

**TOWN OF MANHATTAN
Thursday, October 12, 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, Police Chief Dennis Hengel, Library Director Trudy Dundas, and Clerk/Treasurer Pam Humphrey. Nine members of the public were present. One member of the public was present by Zoom.

PUBLIC COMMENTS:

None

POLICE DEPARTMENT UPDATE:

Dennis Hengel, Chief of Police: He provided the monthly update. One of the officers resigned and moved out of state in August. They are in the hiring process now. The new hybrid patrol car has been delivered and is now in service. The old vehicle will be decommissioned and sold. Sergeant Owens is at FBI Command College this week. He is one of 80 participants chosen to attend. Officer Armstrong is now the Detective for the department. Armstrong will also be School Resource Officer after a new officer has been hired.

SCHOOL PARKING:

Dennis Hengel, Chief of Police: He stated that the school did a traffic study in 2020 and provided a copy to the Council. The school would like to move forward with the recommendations of the study. There are safety concerns with parents picking up children on Yadon Rd. He has put up temporary No Parking signs along there. The school would like to make it permanent No Parking. The Town Council can decide how the signage can become permanent. There has been some discussion about putting a turn lane onto N Broadway from the High School.

Amanda Aune, Manhattan Schools representative: She has requested a safer drop off area. The school has started to implement the recommendations from the 2020 study. They have staggered school start times and painted the crosswalks on Fulton and N Broadway. No Parking on Yadon Rd would need to be permanent. The PTO would pay for the signs. They would like to improve signage on Altenbrand and N Broadway on the east side for quick drop off, 60 seconds or less. The west side could be for parking. The PTO would also pay for these signs. The current signs are outdated. They would also like to paint the curbs in the Drop Off/Pick Up Area. The PTO has purchased the paint and volunteers will do the painting. They would like better signage in the Fire Lane, with no parking and drop off only. They also need Traffic Control Flaggers at the four-way sign. They will need to work on training and finding the right person for this type of work.

Council discussed the needs of the school and the possibility of de-annexing Yadon Rd sometime in the future. Council suggested that they touch base with the Fire Chief about ideas in the fire zone.

BOARD APPOINTMENTS:

Library Board – Mayoral appointments with Council approval.

Motion- Taylor; Second- Engbretson; Vote- Unanimous: Motion passed to approve the Mayoral appointment of Raymond Figgins to the Library Board for a five-year term.

Motion- Mancuso; Second- Engbretson; Vote- Unanimous: Motion passed to approve the Mayoral appointment of Nancy Vanhuizen to the Library Board for a five-year term.

Trudy Dundas, Library Director: She is glad to see more applicants than positions available. She recommended Nancy Vanhuizen and Raymond Figgins for the two Town positions as they are both very frequent library visitors. She described the duties of the Library Board. It is an advisory board. The school also appoints some members.

TOWN ATTORNEY CONTRACT:

Motion- Mancuso; Second- Powell; Vote- Unanimous: Motion passed to publish a request for proposals for legal services.

Jane Mersen, Town Attorney: She stated that she has submitted a letter to the Council requesting and setting out a new contract. She has enjoyed working for the Town for the last 23 years and would like to continue. She also suggested that the Council should consider sending out a request for proposals for legal services. West Yellowstone advertises every two years. It is a great opportunity for the Council to have that discussion, to see who is out there, what is new, and if there is anyone else interested in assisting the Town.

Jennifer Carr, 200 Lund Ln: She stated that she has had private conversations with the Council members addressing her concerns. She does not support renewing Mersen's contract.

Michael Dyk, 1887 Yadon Rd: He stated that the position should be posted, and that it is a good way to do business.

Bill Luehrs, Pioneer Crossing: He stated that the Council should retain Mersen. The Town Council members turn over frequently. It is good to have someone that has the historic perspective, as some issues go back many years. It would not be necessary to bring in someone new that would not know the history. Mersen has done an excellent job.

Dan Carr, 200 Lund Ln: He does not support renewing Mersen's contract.

Ryan Miller, 707 Madison Ave: He stated that he would support retaining Mersen. She has done a great job for the Town. Her institutional knowledge is not replaceable. She is a benefit to the community and the Council.

Written comment:

Steve and Tami Wyse, 124 N 4th St: They are not in favor of renewing Mersen's contract. Mersen did not fight for the Carr's water rights. The water issues with subdivisions are a mess and should not have been grandfathered in. They encouraged the Council to post the position.

Art Carr, 200 Lund Ln: Opposed to renewing Mersen's contract.

Sam Buckman, 1175 Nixon Gulch Rd: Opposed to renewing Mersen's contract.

Martin Kimm, 6293 West Dry Creek Rd: In favor of hiring a different attorney because he feels that Mersen is in the pocket of the developers and does not stand up for the rights of neighboring landowners.

Robert and Derinda Grimshaw, 2000 Nixon Gulch Rd: Opposed to renewing Mersen's contract because it would be in the best interest of the Town and the agricultural community to open the position to others.

Jane Mersen, Town Attorney: She stated that she cannot respond to Jennifer Carr's comments that she talked to the Council individually, because she does not know what Carr told the Council. The written letters are the peoples' opinions, not based on facts. She pointed out in Mr. Wyse's letter, he commented that she did not fight for the Carr's water rights. She stated that she does not represent the Carrs. The Town did what it could to help within the boundaries of the law during the Manhattan Orchards issue with the ditch. Mr. Kimm's letter stated that she is in the pocket of the developers, which is not true. It is his opinion however, and everyone has the right to participate in the government. She stated that she is not in anyone's pocket, and there is no practical basis for that statement. Mr. Kimm's letter also stated that she did not stand up for the rights of the neighboring landowners. She stated that she does not represent the neighboring landowners. She represents the Town. Her job in representing the Town is to advise the Council as to the law on the issues that come before them to keep the Town from becoming liable for something or being sued for something. Water rights issues started before she became the Town Attorney. The Town hired a special water law attorney for those issues. She is not a water law attorney herself so she cannot respond to water rights comments. She also does not know what is meant by Mr. Wyse's comments about the issues with subdivisions being a mess and should not have been grandfathered in. She again pointed out that the comments were individual opinions and not based on facts, but everyone is allowed to voice their opinions.

Council discussed doing due diligence for the Town as smart business for transparency and to follow the process as they do with engineers.

RESOLUTION NO. 23-008 – CANCEL MILL LEVY RESOLUTION:

Motion- Taylor; Second- Powell; Vote- Unanimous: Motion passed to approve Resolution No. 23-008, a resolution of the Town Council of the Town of Manhattan, Montana cancelling Resolution No. 23-002 to place a Town Municipal Services Levy for Public Safety on the November 7, 2023 ballot.

WATER LINE REPLACEMENT PER RFP:

Motion- Powell; Second- Engbretson; Vote- Unanimous: Motion passed to do a request for proposals for a PER for water line rehabilitation.

The Town has been awarded a \$15,000 planning grant to get a Preliminary Engineering Report done for replacing water lines in Town. The Town would have to match with \$39,000, for a project total of \$54,000. The grant expires in December 2023 and the Town will need to request an extension.

SEWER COMMISSIONER REPORT:

Councilman Powell: He stated that he is working with Todd and Mace Mangold. The current issue is how much water to discharge into the ground. They will be discussing with the engineers what to do to move forward.

PARK COMMISSIONER REPORT:

Councilman Engbretson: He stated that delivery of the playground equipment will be this week or next week. Public Works has been removing some of the old equipment and prepping for the Martel crew coming on next weekend for the install. Watering times and schedules and sprinkler heads positioning are being discussed. The area for the basketball court will be prepped and hopefully installed in the spring.

The Council discussed the removal of some of the old equipment. It is possible to refurbish the old equipment and re-install it somewhere in the park. The Council also talked about the height of the overlay areas being a concern for the assisted living residents.

MAYOR'S REPORT:

- The Senior Center is temporarily closed because of staffing shortages and kitchen upgrades. Meals on Wheels is still being done.

CONSENT AGENDA:

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

Town Licenses: Service All Heating & Air, T&K Pearson Electric LLC, Bridger Mountain Fireplaces and Service LLC, Zero Dark Electric, Camo Sheet Metal Inc, Katron Group LLC, and Mountain Air Systems.

Approval of Minutes: Regular Meeting minutes from September 14, 2023.

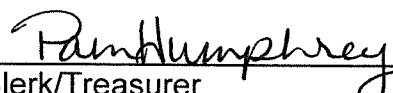
Claims: Dated 09/15/23 – 10/12/23 totaling \$342,614.49.

ADJOURN:

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



Mayor



Clerk/Treasurer