

# September 8<sup>th</sup>, 2020

***Although the City Council Meeting will be held at City Hall and open to the public, with the current COVID-19/Coronavirus pandemic and Governor's Orders, at the July 20<sup>th</sup>, 2020 meeting of the Sidney City Council masks or face coverings MUST be worn if there are 4 or more cases in Richland County. You can also call in to the meeting by calling: 1 (312)757-3121, access code 498-039-181.***

1. **CALL TO ORDER:** The regular meeting of the Sidney City Council was called to order by Mayor Norby at 6:30 pm.
2. **PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was stated by all present.
3. **ALDERMEN PRESENT:** Christensen, Godfrey, Gartner, Koffler, Rasmussen and Sergent
4. **CORRECTION OR APPROVAL OF MINUTES:**
  - a. **August 17<sup>th</sup>, 2020 Regular Council Meeting Minutes:** Motion was made to approve the minutes from the August 17<sup>th</sup>, 2020 regular meeting of the Sidney City Council by Alderwoman Christensen and seconded by Alderwoman Godfrey. With no changes or corrections, all present voted aye.
  - b. **August 31<sup>st</sup>, 2020 Special Council Meeting Minutes:** Motion was made to approve the minutes from the August 31<sup>st</sup>, 2020 special budget meeting of the Sidney City Council by Alderwoman Sergent and seconded by Alderwoman Rasmussen. With no changed or corrections, all present voted aye.
  - c. **August 24<sup>th</sup>, 2020 Park and Recreation Committee Meeting Minutes:** Motion was made to approve the minutes from the August 24<sup>th</sup>, 2020 Par and Recreation Committee meeting by Alderwoman Godfrey and seconded by Alderwoman Christensen. With no changes or corrections, all present voted aye.
  - d. **August 24<sup>th</sup>, 2020 Police and Fire Committee Meeting Minutes:** Motion was made to approve the minutes from the August 24<sup>th</sup>, 2020 Police and Fire Committee meeting by Alderwoman Christensen and Alderwoman Sergent seconded. With no changes or corrections, all present voted aye.
5. **VISITORS:**
  - a. **Amanda Dingfelder-Save Our Children March: Did not attend.**
  - b. **Kandi Davis:** Mrs. Davis came before the City Council to inquire into the building permit requested by Tim Case, which they have discussed with the City Council previously. She stated the permit has still not been issued. Building Inspector Rasmussen stated Kyle Harlan gave them permission to start the foundation in early August and per the emails today there is one outstanding issue of some of the beams in the garage needs to be engineered. He stated it is his hope to issue the permit conditionally that everything is complied with per Kyle Harlan tomorrow.
  - c. **Joe Ruiz**
  - d. **Ross Rosaaen**
  - e. **Stan Rosaaen**
  - f. **Terry Gaudreau**
  - g. **Steve and Susie Cavanaugh**
  - h. **Kelly Berndt**
  - i. **Kallie Berndt**
  - j. **Fred Reed**
  - k. **Jordan Mayer-Interstate Engineering**
  - l. **Eric Gill-Sidney Herald**
6. **PUBLIC HEARING: Nothing**
7. **MAYOR NORBY:**
  - a. **Suicide Prevention Proclamation:** Mayor Norby read the Suicide Prevention Proclamation out loud. Motion was made to approve the Suicide Prevention Proclamation by Alderwoman Rasmussen and Alderwoman Sergent seconded. With no further discussion, all present voted aye.
  - b. **Extra Mile Day Proclamation:** Mayor Norby read the Extra Mile Day Proclamation out loud. Motion was made to approve the Extra Mile Day Proclamation by Alderwoman Christensen and Alderman Koffler seconded. With no further discussion, all present voted aye.
8. **COMMITTEE MEETING WORK:**
  - a. **Park and Recreation Committee**
    - i. **Sunrise Park:** Alderwoman Godfrey stated the Park and Recreation Board met and reviewed the Sunrise Park proposal by Tom Flatley and the Cavanaugh's, but that she would like to hold on their recommendation until after the Subdivision Improvement Agreement has been discussed under New business.
  - b. **Police and Fire Committee Meeting**
    - i. **Update to Fireworks City Code:** Alderwoman Sergent stated the Police and Fire Committee met and reviewed the petition results and made the recommendation to change the sale and discharge time from June 24<sup>th</sup> to July 5<sup>th</sup> to July 1<sup>st</sup> to July 5<sup>th</sup>, but to allow fireworks be discharged until midnight on those days. She further stated they recommended allowing fireworks to be allowed to be discharged until 12:30am on the 1<sup>st</sup> day of January. She stated before she moves further with this recommendation, she would like to hear from anyone present. Ross Rosaaen stated he disagrees with changing the time frame to only 5 days, as people will still be able to sell and discharge in the County for the original 10 days, which the County cannot elect to change. He further stated that he feels people will still light off the fireworks within the City limits as soon as they can purchase them outside the limits, and that this will only hurt the vendors, including non-profit vendors such as Richland Ranger Hockey. He stated he felt that with only 87 people responding to the survey, there is not enough of a turn out to make a decision and that he feels most people in the City would not want it reduced. After further discussion on issues presented by Mr. Rosaaen and Mr. Gaudreau, owner of TNT Fireworks, Alderwoman Sergent made a motion to send this back to the Police and Fire Committee, inviting those in attendance to attend the meeting on Monday August 14<sup>th</sup>, 2020 at 5:30pm to continue the discussion. Alderwoman Rasmussen seconded the motion, and with no further discussion, all present voted aye.
    - ii. **Update to Solicitors License City Code:** Alderwoman Sergent stated the Police and Fire Committee made a recommendation to move forward with the changes to the solicitors license city code, as presented by City Staff and made a motion to reflect that recommendation. Alderwoman Sergent seconded the motion, and with no further discussion, all present voted aye.
9. **ALDERMEN REQUESTS AND COMMITTEE REPORTS:**
  - a. Alderwoman Rasmussen stated she would like to thank the first responders who have been at the river this week and for all they do. She further stated she has received many compliments on the flowers in the parks and how beautiful they are this year and thanked Parks Superintendent Ridl for her work.

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## 10. UNFINISHED BUSINESS:

- a. **Pleasant Wood Manner-Airport:** Mayor Norby stated this needs to remain on the agenda for the next City Council meeting, when they hope to hear from the Airport Board.

## 11. NEW BUSINESS:

- a. **Ruiz Variance:** PWD Hintz presented the Ruiz 8-foot rear setback variance request. He stated the Zoning/Board of Adjustments reviewed the variance request and recommended approval with the condition that his garage in 10 feet back on the 8<sup>th</sup> street side of the garage. Clerk/Treasurer Chamberlin stated the map provided to the City Council has been updated by Mr. Ruiz for the 10 foot condition and that Caleb Krebsbach who resides at 313 8<sup>th</sup> Street South East called to go on record that he had no issue with the variance and was in favor of it. Motion was made to approve the Ruiz variance by Alderman Koffler, and Alderwoman Rasmussen seconded. With no further discussion, all present voted aye.
- b. **Reed Variance:** PWD Hintz presented the Reed 5-foot rear and 17.75 front yard variance, as depicted on the map attached to the variance application. He stated that a motion was made to recommend conditional approval of the variance, but the motion failed with a 2-3 vote. Mr. Reed presented the City Council with 2 additional options for the 16 foot by 80-foot trailer to be on this lot which would change the amounts of the variance needed. He further stated that there was no opposition to his original variance request and that he does not feel the City needs a 60-foot easement for the road on top of a 25-foot setback from the property line. Alderwoman Rasmussen stated she felt the new options presented should go back before the Zoning/Board of Adjustments for review and recommendation, to which Clerk/Treasurer Chamberlin agreed and that she believes the entire variance process, including notice and public hearing would have to be redone, as each notice and public hearing is specific to each request. Clerk/Treasurer Chamberlin stated the Council could waive the \$500 fee for redoing the variance. Alderwoman Rasmussen made a motion to have Mr. Reed go back to the Zoning/Board of Adjustments for his new options for the placement of this trailer, but to waive the \$500 fee for redoing the variance, and Alderwoman Christensen seconded the variance. In discussion Mr. Reed asked if this means that his original variance has been turned down, as he feels there is a lot of room between the trailer and the existing road with that option. UM Anderson stated he was originally requesting a 17.75-foot variance out of 25-feet of setback, so most of the required set back will be gone, which he feels is unsafe. PWD Hintz stated this lot is very buildable for placing a trailer, but not an 80-foot trailer. UM Anderson stated a 16-foot by 60-foot trailer would fit within the setbacks and not require a variance, as would a 30-foot by 40-foot double wide. PWD Hintz stated it will be to far into the front yard setback no matter what option and will cause issues in the future. Mr. Reed stated this variance would be specific to this trailer and not be permission to future trailers without them going through the approval process. Alderwoman Rasmussen stated it would set precedence. Mr. Reed stated he already has the 16-foot by 80-foot trailer, which a 3-foot chain link fence planned and that this lot is has the largest square feet in the area. Alderwoman Rasmussen stated she stood by her motion, and Alderwoman Christensen stated by her second. City Attorney Kalil stated he will look into the notice requirements for this circumstance. With no further discussion, all present voted aye.
- c. **Sunrise Village-Subdivision Improvement Agreement:** Mr. Cavanaugh provided the City Council with a packet and stated he was informed that no building permits will be issued until the block wall was put up around the oil well site. He stated there is a fence already in place, which is better for the gases and that he has not seen anything in the SIA that requires a wall and not just a fence. He stated he would the Council to allow the building permit for the new build they have requested and allow the fence to be sufficient. City Attorney Kalil stated in exhibit IG1 it specifically mentioned the CMU wall, which is an exhibit of the original SIA. He stated the Council can decide to waive the wall and allow the fence, but there are other improvements that are required in the SIA that have not been completed that should have also been done with the 10% threshold of phase 1, which includes finishing 4<sup>th</sup> and 7<sup>th</sup> streets and installing a 12 inch water main, which should all be addressed before any further building permits are issued, which was outlined in his memo to the City Council. Mr. Cavanaugh asked for a detailed list of what needs to be done to review with the Flatley's and further asked for compassion by allowing the building permit applied for while these issues are taken care of and that the Sunrise Park be put on hold until the SIA issues could be resolved. Alderwoman Godfrey asked why a CMU Wall instead of the fence to which UM Anderson replied it was the recommendation made by Richland County DES, which was asking for a 9 or 10-foot wall. Clerk/Treasurer Chamberlin stated she would recommend getting an updated opinion on the fence versus wall for safety and liability issues before making any final decisions. Motion was made to send the Sunrise oil well site fence/wall to the Sanitation Committee by Alderwoman Rasmussen, and Alderman Koffler seconded. UM Anderson asked if it was only the fence that was going to the Committee and Alderwoman Rasmussen stated yes, to which City Attorney Kalil stated they can do. Mr. Cavanaugh asked if the City Council would consider allowing the developer 2 years to complete the improvements and allow the issuance of building permits during that time. City Attorney Kalil stated that City had several options to enforce the SIA, including a line of credit, that the City has given over to the subdivision or waived over the past 7 years, leaving the only way to enforce these improvements to be via withholding building permits or by suing the developers. He further stated the Council will need to authorize his sending notice to the developer of the breach of contract and that they have 30 days to get the required improvements done or they become in default. Mrs. Cavanaugh stated 30 days is not enough time and Mr. Cavanaugh stated Mr. Flatley felt everything was done that was needed when the City accepted phase 1. PWD Hintz stated it is all outlined in the agreements the Flatley's signed and that it is up to the developer to know what they need to do and when. Mr. Cavanaugh stated he felt phase 1 should not have been finalized. With no further discussion, all present voted aye. Alderwoman Christensen made a motion to approve City Attorney Kalil noticing the developers of Sunrise Subdivision that they are in breach of the SIA's and that the improvements need to be completed. Alderwoman Godfrey seconded the motion, and with no further discussion, all present voted aye.
- d. **Denning, Downey Associates-Audit Services Contract:** Clerk/Treasurer Chamberlin presented the City Council with the 3-year audit contract with Denning, Downey Associates and Alderwoman Christensen made a motion to approve the contract. Alderman Koffler seconded the motion, and with no further discussion, all present voted aye.

## 12. CITY PLANNER SANDERSON:

## 13. CITY ATTORNEY:

- a. **Ordinance # 582-Adopting 2018 Building Codes-2<sup>nd</sup> Reading:** City Attorney Kalil read the second reading of Ordinance #582 out loud. He stated there was a minor typo change on the effective date that was changed from the 1<sup>st</sup> reading. Motion was made to approve the 2<sup>nd</sup> reading of Ordinance 582 by Alderwoman Kysa and Alderwoman Godfrey seconded. Voting went as follows:

**Ayes: Sergent, Rasmussen, Koffler, Gartner, Godfrey and Christensen**

**Nays: None**

**Absent: None**

## 14. CHIEF OF POLICE KRAFT:

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- a. **August 2020 Police Department Report:** Chief Kraft stated he will have the August 2020 report at the next City Council meeting.

## 15. PUBLIC WORKS DIRECTOR HINTZ:

- a. **August 2020 Public Works Report:** PWD Hintz presented the City Council with the August 2020 Public Works report. He stated he would like to thank the Streets Crew for all the paving work they did in August and the Water Department for all their help with and at the 4<sup>th</sup> Ave Water Project.
- b. **4<sup>th</sup> Ave Water Improvements Draw #3 for \$273,655:** PWD Hintz presented the 4<sup>th</sup> Ave Water Improvement Draw #3. Motion was made to approve the 4<sup>th</sup> Ave Water Improvement Draw #3 for \$273,655 by Alderman Koffler and Alderwoman Christensen seconded. In discussion Mr. Mayer stated the project is slowly coming along and that Franz has done extra to add convenience for the school. He stated he would like to have a Water/Sewer Committee meeting to discuss contract time extension for this project, preferably next Wednesday or Thursday. Alderwoman Godfrey asked about the apartment complex that is having issues with parking that has disabled tenants and Mr. Mayer stated 8<sup>th</sup> should be paved on Friday which will alleviate that issue. With no further discussion, all present voted aye.
- c. **WWTP P3 Draw #17 for \$66,084 (Final payment for COP Construction):** PWD Hintz presented the WWTP Draw #17 to the City Council and informed them it is the final payment for COP Construction. Clerk/Treasurer Chamberlin reminded them this will not be the last draw, however, as there will be draws for engineering fees for the wash station. Motion was made to approve the WWTP P3 Draw #17 for \$66,084 by Alderwoman Rasmussen and Alderman Koffler seconded. With no further discussion, all present voted aye.

## 16. FIRE MARSHAL/BUILDING INSPECTOR RASMUSSEN:

- a. **August 2020 Fire Department Report:** FM/BI Rasmussen stated he will have the August 2020 Fire Department report at the next Council meeting.

## 17. CITY CLERK/TREASURER CHAMBERLIN:

- a. **Consent agenda**
  - i. **GENERAL JOURNAL VOUCHERS:** to be reported and approved monthly
  - ii. **Claims to be approved: \$ 123,906.62**

2021-24	Quick Change Oil	714 West Holly	Flag Pole	L12, B12, Gardner Add.
2021-25	Kirby Halvorson	1777 Sunflower	Shed	L59, B9, South Meadow Sub.
2021-26	Trevor Campbell	410 Sunrise Court	Fence	L5C, B2, Sunrise Sub.
2021-27	Grace Lake	814 West Holly	Fence	L11, B1, Nels Bach
2021-28	Ryan Painter	311 4 <sup>th</sup> Ave SE	Fence	L3, B30, Original

Motion was made to approve the consent agenda by Alderman Koffler, and Alderwoman Godfrey seconded the motion. With no further discussion, all present voted aye.

Meeting was adjourned at 8:27 p.m.

ATTEST:

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MAYOR NORBY

\_\_\_\_\_  
CITY CLERK

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DATE APPROVED