

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

Mayor Traig Howells called the meeting to order in the Town Meeting Room at 207 S. 6th St. at 7:00 P.M. Present were Council Members Ryan Engbretson, Betsy Mancuso, Josh Powell, and Morgan Taylor. Also present were Town Attorney Jane Mersen, Town Engineer Kyle Scarr, Town Planner Scott Hazelton, and Clerk/Treasurer Pam Humphrey. Twenty-nine members of the public were present. Three members of the public were present by Zoom.

PUBLIC COMMENTS:

None

GALLATIN DROUGHT DELUGE ADAPTIVE MANAGEMENT PLAN:

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

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

Clerk read the public hearing notice.

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

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

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

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

Written Comments:

Carol and Vernus Albertson, 105 N Broadway: In favor

Donaldson Family, 209 N 4th St: In favor

Karen Karnes, 217 N Broadway: Opposed

Discussion/Decision

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

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

MANHATTAN MEADOWS (ORCHARDS) FINAL PLAT APPLICATION:

Public Hearing

Clerk read the public hearing notice.

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

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

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

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

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

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

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

Discussion/Decision

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

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

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

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

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

DUTCH BROTHERS MAJOR COMMERCIAL SUBDIVISION VARIANCE FOR APPROVAL PERIOD:

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

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

EAGLE POINT MINOR COMMERCIAL SUBDIVISION VARIANCE FOR APPROVAL PERIOD:

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

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

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

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

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

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

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

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

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

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

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

DUTCH BROTHERS MAJOR COMMERCIAL SUBDIVISION PRELIMINARY PLAT:

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

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

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

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

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

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

EAGLE POINT MINOR COMMERCIAL SUBDIVISION PRELIMINARY PLAT:

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

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

WRF PROJECT UPDATE:

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

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

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

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

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

First Reading

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

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

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

BOARD APPOINTMENTS:

Board of Adjustment – Mayor appointments with Council Consent

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

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

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

Clerk read the public hearing notice.

Public Hearing

None

Discussion/Decision

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

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

Clerk read the public hearing notice.

Public Hearing

None

Discussion/Decision

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

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

Clerk read the public hearing notice.

Public Hearing

None

Discussion/Decision

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

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

Clerk read the public hearing notice.

Public Hearing

None

Discussion/Decision

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

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

MAYOR'S REPORT:

- He thanked the citizens for attending the meeting.

CONSENT AGENDA:

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

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

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


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

ADJOURN:

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



Mayor



Clerk/Treasurer