing, and other options could be used to address pedestrian safety.

Studies have shown no significant decrease in pedestrian safety. He asked the Council to actively pursue the option for the next or future budget cycles.

Discussion was that both crossing be done the same way.

*Glee Dunbar, 202 S 5<sup>th</sup> St:* She stated that businesses are disrupted by the train on Main Street.

Councilwoman Hamilton suggested addressing it through the Growth Policy process to determine if it is a community priority. She will try to incorporate it into the Steering Committee surveys.

**CONSENT AGENDA:**

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

**Chicken Coop:** Sarah Simser, 110 Cedar

**Town Business Licenses:** Security Solutions Inc., Valley Excavation Inc., Chappy's Custom Building Inc., Bridger Group Construction, W.R. Trowling & Excavation, Gallatin River Heating & Cooling LLC, Bogle Plumbing & Mechanical, and Montana Modern Homesteads.

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

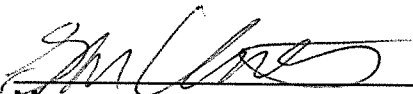
**Claims:** Dated 09/11/20 – 10/08/20 totaling \$ 186,926.64.


**MAYORS REPORT:**

None

**ADJOURN:**

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

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk/Treasurer

**TOWN OF MANHATTAN  
Regular Meeting  
November 12, 2020  
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 Callie Hamilton, Betsy Mancuso, Greg Schack, and Dan Ryan. Also present were Town Attorney Jane Mersen, Police Chief Dennis Hengel, Police Officers Rocky Hamilton and Jacob Ross, Public Works Supervisor Jeff McAllister, Deputy Clerk/Treasurer Tonya Owens, and Clerk/Treasurer Pam Humphrey. Seven members of the public were present. Twenty-one people were present via Zoom.

**PUBLIC COMMENTS:**

None

**ORDINANCE NO. 20-002-EXEMPT WELLS FOR IRRIGATION OF LANDSCAPING:**

**Second Reading**

**Public Hearing**

None

**Discussion/Decision**

Motion- Ryan; Second- Schack; Vote- Unanimous: Motion passed to approve Ordinance No. 20-002, an ordinance of the Town Council of the Town of Manhattan providing for the use of exempt wells for the irrigation of landscaping, amending Title 9, Chapter 3 of the Manhattan Municipal Code with the changes discussed.

*Jeff McAllister, Public Works Supervisor:* He stated that it could be several years before a secondary inspection may happen. He would like to make sure that a backflow preventer be installed.

*Jane Mersen, Town Attorney:* She stated that she would add a clause to allow for future inspections. She will also add "serviceable" to the section that talks about backflow preventers.

Council discussed how the process of inspection would be handled. The possibility of a cross connection to the Town water supply would be of high concern.

**PIONEER CROSSING WELL PERMIT APPLICATION DISCUSSION:**

*Jane Mersen, Town Attorney:* She stated that the mitigation agreement with Pioneer Crossing is a separate issue. The well permit application that has been submitted had a certain number of acre feet of effluent that the Town could provide (138.21). The Town currently has 94 acre feet of effluent. The Town will need to ask the DNRC if it can get to the target number incrementally. The Town needs to let Pioneer Crossing and the DNRC know that the Town only has 94 acre feet. The Town needs to decide how much of the Amsterdam/Churchill flow to include in the calculations. There is some risk if the line from Amsterdam/Churchill would get a hole in it. A draft environmental assessment has been presented (check recording re draft proposal).

*Kyle Scarr, Town Engineer:* He stated that the Town can only meet wastewater needs on a per phase approval. He asked if they should include Amsterdam/Churchill in the calculation or not? They contribute 40 of the 94 acre feet that are currently being calculated. He asked if the Council found the risk of including Amsterdam/Churchill acceptable to the Town. They did try to split out the inflow of infiltration of groundwater. February numbers were used for calculating flow.

Council discussion included talking to Amsterdam/Churchill about the issue.

*Matt Williams, Water Attorney:* He wanted the Council to be aware that the calculations include groundwater infiltration into the system. Existing wastewater flows are inaccurate for this reason if infiltration continues.

Mayor Clements will reach out to Amsterdam/Churchill. He will also report on if the sewer transmission project helped the infiltration problems. Attorney Mersen will reach out to DNRC.

#### **CHAMBER REQUEST TO PAY RAILROAD PARK ELECTRICITY:**

Motion- Hamilton; Second- Ryan; Vote- Unanimous, Mancuso abstained: Motion passed to take financial responsibility for the monthly Northwestern Energy bills for the Railroad Park gazebo and information booth.

A letter was received from the Chamber. They are not using the Railroad Park much anymore. The Chamber is no longer collecting dues, so they have no revenue to pay the bills.

#### **ADAM JENSEN APPEAL:**

*Adam Jensen, 230 S 4<sup>th</sup> St:* He read his letter appealing the Council decision for the nuisance complaint on his property.

The Council previously decided to have the fort structure moved as well as moving the garden boxes out of the right of way.

*Peter Bade, 226 S 4<sup>th</sup> St:* He state that it is not a public nuisance, it is a code issue. He feels is has a financial detrimental effect on his property.

*Jane Mersen, Town Attorney:* She stated that clearly the lumber scraps were the nuisance. That nuisance has been abated. The fort structure is a zoning code violation. He could file for a variance as there is no appeal process under the zoning code. The garden boxes are an unlawful encroach in the Town right of way violation. There is also no appeal process for this type of violation. He could apply for an encroachment permit.

#### **WEBSITE PRIVACY POLICY:**

Motion - Schack; Second- Hamilton; Vote- Unanimous: Motion passed to approve Policy #18, Website Privacy Policy.

#### **SOCIAL MEDIA POLICY:**

Motion- Mancuso; Second- Hamilton; Vote- Unanimous: Motion passed to approve Policy #19, Social Media Policy.

### **DE-ANNEXATION OF YADON RD:**

Mayor Clements clarified that this is the Saddle View subdivision. The main reason is to relieve the Town from being responsible for Yadon Road. One town resident lives on the road.

*Jane Mersen, Town Attorney:* She stated that in order to exclude land from the corporate limits of the Town, the Town needs to either have a petition in writing signed by a number of the qualified electors residing within the corporate limits of the Town equal to a majority of votes cast at the last city election; or by the owners of not less than three fourths in value of the territory set to be excluded.

*Mike Swan, owner of the east side of Saddle View:* He asked what the intent of the de-annexation was. There were regulations on the property when he bought it and wanted to clarify if the regulations would still be in place if the property were de-annexed.

*Jane Mersen, Town Attorney:* The annexation requirements would go away. The preliminary plat is expired, so those regulations would not be enforced.

### **ANNEXATION OF WEST WOODEN SHOE LANE:**

Mayor Clements asked the Council for some input on this idea. The Town is growing. If development is to happen on Eagle Point west of Wooden Shoe, the Town would need to provide services. Currently the properties are on Town sewer and private wells. The sewer line is on County property. He mentioned that water rights for the wells could perhaps convey to the Town. He asked the Council to discuss the idea and give their input.

The properties all pay a sewer bill for an average of 4000 gallons for each hookup as well as a yearly special assessment that goes into the general fund.

Attorney Mersen outlined the annexation process.

*Chief Hengel:* He pointed out that one of the impacts or the decision would be to provide law enforcement services in that area. There would be a cost to provide 24/7 coverage. Annexation of that area would significantly increase the workload, both for officers to respond, and additional costs to prosecute. There would be an increase in calls for service, more serious felony issues, and officer safety issues.

*Detective Rocky Hamilton:* He did some research with the criminal justice information in the camper court alone. There were 200 calls for service at the camper court alone within the last year. The number of calls could be handled, but most take more time and are more serious than what they handle now. The annexation would increase the workload significantly and necessitate an additional officer hiring.

*Les Oldenburger, 9385 W Wooden Shoe Ln:* He stated that the sheriffs dept and highway patrol are in the area quite often. He gave the Council the history of the sewer line in the area and his experience with the special assessment. There is not a subdivision in place currently, the one there has lost its preliminary plat. He asked if the property owners could be notified when something like this is being discusses.

*Stuart Jacobsen, 9151 Wooden Shoe Ln:* He stated that the sewer was put in by his parents. It was engineered, inspected from Milwaukee to Wooden Shoe. They have been recently been dealing with some developers on their property. They are open for whatever decision, but it he does not want to be forced. He asked if they were annexed



and then he wanted to develop his property, would he still have to provide water rights if they were already conveyed to the Town.

*Jane Mersen, Town Attorney:* She added that zoning would have to be decided in accordance with the Growth Policy.

*Wayne Speakman, 9265 Wooden Shoe Ln:* He stated that he has horses and asked if annexation would cause him to have to get rid of his livestock.

Mayor Clements recommended tabling the item until more information is gathered.

Council discussion included considering the overall costs, not just police, but also roads and other services.

Attorney Mersen recommended that the planning board do the research and submit a staff report to the Council.

**CONSENT AGENDA:**

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

**Town Business Licenses:** Last Best Builders LLC, Elevation Homebuilders LLC, 406 Custom Builders LLC, Sievert Construction Inc, Breath Easy LLC, and Earthside Medicine.

**Approval of Minutes:** Regular Meeting minutes from October 9, 2020.

**Claims:** Dated 10/09/20 – 11/12/20 totaling \$ 164,467.07.

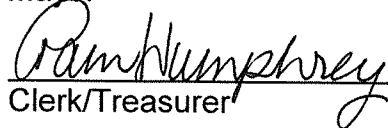
Councilman Ryan informed the Council that he has been researching the quiet zone. He contacted the State. They recommend that the Town write a letter to the County, then the County contacts the State for information regarding the crossing at Broadway.

**ADJOURN:**

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



Mayor



Clerk/Treasurer

**TOWN OF MANHATTAN  
Regular Meeting  
December 10, 2020  
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 Callie Hamilton, Betsy Mancuso, and Dan Ryan. Greg Schack was present by Zoom. Also present were Deputy Clerk/Treasurer Tonya Owens, and Clerk/Treasurer Pam Humphrey. Five members of the public were present. Thirteen people were present via Zoom.

**PUBLIC COMMENTS:**

None

**CONDITIONAL USE PERMIT – CASINO AT 110 S BROADWAY:**

Clerk/Treasurer Humphrey read the public hearing notice. She stated that the notice was posted in the Bozeman Chronicle, at the Manhattan Post Office and on the Town of Manhattan website and also mailed to all property owners in a one block radius of the property. The notices that were posted around Town were not posted by the Town of Manhattan.

**Public Hearing**

*Kasey Hart, Jackpot Casino Group, Manhattan Broadway LLC, and Manhattan Depot LLC:* He gave a background of their prior application for a Casino at 124 W Main. The CUP was approved at that site for a 20 machine casino and restaurant. He stated that there was no mention of the Town Code 10-11-19 that prohibits a casino within 250' of a park or a residential area. Building costs came in higher than expected and they weren't sure that the Town of Manhattan could support a restaurant, bar, and casino of that size. They purchased the building at 110 S Broadway to lease the back to Little Apple Technologies and remodel the front have to a bar/casino. They teamed up with Pizza on Broadway. The plan was for Crystal to do the food and they would run the bar and casino. They want to install eight machines to start. They have been to the Manhattan City-County Planning Board. They were told that they are too close to residential and park, so the Planning board recommended denial of the casino. They need to open by April to keep their full beverage liquor license. They would like to be a part of the Town of Manhattan. He stated that there is parking on the north side of the building and also in the back, so there is plenty of parking available. They are planning to put in alley and back doors. People passing by will not be able to see inside. The competition has been welcoming to them. He feels that a precedence has been set with the approval of the previous permit application.

*Sarah Simser, 110 Cedar St:* She spoke in opposition to the Conditional Use Permit.

*Buck Buchanan, 315 N 5<sup>th</sup>:* He spoke in opposition to the Conditional Use Permit.

*Gretchen Engbretson, 206 S 5<sup>th</sup> St:* She spoke in opposition to the Conditional Use Permit.

*Glee Dunbar, 202 S 5<sup>th</sup> St:* She spoke in opposition to the Conditional Use Permit.

*Lindsay Schack, Planning Board President, 302 N Broadway St:* She explained the Conditional Use process and purpose. She reminded the Council to ensure that they make zoning options with the whole community in mind and that conditions need to be met before approval.

*Kathy Bushnell, Jackpot Casino:* She responded that they have plans to build a restaurant in that space and also offer breakfast on the weekends. There is a lot of remodeling to be done and a lot of expense will be incurred. The alcohol license is necessary to fund a restaurant.

**Written comments:**

*Kathy Bushnell, Jackpot Casino:* She gave some insights into their business practices.

*Jennifer Bushnell, Casino Employee:* In favor

*Carol Buchanan, 315 N 5<sup>th</sup> St:* Opposed

*Anthony Drypolcher, 208 S 3<sup>rd</sup> St:* Opposed

*Alissa Farley, 205 S 5<sup>th</sup> St:* Opposed

*Eleanor Mest, 317 S Broadway St:* Opposed

*Buck Buchanan, 315 N 5<sup>th</sup> St:* Opposed

*April Scharen, 112 N 3<sup>rd</sup> St:* Opposed

*April Barnes, 315 S Broadway St:* Opposed

*Teri Jensen, 112 Branch St:* Opposed

*Lisa Rowell, 278 Northwest Passage Ln:* In favor

*Chris Peter and Francisco Ferrerya-Munoz, Manhattan Plumbing & Heating:* Opposed

*Travis and Jodi Kabalin, 239 Northwest Passage Ln:* In favor

*Charles Pipal and Ken Fenno, Manhattan Bank:* Opposed

*Ell and Carol Bennett, 306 Pine St:* Opposed

*Mark Langehough, 603 E Washington Ave:* In favor

*Dona Anderson-Gonzalez, 315 E Gallatin Ave:* Opposed

*Crystal Browning, Pizza On Broadway:* In favor

*Levi Bloomer, 6324 Pleasant St:* In favor

*Dennis and Alicia Ochs, 849 Twin Rivers Cutoff:* Opposed

*Justin Visser, 8095 Altenbrand Ave:* Opposed

*Deb Harvey, 565 Overland Tr:* Opposed

*Barb and Brytany Catteneo, 125 S Broadway St:* Opposed

**Discussion/Decision**

Motion- Ryan; Second- Schack; Vote- Unanimous - roll call vote called by the Mayor:

Motion passed to deny a Conditional Use Permit for a Casino at 110 S Broadway.

*Councilwoman Mancuso:* She stated that the 214 W Main location CUP was approved in 2018, and the new permit was applied for in 2020. The code has not changed. She stated the one could argue that due diligence was not exercised, however, the same code was not enforced in 2018. There is a double standard in existence, however the Code needs to be adhered to.

*Councilman Dan Ryan:* He stated that the previous location was already the same use. Exact measurements should be taken. He indicated that there is not enough parking available.

*Councilwoman Hamilton:* She stated that she is wondering why it was approved two years ago. The Town needs to be consistent. The facts are the same for both locations, but the Code is contradictory and inconsistent. A casino could not go into any of the current Central Business Districts areas.

*Councilman Schack:* He stated the W Main location was a grandfathered use and was proposed as primarily a restaurant. This is a new location and new use at the location. He stated the he agrees with the Planning Board's recommendation.

#### **PARK BOARD APPOINTMENTS:**

##### **Mayor appointments with Council approval**

Motion- Ryan; Second- Mancuso; Vote- Unanimous: Motion passed to approve the Mayoral appointments of Elaine Oakander to expire 12/31/22, and Gretchen Engbretson, and Erik Christiansen to both expire 12/31/21 to fill the vacant positions on the Park Board.

#### **ONLINE MEETINGS:**

Motion- Hamilton, Second- Ryan; Vote- Unanimous: Motion passed to direct all boards to have zoom and in person meetings options.

*Councilman Schack:* He stated that he has missed two meetings because of Covid restrictions. He suggested all Council members attend on zoom or have individual microphones.

*Councilwoman Hamilton:* She stated that in person meetings need to be offered for accessibility.

*Alissa Farley, 205 S 5<sup>th</sup> St:* She suggested zoom meetings for the Park Board also.

*Sarah Simser, 110 Cedar St:* She stated that in person is vital for everyone, otherwise the personal connection is lost.

#### **MAYOR'S REPORT:**

- He summarized the Public Works report:
  - o Apex donated asphalt for the park path
  - o PW has had issues with the CI system, but it is fixed now
  - o They are changing water meters out as the sending units are going out.
- Infiltration at sewer treatment plant has decreased a lot thanks to the transmission project.
- PER has been submitted and Manhattan placed fairly high on RRGL and TSEP Grant lists and will hopefully qualify for forgiveness on an SRF loan for the project also.

#### **CONSENT AGENDA:**

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

**Town Business Licenses:** Joder Construction, Rocksolid Stone Corp, and Madden Construction Inc.

**Approval of Minutes:** Regular Meeting minutes from November 12, 2020.

**Claims:** Dated 11/13/20 – 12/10/20 totaling \$ 142,594.40.

**ADJOURN:**

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



---

Mayer



---

Clerk/Treasurer