

**TOWN OF MANHATTAN**  
**Regular Meeting**  
**February 11, 2016**  
**MINUTES**

Mayor Dave Rowell 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 Gregg Dietz, Steve Gonzalez, Dan Ryan, and Greg Schack. Also present were Town Planner Ralph Johnson and Clerk/Treasurer Pam Humphrey. Twenty-seven members of the public were also present.

**PUBLIC COMMENTS:**

None

**RESOLUTION NO. 16-001- IMPACT FEE AMENDMENT:**

**Public Hearing**

*Bill Luehrs, Developer at Pioneer Crossing:* He stated that the development, along with two of their builders, is concerned about an increase because for every \$1000 increase, more people will be driven out of the market. They all compete in a marketplace where there are other alternatives for places to build. Surrounding areas will all have lower impact fees than Manhattan. It will be harder for them to sell lots and develop homes. He explained how they would like to see them phased in over time.

*Andrew Brechbuhete, 7050 Bristol Lane, Bozeman:* He spoke in opposition. He stated that the draw to Manhattan is the lower cost of construction. The Town may need to raise fees in future, but not now. He asked if there is an amount of lots sold at the current rate that the Council is looking to meet.

*Luke Howard, 310 S 15<sup>th</sup>, Bozeman:* He stated that the impact fee increases should be slowly phased in slowly to keep pace with increases in building costs in other places.

*Carla Thorning, 1612 W Main, Bozeman:* She represents Pioneer Crossing and stated that they are trying to contribute to Manhattan and make it a thriving town with an increase in residents. She indicated that increasing impact fees may have a negative impact on growth in Manhattan.

*Joan Thompson, 5b Sedora Dr:* She asked how Amsterdam/Churchill impacted the sewer system financially.

*Jason DeHaan, 311 N Broadway:* He stated that an extra impact fee doesn't affect individual homeowners, but does affect larger project developments.

*Darrel DeHaan, Third Prime:* He stated that new development overpays because the community is aging. He will have paid over \$300,000 in impact fees to the Town of Manhattan if their projects are approved. He stated that it takes residential growth to drive commercial growth.

**Discussion/Decision**

Motion- Ryan; Second- Schack; Vote- Unanimous: Motion passed to adopt Resolution No. 16-001, a resolution of the Town Council of the Town of Manhattan, Montana, amending impact fees pursuant to Title 11, Chapter 12 of the Manhattan Municipal Code as stated.

Council discussion included that the intent is to raise impact fees, but not back to where

they originally were. The Town is seeing 4% growth. Original fees were set for 6% growth. This proposal is 2/3 of the originally recommended fees. The fees will still be less than they were 4 years ago. There is no other funding to compensate for growth other than impact fees. Phasing in the impact fee increase was discussed. Impact fees are assessed for the impact the growth has on the community. New homes cause the impact that drives expansion of infrastructure. Impact fees set in 2006 have never been adjusted for the cost of living. Commercial development helps more than residential development. The Council does not want existing customers to bear the cost of the expansions to the infrastructure.

#### **RE-ZONING OF LOTS 21, 22, 31, 32, AND 33 IN THE FARMSTEAD SUBDIVISION:**

*Ralph Johnson, Town Planner:* He described how the Planning Board handled the requests and had individual public hearings for each change. He explained the reason for public hearings on the requests. He stated that the Council could act on all of the lots together, or separately.

#### **Public Hearing**

*Joan Thompson, 5BSedora, HOA Hamilton Village:* She explained the difference between Parkhaven and Hamilton village. They are not objecting to changing the zoning on lots 21 and 22, as long as a fence is put it. She is worried about their liability if someone is hurt on one of the Hamilton Village properties. She stated that for the other lots, there needs to be at least one commercial lot is left next to each side of existing businesses. They have no objection to lot 32 being changed if it is age restricted housing.

*Zona Hale, Toston, owner Lot 40:* She stated that she bought a lot in December. She was opposed to changing the zoning. She would not have purchased a lot if they knew that zoning may be changing. It will affect the value of her lot. She will have to sell it now if the zoning changes.

*Trent Dykman, 15 Culver Pl, EZ Body:* He stated that he is concerned with residential coming in. He feels it would be detrimental to his business for residential to come in close to his business. He stated that a clear line needs to be made between residential and commercial. He is concerned that residential complaints against his business could put him out of business.

*Jason DeHaan, 311 N Broadway:* He handed out a map of potential projects on lots 21, 22, and 31. They are trying to add 31 to be able to use 30 that is currently R3. It is really hard to develop lot 30 without lot 31. They will agree to put in fences around lots 21 and 22, as well as their other projects if needed. They are residents of Manhattan and are trying to do something nice for the town with their developments. All of the requested lots are contiguous to current R-3 lots. He described their current tenants. He defined a PUD. The original plan of the Farmstead had more R-3. They feel that they are meeting the intent of a PUD. He feels that their projects will contribute less traffic than a commercial use. One of their tenants started a business in town, others work in town, so residential does drive commercial.

*Darrel DeHaan, 624 Rocking Horse Drive:* He asked the Council to consider that they are not putting anything closer to current businesses than was already approved. He reiterated that the Farmstead was meant to be a subdivision and they would like to develop it as such. They will have paid a lot of impact fees in this community if are able

develop their properties. They are investing in the Town and want to be part of the community.

*Bob Dellinger, 11 Moreland Ct:* He stated that they knew that there was residential by their lot when they bought their lot. The issue for them is not the specific lots, it is that a precedence is being set. Commercial business is needed and there needs to be space for them.

Written comments:

*Bob Dellinger and Michael Gallagher, 11 Moreland Ct:* Opposed to all of the proposed re-zoning.

*David Kimpton, Phoenix, AZ:* Opposed to the re-zoning.

*John Steele, Manhattan:* Opposed to the re-zoning.

*Ralph Johnson, Town Planner:* He gave the definition and examples of spot zoning. Lots 31 and 32 back up to the linear park, so he would not recommend separating them from the trail with a fence. On lots 21 and 22, fencing should be a requirement of approval if approved. There is currently an adequate amount of light-industrial and residential lots available in the Town. There is a right of way on lot 32 that would need to remain somewhere on the lot. The Council could make lot 32 conditional on age related housing. It would be difficult to justify any residential on the southeast side of Culver Place.

*Ron Schmidt, 75 Hitching Post Rd, Bozeman:* He asked if the linear trail acts as a buffer.

### **Discussion/Decision**

Gonzalez: He stated they may be setting a precedent that may put them into a spot zoning situation on lots 31, 32, and 33. A bad precedent would be set for businesses in the future.

Ryan: He met with Vic at the hardware store, he would like a separation of properties.

Schack: He is concerned with liability of businesses with residential too close.

Dietz: He stated that high density residential does mix well with business. He can see 31 as ok if it is buffered. 32 and 33 don't make as much sense to him.

Council discussed buffers, parking areas and aesthetics of the area.

### **Lot 21 and 22**

Motion- Dietz; Second- Ryan; Vote- Unanimous: Motion passed to approve the requested zoning map amendment to designate Lots 21 and 22 as both R-3 and L-1 with conditions. Condition 1: both lots be developed with the same zoning designation. Condition 2: If developed as residential, the developer will provide a 6ft high solid opaque fence between lot 24 and lots 21 and 22.

### **Lot 31**

Motion- Dietz; Second- None: To approve the requested zoning map amendment to designate Lot 31 as R-3. Motion failed - lack of a second

Motion- Ryan, Second- Schack: Vote- Aye-3 (Ryan, Schack, Gonzalez), Nay-1 (Dietz): Motion passed to deny the requested zoning map amendment to designate Lot 31 as R-3.

Poll of Council reasons:

Ryan: It is zoned business, a change would alter what the current business owners proposed.

Schack: It is not in the Town's best interest to change the corridor of business.

Gonzalez: It would set a precedent for future rezoning requests.

**Lot 32**

Motion- Ryan; Second- Schack; Vote- Unanimous: Motion passed to deny the requested zoning map amendment to designate Lot 32 as R-3 and L-1.

Same stated reasons.

**Lot 33**

Motion-Schack; Second- Ryan; Vote- Unanimous: Motion passed to deny the requested zoning map amendment to designate Lot 33 as R-3 and L-1.

Same stated reasons.

**RIDER COURT:**

*Bill Rider, Rider Court:* He has some questions about annexing. He wanted to clarify what it would mean for them to annex as the draft sewer agreement requires. They have their own water system, roads and farm land.

*Ralph Johnson, Town Planner:* He indicated what annexation means. It means that the Town can legally provide services to them. It does not change their tax base. They could keep their own water system unless DNRC requires. Existing conditions can stay as they are. Ralph explained non-conforming uses and how they are addressed. State statute limits the agreement to where services are provided outside of the community to 10 years.

*Mayor Rowell:* He stated that both the Town Attorney and Town Engineer have indicated that the Town should not extend any sewer outside town limits. The applicant will need to annex.

**ORDINANCE NO. 16-001, AMENDING 9-3-11 EXEMPT WELLS:**

**First Reading**

Discussion included what to do with the interim exempt wells after hookup to the town system. Council would require the wells to be capped after hookup to the Town system. Set for public hearing and 2<sup>nd</sup> reading at the March meeting.

**ORDINANCE NO. 16-002, KEEPING OF EXOTIC ANIMALS:**

**First Reading**

A few months ago, someone made a request to the Council regarding the keeping of an exotic animal. Exotic animals are not addressed in the current Code, so the Council asked to create an ordinance that refers to exotic animals.

Set for public hearing and 2<sup>nd</sup> reading at the March meeting.

**RESOLUTION NO. 16-002 – LOAN FOR POLICE BUILDING:**

Motion- Schack; Second- Dietz; Vote- Unanimous: Motion passed to adopt Resolution No. 16-002, a resolution of the Town Council of the Town of Manhattan, Montana

approving the consolidation of an existing loan for the administration building and the financing of the construction of the police department building and the shared parking lot.

**RM PROPERTIES – FIRE DEPARTMENT BUILDING**

The Council and rural board will schedule a joint meeting to make a decision.

Robin Hubley, RM Properties: She stated that they would like a decision by March 1<sup>st</sup> because they have some pending lease agreements that they need to address.

**ADOPT 2012 INTERNATIONAL ENERGY CODE WITH MONTANA AMENDMENTS:**

Motion- Ryan; Second- Schack; Vote- Unanimous: Motions passed to adopt the 2012 International Energy Code with Montana Amendments.

**MAYORS REPORT:**

- The Town received a \$15,000 TSEP planning grant for sewer improvement planning.
- Water Tower is progressing.
- Public Works is having trouble at the Chlorine station with leaks and breaks. TD&H gave a proposal to analyze the current situation and possible alternatives.
- A man called him to offer some water rights for sale at \$6000/acre foot. He will talk to Matt Williams to see if it is a good deal.
- We have had 2 requests for communication leases on the water tower.

**CONSENT AGENDA:**

Motion- Dietz; Second- Schack; Vote- Unanimous: Motion passed to approve the consent agenda.

**Town Licenses:** Aman Construction LLC

**Approval of Minutes:** Regular Meeting minutes from January 14, 2016.

**Claims:** Dated 1/15/16 – 2/11/16 totaling \$ 262,306.31 including payroll.

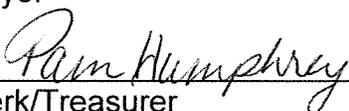
*Councilman Dietz:* The baseball association would like to put up a 10 x 10 storage building by the batting cages to store supplies and equipment. The mural contest was discussed.

Gopher control and enforcement in the Farmstead was discussed.

**ADJOURN:**

Motion-Dietz; Second- Gonzalez; Vote- Unanimous: Motion passed to adjourn the meeting.

  
\_\_\_\_\_  
Mayor

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