

**TOWN OF MANHATTAN**  
**Regular Meeting**  
**March 10, 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 Kyle Scarr, Officer Brain Angulo, and Clerk/Treasurer Pam Humphrey. Thirteen members of the public were also present.

**PUBLIC COMMENTS:**

*Randy Lynch, 415 E Gallatin St:* He asked the Council if parking signs could be implemented to prevent truck parking and truck traffic on E Gallatin Ave because someone has been parking a semi in the residential area and letting it run all night.

**SEWER PER AND GRANT APPLICATIONS:**

*Kyle Scarr, TD&H Engineering:* He gave an update on the study TD&H has been doing on the sewer system in Town. He asked for public input on the issue. He presented a booklet outlining the problems that they have discovered. The three main problems are the system capacity, aging and failing infrastructure, and public health and safety concerns. He gave an overview of each of the problems. He presented four alternatives to solve the capacity problem with the town's sewer system. He presented two alternatives to the aging and failing infrastructure problem. He presented three alternatives to the public health and safety concerns. He described how other towns have paid for these types of problems. He also presented a timeline when the funding could be procured and when improvements could be made. They will have the report finished within a couple of weeks.

**Public Hearing**

*Brenda Lynch, 415 Gallatin:* She asked about the aeration chamber alternative and if it creates fumes that should be of concern.

*Tom Langel, Main & Broadway:* He asked how many homes could be connected before the sewer lines are at capacity. He asked where the most affected areas are.

**Discussion/Decision**

Motion- Gonzalez; Second- Ryan; Vote – Unanimous: Motion passed to have TD&H Engineering proceed with the report.

The Council discussed the settling of the lines and how much video still needs to be collected in order to evaluate the system. They discussed the removal of AC pipe. The council agreed that the capacity problem needs to be addressed first and then they would evaluate the other needs according to priority. Infiltration is an issue in town and contributes to the capacity problem. Timing of videoing the lines was discussed. Cleaning of the lines has been happening on a regular basis and will continue to be done.

**ORDINANCE NO. 16-001 – AMENDING 9-3-9, 9-3-10, AND 9-3-11(A) ALLOWING INTERIM EXEMPT WELLS, Second Reading:**

*Doug Chandler, Allied Engineering:* He stated that he has reviewed the draft of the ordinance. He indicated that the water rights from the wells when they are put to use would be transferred to the Town. He intends to cap the wells and then use them again for another phase. He stated that he has spoken to the DNRC water rights bureau chief and that she is fine with that plan. He asked the Council to strike the language to permanently cap the wells.

**Public Hearing**

None

**Discussion/Decision**

Motion- Ryan; to table the item until there is a response from DNRC. Ryan withdrew the motion.

Motion- Gonzalez; Second- Ryan; Vote- Unanimous: Motion passed to approve Ordinance No. 16-001, and Ordinance of the Town Council of the Town of Manhattan amending the Manhattan Municipal Code to allow for the interim use of exempt wells, amending sections 9-3-9, 9-3-10 and 9-3-11MMC with the addition of inspection by the Public Works Department at the time of disconnection of the wells.

*Jane Mersen, Town Attorney:* She made the changes that the Council indicated they would like after the first reading.

Council discussed that this is only a temporary fix until the town water is available. They discussed who might be responsible for capping the wells. Inspection and discontinuation of the wells was discussed. Total water rights for the subdivision and the possibility of purchasing water rights was discussed. The Council discussed the well locations.

**ORDINANCE NO. 16-002 - KEEPING of EXOTIC ANIMALS, Second Reading:**

*Jane Mersen, Town Attorney:* She stated that a hearing should be considered if someone has a complaint about an exotic animal. She can see some problems with allowing exotic animals.

**Public Hearing**

None

**Discussion/Decision**

Motion- Dietz; Second- Schack; Vote- Unanimous: Motion passed to approve Ordinance No. 16-002, and Ordinance of the Town Council of the Town of Manhattan, Montana, providing for the amendment of Title 5, Chapter 4, and adding section 5-4-13 of the Manhattan Town Code authorizing and regulating the keeping of exotic animals within the corporate limits of the Town of Manhattan, Montana with the amendment to add a hearing process for the pet owner if there is a complaint.

Council discussed exotic pets and other pets in general. The permitting process was discussed as well as a hearing for the pet owner if there are complaints from other citizens.

**MANHATTAN ORCHARDS PRELIMINARY PLAT EXTENSION (JULY 2006):**

Motion- Dietz; Second- Ryan; Vote- Unanimous: Motion passed to extend the July 2006 Preliminary Plat of Manhattan Orchards. The Council found that the delay was reasonable in part, due to the recession, water right issues that the developer faced and the difficulty of holding on to the property, which is the same finding from the May 13,

2015 meeting where the Feb 2006 plat was extended.

*Doug Chandler, Allied Engineering:* He described the preliminary plat that was approved in Feb 2006 that the Council had previously extended. Now they are requesting that the Council extend the July 2006 preliminary plat with the smaller lots (10000 and 120000 sf lots) and no exempt wells. He explained the changes that have been made to make this preliminary plat more feasible.

*Jane Mersen, Town Attorney:* She asked that the Council base their decision on the same findings for extending the previous extension.

The reason for the previous extension was discussed. Conditions of the original preliminary plat from July 2006 were discussed.

#### **WATER TOWER COMMUNICATION EQUIPMENT.**

*Tom Langel, Little Apple Technologies:* He thanked the Council for their time. He stated that he has up to 30 employees in Manhattan. One of his businesses is Little Apple Technology. They provide internet, web development, and IT assistance. He would like the Town Council to know that he cares about the community. He believes that businesses from other areas will want to put equipment on the water tower. He asked the Council to allow his company to aid in such decision making. He requested that Little Apple Technologies manage and monitor what equipment the tower will be used for. They would like first right of refusal for anyone that would want to use the tower. They manage other towers and do not allow anything that will interfere with other frequencies. They have qualified and knowledgeable employees for this type of work.

The Council asked what his concerns were and how many things could be located on the tower. They asked about fees he would charge. Mr. Langel will provide a proposal for his company's services.

#### **PAVING – PARKING LOT, RR AVE, AND POSSIBLE OTHERS:**

*Mayor Rowell:* He stated that the Admin/Police parking lot will be paved this summer. Railroad Ave and the other streets will be addressed in the upcoming budget year. He will be working with the street commissioner on improvement districts.

#### **MAYORS REPORT:**

- The water tower will be filled on Monday night. While it is being filled, all the pumps will be running. Some turbidity is possible in the water. If all goes well, the tank should be in use within a week.
- Public Works is cleaning gutters and vacuuming catch basins
- Fertilizer has been ordered for the park
- He and Robert Seamons met with CTA Architects on a proposed subdivision in Churchill. They will be talking more about capacity in the plant.
- The Police building is proceeding, with sheetrock work starting tomorrow. He has been getting positive feedback from community.
- The Churchill flow has leveled out.

#### **CONSENT AGENDA:**

Motion- Dietz; Second- Ryan; Vote- Unanimous: Motion passed to approve the consent

agenda.

**Town Licenses:** BBS Contracting, First Quality Painting, Sorensen Jewelers, Briceno Building & Construction, Simonson Construction, One Way Electric, Inc, MD Archer Consulting, and Fast Horse Construction

**Chicken Coop Application:** Blaise Harned, 321 E Washington Ave.

**Approval of Minutes:** Regular Meeting minutes from February 11, 2016 and Special Meeting minutes from February 22, 2016.

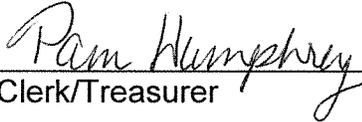
**Claims:** Dated 2/12/16 – 3/10/16 totaling \$ 206,768.12 including payroll.

*Brenda Lynch, 415 E Gallatin:* She asked about truck traffic ordinances and signage to keep trucks off of Gallatin and S 8<sup>th</sup>.

**ADJOURN:**

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

  
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Mayor

  
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Clerk/Treasurer