

**TOWN OF MANHATTAN
Regular Meeting
July 13, 2016
MINUTES**

Mayor Dave Rowell called the meeting to order in the Town Meeting Room, at 207 S 6th St. at 7:00 P.M. Present were Council Members Steve Gonzalez, Greg Schack, and Dan Ryan. Gregg Dietz was excused. Also present were Town Attorney Jane Mersen, Town Planner Ralph Johnson, and Clerk/Treasurer Pam Humphrey. Twenty-one members of the public were also present.

PUBLIC COMMENTS:

None

FARMSTEAD ZONE AMENDMENT:

Clerk/Treasurer read the public hearing notice.

Jane Mersen, Town Attorney: She gave the history of the settlement agreement. It is in relation to a lawsuit filed by RM Properties and Nest Egg Properties stemming from the Council's denial of a zone change request. The settlement agreement was discussed and approved at the June Town Council meeting. Another public hearing is required to hear public comment on the proposed zone change. Finding must be based on facts, not opinions. She read each finding in the settlement agreement, which are the required findings according to Montana Law. Ralph Johnson, Town Planner validated each of the findings.

Public Hearing

Joan Thompson, 5B Sedora Dr: She asked if the agreement was between the Town and the developer or if it was a financial settlement agreement. She asked if they could request any restrictions to the rezoning, such as fencing.

Written comment was read from Zona Hale in opposition to the rezoning.

Discussion/Decision

Motion- Gonzalez; Second- Ryan; Vote- Unanimous: Motion passed to approve the findings and the zone change of lots 31 and 32 to R-3 and lot 33 to R-3/L-1.

The Council discussed the process and the only option is to approve the zone change. They are still concerned about the precedence that is being set. They want to treat everyone the same.

ORDINANCE NO. 16-003 – Dog at Large Penalty:

Clerk/Treasurer read the public hearing notice

Public Hearing

None

Discussion/Decision

Motion- Ryan; Second- Schack; Vote- Unanimous: Motion passed to approve Ordinance No. 16-003, an ordinance of the Town Council of the Town of Manhattan amending the Manhattan Municipal Code Title 5, Chapter 4 to change the penalties for dog at large.

RESOLUTION NO. 16-009 – Sewer Budget Amendment:

Clerk/Treasurer read the public hearing notice.

Pam Humphrey, Clerk/Treasurer: Sewer expenses were higher than expected for the fiscal year 2015-16. There was a PER done for the sewer transmission project to apply for a TSEP grant. Sewer transmission and treatment also overspent the budget during the fiscal year. The expenditures will be offset by revenue from the Amsterdam/Churchill connection fees. The amendment will also allow the Town to add revenue from TSEP and RRGL grants that were received for the sewer PER. The amendment total is \$61,000.

Public Hearing

Brian Carey, Public Works Supervisor: He stated that the Churchill project was a pretty large shock to the system. He explained the reason for some of the expenses.

Discussion/Decision

Motion- Schack; Second- Gonzalez; Vote- Unanimous: Motion passed to approve Resolution No. 16-009, a resolution of the Town Council of the Town of Manhattan, Montana amending the Fiscal 2015-2016 budget to allow for appropriations and funding.

ATTORNEY CONTRACT:

Motion- Schack; Second- Gonzalez; Vote- Unanimous: Motion passed to approve the proposed Attorney Contract with Jane Mersen
Council asked Jane how the time is accounted for.

SCADA SERVICE AGREEMENT:

Industrial Automation Consulting, Inc

Motion- Ryan; Second- Schack; Vote- Unanimous: Motion passed to approve the Scada service agreement with Industrial Automation Consulting, Inc.

Chuck Wambeke, Industrial Automation: He asked the Council what questions they had regarding the agreement. He presented some printed information about the services that they provide for the Scada system. He explained how the system works. He covered what the services agreement covers to maintain. He explained the fees associated with the system that the Town has installed. There is no backup in place at this time for data system/power outages. Prices may be adjusted for inflation.

Council discussion included what part of the system the Town owns. Alarms and monitoring were discussed. The service agreement was not disclosed at the time of the water tower project. Data charges are included in the charge per mode. They asked the Public Works Supervisor for his input on the system.

WATER TOWER COMMUNICATIONS:

Margene Penny, Radio Communications Manager Gallatin County 911: She introduced herself and what her role in the County as related to radio communications. She works with Bozeman to place radio antennas on one of their water tanks. She described how radio communications work and her experience with using towers for radio communication. She summarized some best practices suggestions:

1. Good documentation – Site Lease application, Lease Contract with 3-5% increase per year. Bozeman suggested that the Town not cede control of the facility, liability insurance should be required with the city listed as an additional insured, damage should be covered by the contractor, the Town should have an approved, engineered structure to attach to-no welding allowed, use magnetic mounts,
2. Security – enclosed and locked fence
3. Have a documented process for access and maintenance
4. FCC rules must be followed, applications can't interfere with each other
5. Backup and redundancy requirements

COUNCIL EMAIL ADDRESSES:

The council discussed creating Town business related email addresses for each of them instead of using their personal accounts.

2016-2017 PRELIMINARY BUDGET:

Motion- Ryan; Second- Gonzalez; Vote- Unanimous: Motion passed to approve the 2016-2017 preliminary budget to allow for revenue and expenditure postings beginning July 1, 2016.

Clerk/Treasurer Pam Humphrey presented the preliminary budget to the Council. She explained the expenditure sheets for the different departments.

LIBRARY BOARD APPOINTMENT:

Mayor Appointment with Council approval

Motion- Schack; Second- Ryan; Vote- Unanimous: Motion passed to approve the Mayoral appointment of Christine DeHaan to the Library Board for a 4 year term.

RESOLUTION NO. 16-010-Mayoral authority to sign sale documents:

Motion- Ryan; Second- Schack; Vote- Unanimous: Motion passed to approve Resolution No. 16-010, a resolution of the Town Council of the Town of Manhattan, Montana authorizing the Mayor to be the designated representative for signature on property for sale owned by the Town of Manhattan, Montana.

MAYORS REPORT:

- He is considering having a special meeting to discuss some sewer and water issues that may arise this fiscal year.
- Public Works is going to fence the lagoon with a locking gate. People are using it for a dump site for junk and not dumping in the burning pile. People are dumping concrete and garbage instead of burnable wood waste. There will be a sign on the gate to contact the Town Office for brush dumping.

CONSENT AGENDA:

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

Town Licenses: Jenkins Construction, Hometown Heating & Cooling, Inc, Salon Phoenix, Southwestern Advantage-Sanita, Manhattan Rock-n-bead, and Premier Air LLC

Approval of Minutes: Regular Meeting minutes from June 8, 2016 and Special Meeting minutes from June 20, 2016.

Claims: Dated 6/09/16 - 7/13/16 totaling \$ 278,869.17 including payroll.

ADJOURN:

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



Mayor



Clerk/Treasurer