

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

**Work Session  
6:00 PM**

**PERSONNEL POLICY UPDATE – DISCUSSION:**

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

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

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

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

Work session ended at 6:38 pm.

**Regular Meeting  
7:00 PM**

Mayor Glen Clements called the meeting to order in the Town Meeting Room at 207 S. 6<sup>th</sup> St. at 7:00 P.M. Present were Council Members Ryan Engbretson, Betsy Mancuso, Josh Powell, and Morgan Taylor. Also present were Town Attorney Jane Mersen, Town Planner Scott Hazelton, Clerk/Treasurer Pam Humphrey. Forty members of the public were present. Two members of the public was present by Zoom.

**PUBLIC COMMENTS:**

Written comment:

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

**MANHATTAN GROWTH POLICY:**

**Public Hearing**

Clerk/Treasurer read the Public Hearing Notice

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Written comments:

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

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

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

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

### **Discussion/Decision**

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

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

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

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

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

**PERSONNEL POLICY UPDATE:**

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

**DRUG POLICY UPDATE:**

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

**MAYOR'S REPORT:**

None

**CONSENT AGENDA:**

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

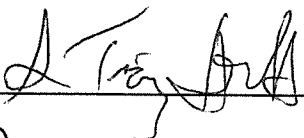
**Town Licenses:** Fire Guy Leasing, Inc.

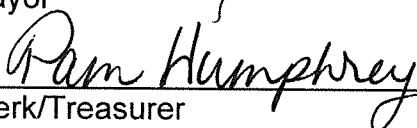
**Approval of Minutes:** Regular Meeting minutes from February 9, 2023.

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

**ADJOURN:**

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

  
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Mayor

  
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Clerk/Treasurer