

**TOWN OF MANHATTAN
Special Meeting
January 27, 2020
MINUTES**

Mayor Glen Clements called the meeting to order in the Town Meeting Room, at 207 S. 6th St. at 7:00 P.M. Present were Council Members Callie Hamilton, Betsy Mancuso, Greg Schack and Dan Ryan. Also present were Town Engineer Kyle Scarr and Clerk/Treasurer Pam Humphrey. Seven members of the public were present.

PUBLIC COMMENTS:

None

NIXON GULCH BRIDGE:

Motion- Hamilton; Second- Schack; Vote- Unanimous: Motion passed to authorize the Mayor to sign the inter-local agreement with Gallatin County to disagree on behalf of the Town of Manhattan, MT to accept a segment of Nixon Bridge to establish a permanent historic monument with the size of the monument at the discretion of the Town of Manhattan, MT. Our disagreement to accept a segment of Nixon Bridge releases the Town of Manhattan from any further historic preservation mitigation requirements as it pertains to Nixon Bridge and thus requires Gallatin County to exercise Option B in the Army Corps of Engineers' Memorandum of Agreement.

Motion- Schack; Second- Ryan: Vote- Unanimous: Motion passed to authorize the Mayor to sign the Memorandum of Agreement with the Army Corps of Engineers at a later date.

Don Seifert, Gallatin County Commissioner: He relayed that the Army Corps of Engineers has given them some guidelines that they must follow. He presented an inter-local agreement between the County and the Town. The bridge has to be removed and the agreement outlines what will happen to the bridge after removal. The County is on a tight timeframe. The Town would need to sign whether they will accept or reject the bridge segment. If the Town does not accept the bridge segment, the County will go ahead with the documentation and presentation for the Haps-hair requirement. They will also put the information out at the site of the bridge and into museums around the area. If the Town would choose to accept the bridge, the County will store the bridge until the Town decides what they want to do with it. The County is requesting one signature from the Mayor to accept the bridge or one signature from the Mayor to reject the bridge. The Town would have one year to take possession and set the bridge if they chose to accept the bridge. The County changed the agreement from 3 years to 1 year to comply with the historic preservation portion of the project. They need to be able to start the contract by February 1, 2020. The Army Corps of Engineers has to agree and give them the permit to proceed. It is a 120-day construction project. It has to be done while the water is low. It was not moved through earlier, now they have to push it forward. If not, the contract will expire and they will have to redo it in the next year. That could push the project to \$300,000-\$400,000 more than the original contract, which is a cost to the Gallatin

County taxpayers. The Part 106 Review (historic preservation) was the delay, which was triggered by public comment from historic preservation groups.

Councilwoman Mancuso summarized a review of the project so far. At the November 14 2018 meeting, the Council agreed to not be the entity to preserve the bridge. At the January 2, 2020 meeting the preservation committee asked to the Council to take a portion of the bridge and display it in the park. The Council voted to store the bridge, but did not make any commitment to install it or take possession of it. Then there was a meeting on January 15, 2020 with the County Commission. The information at the meeting indicated that if the Town stores the bridge portion on their property, it becomes the Town of Manhattan's property and would be responsible for it. The Council has to represent the whole town and this would be an expensive responsibility to undertake with the Town's money.

Councilman Schack agreed that the Council agreed to store the bridge section to help the preservation committee, not take possession of it. He stated that he did not feel that the Town should take the liability of owning the bridge section.

Mayor Clements added that when taking possession of the bridge was discussed in 2018, the Town Attorney has concerns about the liability associated with it.

Councilwoman Hamilton stated that she is also concerned with liability. Also, looking at the minimum requirements from the State Preservation Office, it becomes just random parts that don't make sense. The larger portion option is a huge liability and it is unknown what the cost would be to set and maintain either size option. She stated that she ran the project by the building manager at the Museum of the Rockies because he has been involved in other preservation projects. He was very worried about the liability to the Town of this project.

Buck Buchanan, 315 N 5th: He stated that he has visited with Craig Bergstedt and he presented an idea that they came up with to take the end sections and put them in the park as a visual representation of the length of the bridge. He stated that they could do fundraisers to pay for the mounting and maintenance of the sections. He was concerned with the timeframe, however. It was 2-3 years in the previous version of the agreement and is now 1 year. There is no time to try to raise the funds for another group to fund the project.

Eleanor Mest 317 S Broadway: She stated that other communities have things that are mounted outside that must have liability.

Councilman Ryan stated that he likes the idea of preserving something for the historical value, but the Town cannot absorb the cost. This has been talked about for a long time, and this decision is a binding contract that the Town cannot take on because of the cost. Liability issues were discussed. The height of the structure was discussed. What constitutes a liability issue was discussed and how the insurance company views liability in parks. The current cost of the Town's liability was also discussed.

WASTEWATER PER DISCUSSION AND INFORMATION:

Mayor Clements reported that the PER draft chapters 1-4 will be to the Town on February 7, 2020. This portion of the draft will be presented at the February Public Hearing. Then, at the March meeting treatment options will be discussed. The Council will be provided information and cost estimates for discharge and water rights, then

treatment options. There are multiple options for discharge, which could range from \$4-6,000,000. Treatment requirements and expansions will likely cost 3-5 times the discharge amount. The current plant is at or near capacity in terms of concentration/loads. It will be under capacity after the new discharge permit is issued because the new permit is much more stringent. It is not an option to do nothing. Even the least amount possible will be expensive at the plant. The proposed infiltration basins may require the Town to acquire some land for storage of effluent.

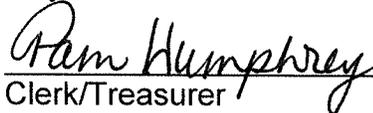
Kyle Scarr, Town Engineer: The DEQ requires that the average over the worst month is used to determine what the requirements need to be met. The current plant is doing a very good job with the current permit. This proposed project would be a 5-7 year project. The plan is to submit grant applications this year, which are then awarded by the legislature next year. Then the project is designed, followed by 1-2 years of construction. The capacity issue is with the discharge permit to meet the requirements. Water rights mitigation could help with the treatment requirements. He explained the benefits of a combination of processes/alternatives.

ADJOURN:

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



Mayor



Clerk/Treasurer