



City of Sidney, MT
City Council 4-4-22
April 04, 2022 6:30 PM
115 2nd Street SE | Sidney, MT 59270

The City Council meetings are open to the public attending in person, with masks encouraged when social distancing cannot be accomplished. If the public does not wish to participate in person, they are also invited to participate via a Zoom meeting. You can participate via phone:

Meeting ID: 823 3151 9051 Passcode: 4332809 Call: 1-346-248-7799

1. **Call to Order**

Mayor Norby called the regular meeting of the Sidney City Council to order at 6:30pm.

2. **Pledge of Allegiance**

The Pledge of Allegiance was stated by all present.

3. **Aldermen Present**

Christensen, Godfrey, Stevenson, Koffler, DiFonzo and Rasmussen

4. **Correction or Approval of Minutes**

a. **City Council Regular Meeting Minutes 3-21-22**

Motion was made to approve with no corrections or changes.

Motion made by Alderwoman Rasmussen, Seconded by Alderman Koffler.

Voting Yea: Alderman Koffler, Alderwoman Rasmussen, Alderman DiFonzo, Alderman Stevenson, Alderwoman Godfrey, Alderwoman Christensen

b. **City Council Special Meeting Minutes 3-28-22**

Motion was made to approve with no corrections or changes.

Motion made by Alderwoman Christensen, Seconded by Alderwoman Godfrey.

Voting Yea: Alderman Koffler, Alderwoman Rasmussen, Alderman DiFonzo, Alderman Stevenson, Alderwoman Godfrey, Alderwoman Christensen

c. Budget and Finance Committee Meeting 3-31-22

Motion was made to approve with no corrections or changes.

Motion made by Alderwoman Rasmussen, Seconded by Alderwoman Christensen.

Voting Yea: Alderman Koffler, Alderwoman Rasmussen, Alderman DiFonzo, Alderman Stevenson, Alderwoman Godfrey, Alderwoman Christensen

5. Visitors

Shawn Storm: Planning Board

Jason Schrader

Jordan Mayer-Interstate Engineering

Byron Warrington: Mr. Warrington stated he had the City complain about his property and he asked multiple times for details on what needs to be done. He stated he spent 2 weeks cleaning up the property, but he defaulted in the Courts because he went back 23 days, not within 20 days. He stated City Attorney Kalil sent him a letter and court paperwork and so he pulled the vehicles off the property and put them on the street and he is now wondering why his court is not closed.

City Attorney Kalil stated he did default and was ordered by the court to clean up the property. He stated we now have the ability to enter the property and clean it up and put the cost on the property taxes. He stated he does not know anything about the vehicles being parked on the street, that is a criminal issue with the police department. He further stated the case is closed and was when he defaulted and we have the enforcement ability we were seeking.

Mr. Warrington stated he the courts informed him they did not receive the satisfactory status of the property and when he talked to PWD Hintz that said he cannot of his vehicles on the street or his property even though they are licensed and running. City Attorney Kalil stated they are not enforcing vehicles through the nuisance ordinance, if there is any enforcement on the vehicles on the streets it is through the police department and the City can still go in and clean up his property if it is not satisfactory.

Mr. Warrington stated the court documents do not state anything about the vehicles and City Attorney stated it did and that he can work with PWD Hintz to clean up the property or the City can do it and attach the cost to the property taxes. Alderman DiFonzo asked how many vehicles are on the street and Mr. Warrington stated he took some of the vehicles elsewhere because of the neighbors but currently there is around 6 vehicles on different blocks to not conflict with the neighbors. Chief Kraft asked when he moved them off the property and he stated 2-3 weeks ago. Chief Kraft stated there is ordinances for parking and if the vehicles do not follow they could ultimately be impounded and if he is compliant with the ordinances and they are not remaining for extended periods of time, then there is nothing to enforce. Mayor Norby stated he received multiple complaints from his neighbors when he moved them all out to the street.

Mayor Norby asked PWD Hintz and BI/FM Rasmussen to review the property tomorrow. Mr. Warrington asked if he can have vehicles on his property or not. City Attorney Kalil stated he can have 2 operable vehicles per City Code Chapter 3, Title 8. City Clerk/Treasurer Chamberlin stated she would email him the current code and ordinance.

Blinda Larsen: Mrs. Larsen stated they own a building that has a building next to it with a shared wall that the owner has passed away and it is in need of drastic repairs and they are afraid it is going to be further abandoned. She stated the roof is in very bad repair and every time it rains it floods the common wall and she was wondering if it is abandoned who is responsible to take it down or what happens. Mr. Schrader stated it is up for auction, along with the gentleman's residence, so hopefully it will get purchased. City Attorney Kalil stated if it is damaged and deteriorating, it would also be in violation of the City Nuisance Code and PWD Hintz and FM/BI Rasmussen can inspect it, either forcing the owner to fix it or the City can do it and charge their property taxes, if it is a danger or hazard. FM/BI Rasmussen stated he did inspect the building after it has rained and has seen the issue and that they can also pursue a civil matter to get it fixed.

a. Kelly Reisig-Richland County Library

Kelly Reisig, Terry Sivertson, Richland County Commissioner Duane Mitchell: Mr. Sivertson stated they are before the City Council to ask for additional funding for the Richland County Library. The County has invested a lot of money into the Library, including \$1.5 million into the library building. He stated they would like the City Council to consider adding \$30,000 to the funding, specifically for manning the library. Mrs. Reisig stated they are very proud of the renovations, which include a dedicated area for early learning, story time, programming area, two circulation desks for service, 5 stations for checking out books. She stated their goal is to provide additional programming and excellent services to the community and they have three positions currently, besides herself and the number of library/patron cards has continued to increase, the last year increasing over 800 cards. She stated the community is utilizing the expanded services they are provided. She stated there is required hours for state aide, with two people working at all times for safety and customer service. She stated the staff stated their goal is to provide exceptional service and programming, which can be difficult to plan when waiting on people. They would like 2 part time positions, 15 hours each a week, then they not require benefits.

Alderman Godfrey asked for clarification if the City is currently paying \$100,000 or \$120,000, as the contract provided has a written statement to increase to \$120,000. Mayor Norby stated the City is currently paying \$100,000.

Commissioner Mitchell stated the County currently pays for everything else at the Library, and he would like to see the \$30,000 increased to \$60,000. He stated the County would like to give the Library back to the City and pay the \$160,000. Alderman Godfrey asked what the budget for the Library is and Mrs. Reisig stated it currently is \$308,000. She stated that 38 percent of Sidney is card holders and Fairview is 48.5 percent.

Mayor Norby stated that this is something would have to be reviewed during the budget process and it would be within the month they would know. Motion was made to send this to Budget and Finance Committee.

Motion made by Alderwoman Christensen, Seconded by Alderwoman Rasmussen.
Voting Yea: Alderman Koffler, Alderwoman Rasmussen, Alderman DiFonzo, Alderman Stevenson,
Alderwoman Godfrey, Alderwoman Christensen

6. Public Hearing

a. FY2021 Budget Amendment

Mayor Norby called the Public Hearing for the FY2021 Budget Amendment to order at 7:04pm. City Clerk/Treasurer Chamberlin reviewed the budget amendments.

Mayor Norby called for any proponents, three times, with none coming forward.

Mayor Norby called for any opponents, three times, with none coming forward.

Mayor Norby closed the Public Hearing at 7:07pm.

b. Upcoming Public Hearing-Zoning Code Change: 4-18-22 meeting to allow single family residences in M-1 and B-1 Zones

Mayor Norby stated there will be a public hearing at the April 18th, 2022 to amend the City Zoning Code to allow single family residences in M-1 and B-1 Zones.

7. Mayor Norby

Motion was made to add the appointment of Shawn Storm to the City Planning Board for a 3-year appointment to the agenda by Alderwoman Rasmussen and Alderman Koffler seconded. All present voted aye.

Mayor Norby stated he is excited and glad for the City Council to appoint him to the planning board.

Motion was made to approve the appointment.

Motion made by Alderwoman Rasmussen, Seconded by Alderman Koffler.
Voting Yea: Alderman Koffler, Alderwoman Rasmussen, Alderman DiFonzo, Alderman Stevenson,
Alderwoman Godfrey, Alderwoman Christensen

8. Committee Meeting Work

a. Budget and Finance Committee Meeting 3-31-22:

A. FY2021 Budget Amendment

B. FY2021 Audit Report

Aldерwoman Christensen stated the Budget and Finance Committee met and reviewed the budget amendments and they recommended approval of that resolution.

Aldерwoman Christensen stated she sat in on the audit closing conference and that we had a great audit and congratulations to the staff on the clean audit. She stated Auditor Bob was very pleased and they are doing a great job.

9. Alderman Requests and Committee Reports

Parks and Recreation – Chairman DiFonzo – Godfrey, Christensen | **Water and Sewer** – Chairman Koffler – Godfrey, Rasmussen

Street and Alley – Chairman Christensen– DiFonzo, Stevenson | **Sanitation** – Chairman Rasmussen – Koffler, Stevenson

City Buildings & Street Lighting – Chairman Stevenson– Koffler, Rasmussen | **Police and Fire** – Chairman Godfrey, Godfrey, DiFonzo, Christensen

Budget and Finance – Chairman Christensen – Rasmussen, Godfrey

Aldерwoman Godfrey asked about the yellow trailer house behind Miller's Corner. FM/BI Rasmussen stated City Attorney sent a letter. City Attorney Kalil stated he has reached out to them and has not heard back. He stated he is researching how to move forward, possibly with the abandoned vehicle code or to work with Ken Moen to have it removed. He stated he will have it figured out by the next council meeting.

10. Unfinished Business

a. Choose Architect for City Hall Remodel

Motion was made to approve SDI as architect for City Hall.

Motion made by Aldерwoman Christensen, Seconded by Aldерwoman Rasmussen.

Voting Yea: Alderman Koffler, Aldерwoman Rasmussen, Alderman DiFonzo, Alderman Stevenson, Aldерwoman Godfrey, Aldерwoman Christensen

11. New Business

a. Request for Park and Rec Committee Meeting: Review 2022 Swim Pass Costs and 2022 Park Use Agreements

The Park and Rec Committee meeting was scheduled for Monday April 11th, at 12pm.

b. Dorsey Engagement Letter-Water Revenue Bond: \$20,000

Clerk/Treasurer Chamberlin stated she recommends approval, they are the same bond council for all previous SRF loans.

Motion was made to approve.

Motion made by Alderman Koffler, Seconded by Alderman Stevenson.

Voting Yea: Alderman Koffler, Alderwoman Rasmussen, Alderman DiFonzo, Alderman Stevenson, Alderwoman Godfrey, Alderwoman Christensen

c. Special Event & Right of Way Permit

Alderwoman Godfrey stated the City has gotten multiple requests to utilize city property and in talking with Chief Kraft they would like to establish more of a process for doing this, possibly including charges. She stated she would like to have a committee meeting to review the current special event application.

Motion was made to send this to Park and Rec Committee on the April 11th, 2022.

Motion made by Alderwoman Rasmussen, Seconded by Alderman Koffler.

Voting Yea: Alderman Koffler, Alderwoman Rasmussen, Alderman DiFonzo, Alderman Stevenson, Alderwoman Godfrey, Alderwoman Christensen

d. Website Privacy Policy

Chief Kraft stated we are getting closer to having the new city website finalized. He stated Municode was bought out by a competitor, which has slowed the process. He stated one thing that has come up is if private information is gathered via either the website or social media, such as job applications, we need to have a privacy policy for what the City would do with this information. He stated they would like to use the City of Billings Policy, amending to say City of Sidney, that would be linked on the website.

Motion was made to approve.

Motion made by Alderman DiFonzo, Seconded by Alderwoman Rasmussen.

Voting Yea: Alderman Koffler, Alderwoman Rasmussen, Alderman DiFonzo, Alderman Stevenson, Alderwoman Godfrey, Alderwoman Christensen

12. City Planner

a. Tyler Christensen Amended Lot Aggregation

PWD Hintz stated Mr. Christensen is wanting to aggregate 2 lots into 1, which is exempt from subdivision review. He stated City Planner Sanderson recommended approval with 3 conditions.

Motion was made to approve with conditions outlined in City Planner Sanderson's staff report.

Motion made by Alderman Koffler, Seconded by Alderman Stevenson.

Voting Yea: Alderman Koffler, Alderwoman Rasmussen, Alderman DiFonzo, Alderman Stevenson, Alderwoman Godfrey

Voting Abstaining: Alderwoman Christensen

13. City Attorney

a. Resolution No. 3881-FY2021 Budget Amendment

City Attorney Kalil read Resolution 3882 out loud, which was posted on the agenda incorrectly as 3881.

Motion was made to approve.

Motion made by Alderwoman Christensen, Seconded by Alderwoman Rasmussen.

Voting Yea: Alderman Koffler, Alderwoman Rasmussen, Alderman DiFonzo, Alderman Stevenson, Alderwoman Godfrey, Alderwoman Christensen

14. Chief of Police

a. EnterTextHere

b. Update

Chief Kraft stated we swore in Officer James Drager this afternoon, he is married with 2 sons.

He further stated he has been attending job fairs in Minnesota, North Dakota and Missoula. He stated they are seeing an increase in people reaching out to the Police Department from these.

15. Public Works Director

a. West Holly & Phase III Draw #5B: \$7,193.00

PWD Hintz presented the West Holly & Phase III Draw #5B for \$7,193.00.

Motion was made to approve.

Motion made by Alderwoman Godfrey, Seconded by Alderman Stevenson.

Voting Yea: Alderman Koffler, Alderwoman Rasmussen, Alderman DiFonzo, Alderman Stevenson, Alderwoman Godfrey, Alderwoman Christensen

Mr. Mayer stated the project is in review with the DEQ. He stated West Holly will be closed out this spring. The 4th Avenue project has hit the 11th month for warranty so if there are any issues, they will get fixed this month by Franz before the warranty is over. He stated the current question is to whether or not to proceed this year with the Phase III project and run the risk of gravel through the winter on Lincoln. He stated we are still waiting to hear on the ARPA grants for water projects. Mr. Mayer stated the 4th Ave bulb out project will be going to bid this week, it is all

permitted and ready to go, with 3 schedules on the bid. He stated this is a project that the City is taking care of a lot of the work, but the remaining work entails a lot of coordination with locals such as MDU.

b. Update

PWD Hintz asked for a Water and Sewer Committee Meeting to discuss the 9th Avenue sewer extension, per the request of Fred Lake and Agri Industries.

A Water and Sewer Committee Meeting was scheduled for Monday April 11th at 5:30pm.

c. Frozen/New Meter Charge: Currently \$70.00, new meter costs \$61.20 (freight not included), suggesting increasing to \$80 or \$85

PWD Hintz stated when people have a frozen or broken meter, we charge them for the replacement. He stated Water Commissioner Elletson has recommended increasing the charge since after freight the current charge of \$70 does not cover the cost of the meter, let alone the installation.

Motion was made to approve increasing the frozen/new meter charge to \$85.00.

Motion made by Alderwoman Godfrey, Seconded by Alderman DiFonzo.

In discussion Mr. Schrader asked what the property owner responsible for and PWD Hintz stated from the main into the house it is the property owners responsibility. Mr. Schrader asked if they can purchase any meter they wish if it costs less and Mayor Norby stated they cannot as it has to work with our system, which is why the first meter is covered by the City.

Voting Yea: Alderman Koffler, Alderwoman Rasmussen, Alderman DiFonzo, Alderman Stevenson, Alderwoman Godfrey, Alderwoman Christensen

d. Morrison Maierle Amendment 3 to Task Order 2: Construction Surveying Services for the 2022 Nielsen Halvorsen Sewer Rehab for \$10,060 (based on hourly rates)

PWD Hintz stated this is to cover the construction survey costs.

Motion was made to approve.

In discussion Alderwoman Christensen asked why this was not included originally and Clerk/Treasurer Chamberlin stated that because the City decided to utilize remaining SRF funds, it must have construction survey, whereas if it was a cash project it would not be necessary.

Motion made by Alderman Stevenson, Seconded by Alderwoman Rasmussen.

Voting Yea: Alderman Koffler, Alderwoman Rasmussen, Alderman DiFonzo, Alderman Stevenson, Alderwoman Godfrey, Alderwoman Christensen

16. Fire Marshal/Building Inspector

a. Update

FM/BI Rasmussen stated he just completed training in Helena for building and fire codes and is now certified for Fire Inspector One. He also stated the building is picking up.

17. City Clerk/Treasurer

a. Update

Clerk/Treasurer Chamberlin stated she is starting work with department heads on the budget and Budget and Finance Committee Meetings will be starting soon.

18. Consent Agenda

Motion was made to approve the consent agenda claims and building permits.

Motion made by Alderman Koffler, Seconded by Alderwoman Godfrey.

Voting Yea: Alderman Koffler, Alderwoman Rasmussen, Alderman DiFonzo, Alderman Stevenson, Alderwoman Godfrey, Alderwoman Christensen

a. Claims to be approved: \$50,934.85

b. Building Permits to be approved:

2022-064	Gary Schoepp	302 E Main	L7&8, B33, Sidney Original	Demolition
2022-065	Nance Pedro	334 21st Ave NW	L7, B2, Lee's Tire Trailer Park	Fence
2022-066	Austin Arithson	323 8th St SE	B79, Kenoyer	Fence
2022-067	Tony Hanson	409 W Main St	B46, L4, Original Townsite	Fence
2022-068	Laurie Wilhem	726 4th St SE	B36, L9-10, Kenoyer	Fence
RC2022-010	Bryan Gartner	12989 CR 346	County	New Home
RC2022-020	Butler Ag Equip	34940 HWY 23	COS 27-604, L2A	Sign
RC2022-021	Owen Nelson	340 4th Ave, Savage	L3-4, B21, Ulch Addition	Windows
RC2022-023	Yesco Outdoor	Sidney Hwy 200	L1, 3.9 Acres, Lazy R Minor	Sign
RC2022-025	Kevin Cherry	412 5th St W		Addition

19. Adjournment

at 7:48pm.