

TOWN OF MANHATTAN
Regular Meeting
May 11, 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 Gregg Dietz, Steve Gonzalez, and Dan Ryan. Greg Schack was excused. Also present were Town Planner Ralph Johnson, Police Chief Dennis Hengel, and Clerk/Treasurer Pam Humphrey. Sixteen members of the public were also present.

PUBLIC COMMENTS:

None

CENTENNIAL VILLAGE – Change of Condition:

Clerk read the public hearing notice.

Ralph Johnson, Town Planner: He presented the staff report. He gave the history of the original plat of the subdivision. They have asked to reduce the size of the lots, except at the corners. This would add 8 lots to the total. All of the lots would still be larger than the minimum lot size in the R-3 district. The staff report looked at the consequences of the proposed changes. He described the effect of the change would have on traffic. He relayed that most of the comments at the Planning Board meeting were relative to parking on Farmall Ln. The Home Owners association is responsible for enforcing the no overnight parking on Farmall Ln. Staff recommendation is to approve the change as they are still conforming to the standards for R-3 housing.

Public Hearing

Dennis Hengel, Chief of Police: He asked Ralph to clarify the parking situation problems. He informed the Council that the condition was on the original approval of the subdivision. It would cause a hardship for the police department to enforce a covenant of a subdivision.

Alvin VanderVos, 700 Farmall Ln: He relayed some of the problems that they have had with the subdivision development. He wanted to make some suggestions. He talked about the underground propane tanks creating a safety problem and affecting groundwater. Another thing was that a 90-degree angle was to be made onto Nixon Gulch. He has talked to the ditch company, and they indicated that they will not stand in the way of progress. The school will need to be approached as they were the original protester of the change. Northwest passage needs to be changed because large trucks cannot make the corner. The developer should put a privacy fence up along the edge of the subdivision along the property line with 640 Farmall Ln. He made a suggestion that no parking should be allowed on the north side of Farmall Ln. This would leave more space for the farm machinery that has to pass through there. He also asked for enforcement of dog leash laws out in that area.

Discussion/Decision

Motion- Dietz; Second- Ryan; Vote- Unanimous: Motion passed to approve the request for Change of Condition for Centennial Village Subdivision Phase II, to increase the

number of residential lots in Block 21 from 38 lots to 46 lots, with the condition that the intersection of Farmall Lane and Northwest Passage be modified such that the median is eliminated for traffic safety reasons.

Council discussed that the medians at Northwest Passage already creates safety issues. Fire trucks, lumber and concrete trucks cannot make the turn into the proper lane so they need to turn into the furthest lane, which leaves them driving in the wrong direction on the street. Parking on Farmall Lane does not have signage. No parking on the north side of the street would be a possibility. Higher density housing is different than what is happening in other areas of Town. The size of the lots was discussed.

Dennis Hengel, Chief of Police: He stated that parking is a problem on Farmall Lane. He relayed some of the temporary and long term problems in the area. Extra vehicles are a norm in Montana. These extra vehicles are parking overnight where it is not permitted. Construction and utility trailers make it difficult for farm equipment to pass through. A PUD has a Homeowners Association that enforces the parking covenants. He clarified what law enforcement can enforce in the area.

Dennis Foreman, Gaston Engineering: Streets were dedicated to the Town, the Town should be able to enforce traffic laws of the state.

Susan Swimly, attorney for developer: She stated that the Town has the authority to adopt an ordinance for parking, putting up signs, and enforcement.

MANHATTAN ORCHARDS – Potential Final Plat Updates:

Discussion

Ralph Johnson, Town Planner: He presented the request by the developer for some changes to final plat that may be considered not material. He presented the 7 modifications that the developer has requested. He will write a memo of understanding to the developer outlining the changes that are considered not material. Material change was defined as something that alters the intention of the original agreement. He wanted input from the Council on whether the changes should be considered material or not material. He presented the changes one at a time.

1) Road alignment changes: He feels this is in better conformance with the growth policy and more effectively meets the current standards. Staff recommends approval. The Council had no objections to the road alignment changes.

2) Elimination of alleys: The police chief and fire chief both sent letters of opinion. He explained the developer's rational for the elimination of alleys. His inclination is to approve the elimination of alleys from a planner's perspective. Three of the planning board members did not prefer alleys, one wanted to keep them.

Doug Chandler, Allied Engineering: He presented the maps of the original and proposed changed final plats. Gave reasons for alley elimination.

The Council had no objections to the elimination of alleys.

3) Implement a new road section: He had previously explained the rational for the new road section. The Council had not objection to the new road section.

4) Changes to park layout: He explained the changes to the park layout. The Council had not objection to the changes to the park layout.

5) Temporary use of wells in lieu of city water: He referred to a memo from Attorney Mersen. Johnson stated that he feels that the issues raised by the attorney are

better addressed at a later time. He described some ways that the issue can be addressed when the time comes.

Susan Swimly, Developer Attorney: She stated that the current ordinance allows wells to happen. A mechanism for addressing the interim wells later in the process is needed.

Doug Chandler, Allied Engineering: He stated that he could not get a written letter from the DNRC. The developer will have to apply and then get the answer. Any limits would hinder their ability to move ahead.

The Council had no objection to the temporary use of wells in lieu of city water.

- 6) Revise phasing: He outlined the new proposed phasing. The Council had no objections to revising the phasing.
- 7) Postpone implementation of Nixon gulch Improvements, Railroad Ave sidewalks, extension of Greenspur Road and the bike trail to Yadon Rd, until Phase 3: He explained the rationale of all of the postponements. The Council had no objections to the postponement of the improvements.

TRANSITIONAL ZONING UPDATE:

Ralph Johnson, Town Planner: He updated the Council with the progress on the Council's request for the Planning Board to look at Transitional Zoning. He and the Planning Board have discussed what Transitional Zoning is and what the intent of it is. He brought the Planning Board some recommendations for permitted and conditional uses, along with regulations for Transitional Zoning. The Planning Board then held a public hearing to discuss the idea. The conclusion was that the vast majority of the public in attendance were opposed to the idea. The Planning Board responded that they may not have educated the public well enough. The board decided to have Ralph report to the council and see what direction they should take. The options that they see are: 1. More education, 2. Drop it, or 3. Go forward with the zone description.

Dave Hebner, Planning Board chair: He stated that he feels that more education was necessary. A smaller area should possibly have been considered. He described the process that they went through. He personally feels that this could be an advantage to the Town.

The Growth Policy was discussed, as well as how times and things change.

The Council all requested that the Planning Board move forward with Transitional Zoning, along with more education. Mayor Rowell directed Ralph to have the Planning Board move forward with the Transitional Zoning idea.

TAYLOR BOUNDARY RE-ALIGNMENT:

Motion- Dietz; Second- Ryan; Vote- Unanimous: Motion passed to approve the Cory and Ashley Taylor boundary re-alignment on lots 8A and 6A of the Amended Plat of Lots 6,7, and 8 of Block 40 of the Original Townsite of Manhattan and Town of Manhattan.

Ralph Johnson, Town Planner: He explained the reason for the re-alignment. The lots will both be in conformance with the R-1 zoning regulations. His recommendation was to approve the boundary re-alignment.

DOG AT LARGE PENALTY:

Motion- Dietz; Second- Gonzalez; Vote- Unanimous: Motion passed to amend the ordinance for Dog at Large fines.

Dennis Hengel, Chief of Police: He presented the current fine structure for dog offenses. He asked the Council to change the fine for Dogs at Large. He asked other communities what they charge for Dog at Large and most are quite a bit less. The police are currently giving lots of warnings. The current fine is \$100. He is proposing a \$25 or \$50 fine for first offense. They would prefer \$25 first offense, \$50 second offense, and \$100 third offense. Time balancing is an issue for the police department. They are responding to more serious crimes than ever before, so they have less time to deal with code compliance. Their main focus is safety of the community.

Council discussion included that the ordinance has to be enforced no matter what the fine is. Different fines for different offenses were discussed. Officer discretion was discussed. The Council would like to see enforcement and officer discretion. The Council and Chief discussed the possibility of getting a code compliance officer.

Bill Leuhrs, Pioneer Crossing: He agreed with the Chief's suggestion. Many people run their dogs in Pioneer Crossing and are causing damage. He would like to see some encouragement to enforcing the leash laws.

VEHICLES IN THE PARK:

Dennis Hengel, Chief of Police: He presented some pictures of the park and some areas of concern where people have been driving in the park. He suggested continuing the pipe fence around the entire perimeter of the park. It would eliminate the problem and protect the sprinkler system.

The council discussed some options for fencing. Other park regulations were discussed.

INTERNATIONAL SWIMMING POOL AND SPA CODE 2015 EDITION:

Motion- Dietz; Second- Ryan; Vote- Unanimous: Motion passed to adopt the International Swimming Pool and Spa Code 2015 Edition.

MAYORS REPORT:

The Shop Well is being worked on, and should be repaired and running in the near future.

CONSENT AGENDA:

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

Home Occupation: Morgan Gendle, 706 Yellowstone Ave.

Town Licenses: Building Dimensions, Inc., Black Dog Veterinary Services, Halo, North Fork Enterprises, Capital City Dirt Works, Little Apple Daycare, and Comfort Systems of MT.

Approval of Minutes: Regular Meeting minutes from April 14, 2016, Special Meeting minutes from April 26, 2016, and Closed Meeting minutes from April 26, 2016.

Claims: Dated 4/15/16 - 5/11/16 totaling \$ 129,700.68 including payroll.

ADJOURN:

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



Mayor



Clerk/Treasurer