

**TOWN OF MANHATTAN
Thursday, May 11, 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 Planner Scott Hazelton, and Clerk/Treasurer Pam Humphrey. Fourteen members of the public were present.

PUBLIC COMMENTS:

Dan Ryan, 314 S 5th St: Asked how the expansion of the sewer plant is going.

Dennis Faibanks, 205 Cedar St: He stated that has heard that some businesses in Bozeman are experiencing shoplifters and Bozeman PD is not responding. He asked if the Manhattan Police would be doing anything like that.

CONDITIONAL USE PERMIT FOR ACCESSORY RESIDENTIAL DWELLING AT 107 FABRICK ST:

Clerk read the public hearing notice.

Public Hearing

Scott Hazelton, Town Planner: He gave information on the application. The adjacent property owners submitted a survey of the property line. The existing structure is a nonconforming use as it is within the side yard setback. The non-conforming chapter in the Manhattan Code states that if a structure is enlarged or altered it cannot increase its non-conformity. The proposal is to keep the ADU within the same footprint as the existing garage. Therefore, the non-conformity of the structure is not being increased.

Staff recommends approval based on the Manhattan Code. The Planning Board recommended approval at the April meeting.

Lane Ryerson, 207 Fabrick, applicant: He stated that the structure will be within the square footage guidelines to stay within the Code.

John Steele, 202 Fabrick: He stated that there are many non-conforming uses in the neighborhood already. He felt that there were too many homes on blocks in the area and the lot coverage was over 35% as defined in the Code. He is worried that when the applicants leave and sell the property, someone else will make it two rentals. He requested that the 2 lots become one lot and to require off street parking. He was opposed to the Conditional Use Permit.

Lane Ryerson, 207 Fabrick: He stated that they have alley and street access to the property, and they plan to stay for a while.

Ray Harrison, 515 W Park: He stated that he reviewed the application and then questioned the side yard setback in relation to his property. He had his property surveyed Tuesday and found that the applicant's garage does not meet the side yard setback. He questions some of the other things in the application also. He met with the Planner and talked to one of the Council people. He does not feel everything is as accurate as it should be. He is unsure of the rest of the property lines on that block.

Lane Ryerson, 207 Fabrick: He stated that this does not increase the nonconforming use of the garage.

Discussion/Decision:

Motion- Powell; Second- None; Motion died to table the issue and send it back to the Planning Board for further review.

Motion- Engbretson; Second- Mancuso; Vote- 2 (Engbretson, Mancuso), 1 against (Powell), Taylor abstained: Motion passed for approval of the Conditional Use Permit for and Accessory Residential Unit at 207 Fabrick.

Councilman Taylor: He stated that he would stand to gain from the project if it goes forward, so he will recuse himself from the vote.

Scott Hazelton, Town Planner: He stated that the Planning Board did not know about the boundary dispute. The new survey shows that it is inside the normal 8-foot side yard setback. The garage was built prior to the ordinance so it is grandfathered. The footprint will remain the same. Other property in the area does not apply to this property. The Planning Board did not have the survey or the updated building plan. Those two items do not change the recommendation. He stated that the Town Engineer was comfortable with the water and sewer because it is on two lots.

Councilman Powell: He stated that he did talk to the Harrisons and went through the application with them. He feels that there is some confusion, and it needs to be reviewed again.

Councilwoman Mancuso: She asked if the Planning Board had all the same information. She also asked if the applicant has met the condition of ownership that the Planning Board requested. She stated that the application fits the criteria.

MAIN STREET MONTANA PROGRAM:

Scott Hazelton, Town Planner: He described the program to the Council. It is a resource from the State. He has worked with it before. There are tiers to the program. He would recommend that the Town be an affiliate partner. He described what that process would be. There will be an informational meeting this fall. There is no action item, just information. Quarterly reports are the only requirement. The Planning Board was discussing options for board members.

Mayor Howells: He stated that he has researched other communities, and several have done really good things through the program.

Council discussed how it would work and who would be on the board.

PLANNERS REPORT:

Scott Hazelton, Town Planner: He informed the Council that he will be going to law school at the University of Oregon this fall. Hyalite has been looking for a replacement within the firm. They are considering having Hazelton continue remotely. Hyalite will be bringing something to the Council to let them decide.

ONLINE PLATFORM OPTIONS:

Motion- Powell; Second- Mancuso; Vote- Unanimous: Motion passed to continue with the open platform of Zoom that the Town currently has and to designate the Mayor to manage it, with training for entire Council.

Mayor Howells: He explained some of the things that he, Councilman Engbretson and the Town Office have been discussing. There is an extra layer of security with Zoom Webinar. There were no issues with Zoom in three years until the recent event. He would be willing to manage the Zoom. He discussed using a waiting room, disabling microphone, video, screen share, and private chat features. He thanked Ben Broyles for offering help with the audio/visual aspect to increase the quality.

Councilman Engbretson: There is a geofence option with Zoom. He and the Mayor met with Matt Bunko with Gallatin County IT, and he has offered to help get something set up. He recommended that everyone get trained to manage it.

Jane Mersen, Town Attorney: She stated that there is no requirement for an online platform. It would be okay to have the Mayor administer the platform. She reminded the Council that there should be a record of who attended by Zoom for public comments.

Scott Hazelton, Town Planner: He stated that he has used the Webinar version and there is a bit more management with it.

Councilman Powell: He suggested using the free version of Zoom so that Council and Staff members could attend that way. He is unsure if there needs to be a public option.

Public Comments:

Buck Buchanan, 315 N 5th: He commended the council on pursuing the Zoom option. The benefits far outweigh the risks. More people can be informed this way. He asked the Council to continue to use Zoom.

Alissa Farley, 205 S 5th: She thanked the Council for doing the research and talking to a professional about doing it. She would also like to keep the Zoom option.

Ben Broyles, 301 S 5th: He thanked the Council for doing the research and allowing Zoom to continue. It is a valuable asset to the community. It increases involvement and transparency.

BOARD APPOINTMENTS:

Police Commission

Motion- Mancuso; Second- Taylor; Vote- Unanimous: Motion passed to approve the Mayoral nomination of Robert Uhrich to the Police Commission for a 3-year term to expire April 2026.

PAYROLL BUDGET COMMITTEE:

Glen Clements, 709 Madison Ave: He stated that the Town created a new matrix last year. A lot of work was done on the last one, and he was just curious to see what changes would be made.

Mayor appointed a payroll budget committee of the Mayor, Councilwoman Mancuso, and Councilman Powell.

PARK BOARD UPDATE:

Councilman Engbretson: He stated that the rink has been cleaned up. The liner was disposed of today. They will move the wood to the storage area. There is a tree planting for Arbor Day by the memorial in Railroad Park, with two third grade classes coming for the planting. The Park Board did a Park cleanup to include the dog park recently.

MAYOR'S REPORT:

- Police Department is asking citizens to say something if they see something and encouraged citizens to call 911 if they see something that doesn't seem right.
- Public works have seen frost boils coming up in the streets. They must wait until the frost is completely out to get them fixed. They will be working on them soon.

CONSENT AGENDA:

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

Chicken Coop Licenses: Katie Powner at 512 W Gallatin, Maegan and Ramon Fernandez at 108 N 7th St, Charles and Matheson Renick at 316 S 4th St, and Sue Ward at 204 N 4th St.

Town Licenses: Sweet Specialty Confections, Mackley Mobile Veterinary Services, Sacry Electric Inc, and Betterwest Tree Service.

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

Claims: Dated 04/14/23 – 05/11/23 totaling \$ 200,395.16.

ADJOURN:

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

Mayor

Clerk/Treasurer