



City of Sidney, MT
City Council Regular Meeting 11-7-22
November 07, 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: 820 5489 7309 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

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

4. Correction or Approval of Minutes

a. City Council Regular Meeting Minutes 10-17-22

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

b. Park and Recreation Committee Meeting Minutes 10-26-2022

Alderman DiFonzo asked for the correction to the minutes that in the beginning of the 4th paragraph under b it states "he did see" and it should have said "he did not see".

Motion was made to approve with the correction.

Motion made by Alderman DiFonzo, Seconded by Alderwoman Godfrey.

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

Alderwoman Godfrey, Alderwoman Christensen

c. Correction to 7/5/22 City Council Meeting Minutes: Amend 8d motion from \$8,500 to \$8,000

Clerk/Treasurer Chamberlin stated the minutes from the July 5th Council Meeting under 8d have a motion to reduce the allocation to Richland Economic Development from \$10,000 to \$8,500. She stated, per the Budget and Finance Committee Meeting Minutes and notes from the meeting, the motion should have been to reduce the allocation to \$8,000. She stated she would like a motion to approve correcting this.

Motion was made to approve.

Motion made by Alderwoman Rasmussen, Seconded by Alderman Stevenson.

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

5. Visitors

Marcus Cardarelli with the Sidney Herald introduced himself, stating he is from Missoula and is happy to be in Sidney.

Brin Norby, Liz Langwald, Devin Lear, Jordan Mayer (Interstate Engineering), Brandon Roth (Richland County DES), Jaime Dishon, Bruce Harris and Kim Johnson.

a. Chamber of Commerce-Christmas Stroll 2022

Chamber Executive Director Godfrey stated the Chamber of Commerce is seeking the usual approval for the Parade of Lights and corresponding events that take place on November 25th, the Friday after Thanksgiving. Specifically, to allow the parade from Western Choice Cooperative (old Cenex) to Mid-Rivers, close the sidewalks and parking in front of Restorx to the Big Sky Cookie for the soup and cookie decorating and allow bleachers in the city lot dirt lot that will be delivered a couple of days prior. She stated the parade last year had about 85 floats.

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 Christensen

Voting Abstaining: Alderwoman Godfrey

6. Public Hearing

a. TBID Renewal Public Hearing

Mayor Norby called the public hearing for the TBID renewal to order at 6:37 pm.

City Attorney Kalil stated the purpose of this public hearing is to extend the current TBID that encompasses all of the hotels in Sidney. He stated all hotels charge a \$1.50 tax that is then used by the TBID Board for increasing tourism. He stated the current TBID has been in place for 10 years and per Montana Code must be renewed. He further stated the Ordinance renewing the TBID is further on the agenda that details the specifics of the TBID moving forward.

Mayor Norby called for any opponents to the TBID renewal and corresponding ordinance three times, with none coming forward.

Mayor Norby called for any proponents to the TBID renewal and corresponding ordinance. Jaimie Dishon stated she was in favor of the TBID. Mayor Norby called for proponents three more times, with none further coming forward.

Mayor Norby closed the public hearing for the TBID renewal at 6:40 pm.

7. Mayor Norby

Nothing.

8. Committee Meeting Work

a. Park and Recreation Committee Meeting-High School Baseball Agreement with Sidney Public Schools

Alderman DiFonzo stated the Park and Recreation Committee informed Mr. Rosaaen that he does not need permission to look further into getting lights at the South Meadow Softball Complex, but that they should look into getting it engineered and they must report back to the Committee with a firm plan. Alderman DiFonzo stated the Park and Recreation Committee met with the Sidney Public Schools about amending their current memorandum of understanding to include Moose Park for high school baseball. He stated the high school program is planned to start in the spring of 2023. He stated the current MOU outlined most of the rules for using the facility, with some minor changes to include the use of Moose Park and that scheduling must be coordinated with the legion program. The changes recommended are tracked in the attached agreement in red and the Park and Recreation Committee have recommended approval to the revised MOU and allow high school baseball to use Moose Park.

Motion was made to approve.

Motion made by Alderman DiFonzo, Seconded by Alderman Stevenson.

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

Alderman DiFonzo stated the Park and Recreation Committee discussed the issue of the temporary hockey rink that was in Quilling's Park, with the suggestion that it is set up again in a permanent location. He stated without a formal presentation and plan from the Hockey Alumni, they are not recommending anything.

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. Nielson Halvorson Final Pay Application \$54,163.08 (tabled at 10-17-22 meeting)

Motion was made to un-table the Nielson Halvorson Final Pay Application for \$54,163.08 by Alderwoman Godfrey and Alderwoman Rasmussen seconded. All present voted aye.

PWD Hintz stated although the situation with the constituent damages from the contractor on this project has not been fully rectified, Laura Gundlach does not feel the City has legal authority to withhold the final payment for this reason since this is an issue with insurance agencies. PWD Hintz stated he will continue to track to make sure the damages paid for with these properties, but the final payment needs to be approve.

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

b. Harris Lot Aggregation (tabled at 10-17-22 meeting)

Motion was made to un-table the Harris Lot Aggregation by Alderwoman Christensen and seconded by Alderman Koffler. All present voted aye.

PWD Hintz presented the updated and corrected staff report for the Harris Lot Aggregation, in which City Planner Sanderson has recommended approval with conditions.

Motion was made to approve the Harris Lot Aggregation with the conditions outlined in the staff report.

Motion made by Alderman Koffler, Seconded by Alderman Stevenson.

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

11. New Business

a. City Council Appointment to Parking Commission

Mayor Norby stated the City Council needs to appoint a member of itself to be the representative to the Parking Commission, per the recent code changes. Alderman DiFonzo volunteered to continue to be on the Parking Commission.

Motion was made to appoint Alderman DiFonzo.

Motion made by Alderwoman Rasmussen, Seconded by Alderman Koffler.

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

b. Council Appointment/Representative to Library Board

Clerk/Treasurer Chamberlin stated there is supposed to be a Council Representative for the Richland County Library Board. She stated this was just brought to her attention and that it has not been filled for several years. She stated they meet the third Thursday of the month at 6:30pm via zoom for ease of attendance.

Alderwoman Godfrey suggested sharing the responsibility between herself and Clerk/Treasurer Chamberlin and it was the general consensus of the City Council to do so.

c. Appointments to the Zoning/Board of Adjustments:

David Seitz-term ending 5-31-2023

Justine Jones-term ending 5-31-24

Adam Smith-term ending 5-31-25

Terry Meldahl-term ending 5-31-25

Mayor Norby stated he is looking for a motion to approve the above staggered appointments to the Zoning/Board of Adjustments, all are reappointments to the Board.

Motion was made to approve all of the reappointments.

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. Carranza Lot Aggregation

PWD Hintz presented the Carranza Lot Aggregation staff report from City Planner Sanderson, who has recommended approval with the usual conditions. PWD Hintz stated this aggregation is also vacating the current sewer easement that runs between these two properties, but the sewer actually runs through Lot 15. PWD Hintz stated there is a need to get an easement for the sewer on Lot 15 in the future.

Motion was made to approve.

Motion made by Alderman Koffler, Seconded by Alderwoman Rasmussen.

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

13. City Attorney

a. Resolution 3903-Hazard Mitigation Plan Approval

Resolution 3903, approving the Hazard Mitigation Plan, was read out loud by City Attorney Kalil. He stated this is a plan on how the jurisdictions will work together in any emergency situations. He stated there was a previous plan that these updates.

Mr. Roth stated this will need to be adopted by Sidney, Fairview and Richland County, before it was finalized. PWD Hintz stated with this finalization, the City can finally start to apply for the FEMA grants for the storm water.

Motion was made to approve Resolution 3903.

Motion made by Alderman DiFonzo, Seconded by Alderwoman Rasmussen.

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

b. Ordinance 597-TBID Renewal (1st Reading)

City Attorney Kalil read Ordinance 597, renewing the TBID and creating City Code for such, out loud for its first reading. Alderman DiFonzo asked if there was changes from the previous passed and City Attorney Kalil stated the previous resolution only outlined the district and the amount of the tax. He stated there is language on the board appointments, what will happen to hotels who are not paying the tax they are collecting, enforcement, how the money can be spent. Alderman Stevenson asked how this addresses the back-owed money and City Attorney Kalil stated this is addressed in how to collect the money and who does it.

Motion was made to approve.

Motion made by Alderman DiFonzo, Seconded by Alderman Stevenson.

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

Voting Abstaining: Alderwoman Godfrey

14. Chief of Police

a. Update

Chief Kraft stated Halloween went well and the Police Department participated in the Trunk-or-Treat at Reynolds that was very well attended. He further stated the City was officially notified that the Montana Supreme Court ruled 5-0 on the Stinchfield wrongful termination suit and upheld the ruling that the City did not wrongfully terminate. He stated the Police Department also has held interviews, issued conditional employment and is currently doing background checks on 3 candidates.

15. Public Works Director

a. October 2022 Public Works Report

PWD Hintz presented the October 2022 Public Works Report. PWD Hintz stated they are getting ready for winter and winding down the summer work.

16. Fire Marshal/Building Inspector

Mayor Norby stated FM/BI Rasmussen is attending EMT Training.

17. City Clerk/Treasurer

a. Update

Clerk/Treasurer Chamberlin stated they have almost completed providing all the documentation for the FY21-22 closing and audit.

18. Consent Agenda

Motion was made to approve the claims and building permits.

Motion made by Alderman Koffler, Seconded by Alderman Stevenson.

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

a. Claims to be approved: \$140,155.31

b. Building Permits to be approved: 2023-027 to 028 and RC2023-015 to 17 (plus correction to 10-17-22 Meeting Building Permits)

19. Adjournment

at 7:11 pm.