



City of Sidney, MT  
City Council Regular Meeting 10-3-2022  
October 03, 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: 833 3674 5356 Passcode: 4332809 Call: 1-346-248-7799

1. Call to Order

Mayor Norby called the regular meeting to order at 6:30pm.

2. Pledge of Allegiance

The Pledge of Allegiance was stated by all present.

3. Aldermen Present

Godfrey, Stevenson, Koffler, Rasmussen and DiFonzo. Christensen via phone.

4. Correction or Approval of Minutes

a. September 19th, 2022 Regular Meeting Minutes

Motion was made to approve.

Motion made by Alderwoman Rasmussen, Seconded by Alderman Koffler.

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

5. Visitors

a. 2022 Trunk-or-Treat at Assembly of God Church Oct. 29th: Block Street from 1-4pm

Motion was made to approve.

In discussion Alderman DiFonzo asked if the Police Department has reviewed this and Lietenant Zeiler stated he is unsure.

Motion was amended to include the condition they have Police Department approval.

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

**b. Other Visitors:**

Bill Fink, Sandy Fink, Brin Norby,

**6. Public Hearing**

Nothing.

**7. Mayor Norby**

Mayor Norby stated he and PWD Hintz will be leaving for the MLCT Conference in Kalispell in the morning and will be back on Monday.

**a. Extra Mile Day Proclamation 2022**

Mayor Norby read the 2022 Extra Mile Day Proclamation.

Motion was made to approve.

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

**8. Committee Meeting Work**

Nothing.

**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

Nothing.

**10. Unfinished Business**

**a. City Council Appointment to Richland Economic Development Board** (tabled at 9-19-22 meeting)

Motion was made to untable the appointment to the Richland Economic Development Board by Alderwoman Godfrey and Alderman Koffler seconded. All present voted aye.

Clerk/Treasurer Chamberlin stated the RED Board bi-laws does not restrict the appointment to only Councilmembers, so they can choose to appoint Mayor Norby.

Motion was made to appoint Mayor Norby to the RED Board.

Motion made by Alderwoman Rasmussen, Seconded by Alderman Koffler.

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

**11. New Business**

**a. Fire Marshal Interlocal Agreement with Richland County**

City Attorney Kalil stated this contract covers FM/BI Rasmussen's position for Fire Marshal in the County, which he has been doing, but puts it in writing. FM/BI Rasmussen stated he agrees with the agreement.

Motion was made to approve.

Motion made by Alderman Koffler, Seconded by Alderman Stevenson.

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

Voting Abstaining: Alderwoman Rasmussen

**b. Miller's Corner Conditional Use Permit-Electron Sign**

PWD Hintz stated they are requesting to put an electronic sign underneath their current gas sign to be used for advertising goods and services. PWD Hintz stated the Zoning/Board of adjustments has recommended approval of the CUP for the Miller's Corner electronic sign with the conditions that no scrolling or flashing messages can be on it and it must be dimmed for nighttime use. Alderwoman Rasmussen asked if they had to have DOT approval and PWD Hintz stated they had approval from the State.

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

**c. Aguilar Lot Coverage Variance**

PWD Hintz stated Mr. Aguilar was requesting a 54X40 garage at 805 South Lincoln Avenue for lot coverage. He stated due to the lot coverage already in place, the Zoning/Board of Adjustments recommended not to approve the variance. He stated there was issues with parking on the lot, run off onto neighboring properties. Clerk/Treasurer stated he can have a garage that does not need the variance due to the size.

Motion was made to deny the variance request.

Motion made by Alderman DiFonzo, Seconded by Alderman Koffler.

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

#### **d. Valley Gutters-Aguilar/Fink Properties**

PWD Hintz stated during the discussion for the Aguilar Variance the run-off of his property was discussed, as it is causing issues. PWD Hintz stated he would like approval to send a letter to him to recommend him implementing the valley gutter to stop the flooding. Alderwoman Rasmussen asked if this was a civil matter and what liability it could bring on the City by writing the letter and Alderwoman Christensen asked why it was required already. PWD Hintz stated we can suggest he install the valley gutter and Mr. Fink stated it is due to concrete work he has done above the grade that is causing the issues.

Clerk/Treasurer Chamberlin asked if it can be part of the building permit requirements and City Attorney Kalil stated it could. He stated by writing a letter suggesting it does not add liability, but it can be a condition of approval for the building permit. Alderman DiFonzo asked if it had been discussed with Mr. Aguilar, garage or not, and PWD Hintz stated it was discussed at length at the Zoning/Board of Adjustments meeting. Alderman DiFonzo asked if he continues to let it go, is it his responsibility for damage and City Attorney Kalil stated that would be a civil matter before a judge. Alderman DiFonzo asked if he decides to not put in a garage, how are we involved in it and City Attorney Kalil stated we are not. Mr. Fink agreed that he was receptive to putting in the valley gutter, as it is doing damage to his property also. Alderwoman Rasmussen agreed that if the building permit is not issued, it is not something the City should be getting involved in, as it is a civil matter between to private property owners.

Alderman DiFonzo recommended having a conversation with him about this issue to come to resolution.

### **12. City Planner**

#### **a. Planning Board Meeting 10-18-2022**

Clerk/Treasurer Chamberlin announced the meeting.

### **13. City Attorney**

#### **a. Update**

Nothing.

**b. Ordinance 596-Amending Parking Commission Appointments Code (1st Reading)**

City Attorney Kalil read Ordinance 596 out loud. He stated this was from the request at the previous City Council meeting.

Motion was made to approve.

Motion made by Alderman DiFonzo, Seconded by Alderman Koffler.

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

**c. Resolution 3885-TBID Resolution of Intent**

City Attorney Kalil read Resolution 3885 out loud. He stated this is the first step in the process per state statute to extend the TBID. He stated if this Resolution is passed, Clerk/Treasurer Chamberlin will send notice to the hotels of a public hearing in front of the City Council. FM/BI Rasmussen asked if they have to be in good standing to protest the extension and City Attorney Kalil stated they do not.

Motion was made to approve.

Alderwoman Rasmussen stated previously they seemed to come before the City Council more often and Alderwoman Godfrey stated they are still very active in grants in the community, and she can pass on that the Council would like an update. Clerk/Treasurer Chamberlin stated both she and Alderwoman Godfrey has recommended the new President come in and introduce herself.

Motion made by Alderman Koffler, Seconded by Alderwoman Rasmussen.

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

Voting Abstaining: Alderman Stevenson

**14. Chief of Police**

**a. Update**

Lieutenant Zeiler stated there is nothing to report.

**15. Public Works Director**

**a. Update**

PWD Hintz stated they have completed the Lee's Tire Lift Station improvements, which was done by City Staff. He stated they have continued to patch streets and are getting ready for winter snow removal and sanding of streets.

**16. Fire Marshal/Building Inspector**

**a. Update**

FM/BI Rasmussen stated he passed his Fire Marshal II so he is now fully certified as Fire Marshal.

**17. City Clerk/Treasurer**

**a. Update**

Clerk/Treasurer Chamberlin informed the City Council that we will not have to have a federal audit for FY21-22.

**b. Pine Cove-Quote for License renewal for firewall and warranty extension for servers \$8,079.16**

Clerk/Treasurer Chamberlin stated this is necessary renewal and a budgeted expenditure.

Motion was made to approve.

Motion made by Alderwoman Rasmussen, Seconded by Alderwoman Godfrey.

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

**18. Consent Agenda**

Clerk/Treasurer Chamberlin stated Alderman DiFonzo noticed that claim 40473 was coded out of the police department account instead of the fire department. She stated she will make this correction via a journal voucher, which will be seen on the October Journal Voucher report next month.

Motion was made to approve.

**a. Claims to be approved: \$95,335.58**

**b. Building Permits to be approved:**

2022-019      ON HOLD

2022-020      Action Auto      220 E Main St.      Sign      L4, B12, Original

RC2022-012      David Baltrusch      Garage      22N 59E Section 14

**19. Adjournment**

at 7:04pm.