

**TOWN OF MANHATTAN  
Regular Meeting  
January 14, 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 Attorney Jane Mersen, Town Engineer Dave Crawford and Clerk/Treasurer Pam Humphrey. Six members of the public were also present.

**PUBLIC COMMENTS:**

None

**OATH OF OFFICE:**

Mayor Rowell administered the Oath of Office to newly elected Council members Gregg Dietz and Steve Gonzalez.

**COUNCIL APPOINTMENTS:**

Motion- Gonzalez; Second- Dietz; Vote- Unanimous: Motion passed to appoint Greg Schack as Council President.

Motion- Dietz; Second- Ryan; Vote- Unanimous: Motion passed to keep Gregg Dietz as Park Commissioner, Dan Ryan as Sewer Commissioner, Greg Schack as Water Commissioner and appointing Steve Gonzalez as Street Commissioner.

**MANHATTAN ORCHARDS- REQUEST FOR EXEMPT WELLS:**

Motion- Dietz; Second- Ryan; Vote- Unanimous: Motion passed to direct the Town Attorney to prepare an amendment to Ordinance No. 9-3-11 to allow for a shared exempt well system as an interim system as long as the infrastructure is constructed that is necessary to switch over to the Town's system once water is available. Enforcement of the Ordinance will be included in the amendment.

*Dave Richards, Manhattan Orchards:* He stated that based on the last meeting, he felt that the Council was favorable to allowing them put exempt wells on the 20,000 sf lots, but wanted to get direction from the Town Attorney. That is the issue that they are looking forward to resolving at this meeting.

*Doug Chandler, Allied Engineering:* He stated that they have met with Dave and Jane. One issue that came up was fire flows. Spacing of fire hydrants is a major issue for them. They would request that they be allowed a different standard, like the state or county standard. They would want one main line with hydrants no further than 1000 feet from any home. He stated that he feels that it is not feasible for them to meet the Town's fire codes because a water supply is not available. He has not talked to the Fire Department.

*Jane Mersen, Town Attorney:* She stated that if there are going to be changes to the already approved preliminary plat, the developer would need to follow the procedure set out in the Manhattan Code. She outlined that process for applying for changes. Subdivision regulations also require that subdivisions meet all of the requirements of the

fire department.

*Dave Crawford, Town Engineer:* He stated that the Town has adopted the International Fire Code of 2012. He indicated that he did not think that there is a way to give a variance on code issues. He summarized some of the requirements of the Fire Code. ISO ratings are based on issues that affect homeowner's fire insurance rates.

There was a group discussion on different fire codes in cities and counties.

Mayor Rowell brought the meeting back to the issue at hand, which is the use of exempt wells. This decision will preclude any of the fire flow issues.

*Doug Chandler, Allied Engineering:* He stated that the issues are tied together. He doesn't think that the current exempt well code is feasible at this time.

Councilman Ryan reminded the developer that the property is annexed, so it should have the same rules as everyone else in the city limits.

*Jane Mersen, Town Attorney:* She explained the current ordinances. She also explained private water systems, which are a possibility. Allowing exempt wells would have to apply to everyone in town, not just this development. If the council wants to allow exempt wells, there are several ordinances that would need to be changed. Any changes would require two readings and a public hearing. Another option would be to de-annex the north two phases of the development. She stated that she would be concerned with the Town's liability if they allowed the developer to conform to the County Fire Code instead of the Town Fire Code.

*Doug Chandler, Allied Engineering:* He suggested that if they were to use exempt wells in a public system, they would have to provide a separate system for fire flow. He asked for a modification to the exempt well ordinance to use non-engineered systems with shared exempt wells. They would have the system installed with fire hydrants and stubbed service lines to the homes. Then when water is available, they would hook up to the Town's system. He gave an overview of the history of the subdivision and the preliminary plat. If they cannot have exempt wells, they would like to go back to the preliminary plat that was approved in July 2006 instead of the one they are working off of now. He outlined some of the items in the July preliminary plat. He asked the Council to allow them to use exempt wells and the "rural standard" for fire flows for this preliminary plat. If the Council cannot do that, they would like the Council to amend the 9-3-11 Ordinance and allow them to use a non-engineered system, and change the preliminary plat extension to the July 2006 version. He explained the water right that they are offering for irrigation.

*Dave Richards, Manhattan Orchards:* He stated that they have a number of considerations that they are looking at. He is spending too much money, and needs to start building in the upcoming season. He asked if the Council would consider changing the approval of the July 2006 preliminary plat instead of this one. He stated that they have been approached by a couple of large developers. They may be looking to de-annex and take action with another venue.

*Dave Crawford, Town Engineer:* He stated that he is much more comfortable with the second option the developer is proposing, with the exempt wells in the spirit of the current ordinance. It is an interim way to get them going. He asked if the exempt wells would be moved, abandoned, or left in place. What would happen long term to those wells.

*Jane Mersen, Town Attorney:* She clarified the annexation agreement and what the

requirements the developer would have to meet. She is more in favor of changing the exempt interim well ordinance, but is concerned with how permanent the exempt wells would be.

*Bill Luehrs, Pioneer Crossing:* He asked if the Town has filed the application for the Change of Use. He was concerned with the impact of additional applications to the DRCR on the current issues.

*Jane Mersen, Town Attorney:* She has talked with the applicant and Matt Williams about this. There would be no harm in applying for change of use, but not in the Town's name because that is the kiss of death for any application.

*Council discussion:* The Council was not in favor of just allowing exempt wells in Town. The current exempt well ordinance for interim use would need to be reworded as well as what happens to the wells when the homes are hooked up to the Town system when water is available. Water rights are up to the DNRC. The Town may need to wait until that is ruled upon. Exempt wells for interim use with conditions might be acceptable, but the implications need to be clear. Cross contamination and safety were discussed. There has to be a follow up to make sure it was being done correctly at the time of the connection to the Town system. Impact fee credits were discussed.

**RESOLUTION NO. 16-001 – IMPACT FEE AMENDMENT: Set for public hearing**

Motion- Dietz; Second- Schack; Vote- Unanimous: Motion passed to set Resolution No. 06-001 for public hearing at the February meeting.

The council discussed the options for fee amendments. The option they most agreed with was approximately 75% of the original fee set by resolution in 2007.

**MAYORS REPORT:**

- The police addition is almost closed in.
- The water tower is behind schedule. They hope to have it operational in the middle of February. They will wait for good weather for landscaping etc.
- He had directed Jane Mersen to write a letter to Amsterdam/Churchill Sewer District taking a firm stance on the problems that we have had with the connection. Once there is a response, there will be a meeting scheduled with the District.

**CONSENT AGENDA:**

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

**Town Licenses:** Big Sky Gaming LLC, Stagg Enterprises dba Staggwood Homes

**Approval of Minutes:** Regular Meeting minutes from December 10, 2015 and Special Meeting Minutes from December 16, 2015.

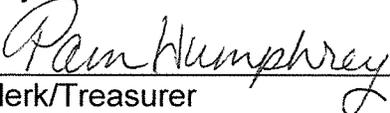
**Claims:** Dated 12/11/15 – 1/14/16 totaling \$ 338,314.71 including payroll.

**ADJOURN:**

Motion-Ryan; Second-Schack; Vote- Unanimous: Motion passed to adjourn the meeting.

  
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Mayor

  
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Clerk/Treasurer