

# August 5<sup>th</sup>, 2019

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, Gartner, Koffler, Rasmussen, and Sergent. Absent: Smith.
4. **CORRECTION OR APPROVAL OF MINUTES:**
  - a. **July 15<sup>st</sup>, 2019 Regular Council Meeting Minutes:** Motion was made to approve the minutes from the July 15<sup>th</sup>, 2019 regular Council Meeting by Alderwoman Christensen, and seconded by Alderwoman Christensen. With no changes or corrections, all present voted aye.
  - b. **July 8<sup>th</sup>, 2019 Water and Sewer Committee Meeting Minutes:** Motion was made to approve the minutes from the July 8<sup>th</sup>, 2019 Water and Sewer Committee Meeting by Alderwoman Sergent, and seconded by Alderwoman Rasmussen. With no changes or corrections, all present voted aye.
  - c. **July 10<sup>th</sup>, 2019 Budget and Finance Committee Meeting Minutes:** Motion was made to approve the July 10<sup>th</sup>, 2019 Budget and Finance Committee Meeting by Alderwoman Christensen, and Alderwoman Sergent seconded the motion. With no changes or corrections, all present voted aye.
  - d. **July 22<sup>nd</sup>, 2019 Closed Council Meeting Minutes:** Motion was made to approve the July 22<sup>nd</sup>, 2019 Closed Council Meeting minutes by Alderwoman Rasmussen, and seconded by Alderwoman Sergent. With no changes or corrections, all present voted aye.
  - e. **July 29<sup>th</sup>, 2019 Water and Sewer Committee Meeting Minutes:** Motion was made to approve the July 29<sup>th</sup>, 2019 Water and Sewer Committee meeting by Alderwoman Rasmussen, and Alderman Gartner seconded the motion. With no changes or corrections, all present voted aye.
5. **VISITORS:**
  - a. **Chris Entzel- 1 year anniversary of the Sidney Mercantile:** Not present.
  - b. **Susie Cavanaugh with Sunrise Subdivision-growing 80 acres of hemp/CBD:** Steve and Susie Cavanaugh came before the City Council to ask for the procedure on how to get approved for growing hemp for CBD on 90 acres in the northern section of Sunrise Subdivision. City Attorney Kalil stated that the area they are asking to do this is currently zoned R-2, which does not allow farming or agriculture. Mrs. Cavanaugh stated that land is currently being farmed, and that only phase 1 of Sunrise Subdivision has been approved. Utilities Manager Anderson stated that even though that area has not been developed it is in the City limits and zoned R-2. City Attorney Kalil stated the only way to proceed is for them to either rezone that parcel or to get a variance. Mrs. Cavanaugh asked if they rezoned what would happen if they decided to build it out, and Utilities Manager Anderson stated they would have to rezone it back to R-2 and meet the standards at that time. He further stated that cover crops are allowed for weed and dust control, but that hemp is a highly regulated cash crop that would not qualify. City Attorney Kalil stated that if they are planning to develop that area, the variance would be the best option. City Clerk/Treasurer Redfield stated to move forward with a variance they would need to come to City Hall to start the process that does include public hearings and notices sent to all the property owners. Mr. Linder stated that as a member of the Planning Board he is aware of the legislature changing the code to no longer allow phased subdivision. Mr. Linder strongly suggested that the City Planner be contacted prior to any work being done to ensure that it is following subdivision and planning regulations. City Clerk/Treasurer Redfield stated she will definitely be in contact with the City Planner, and Mr. and Mrs. Cavanaugh stated they will wait to come to City Hall to discuss a variance until Friday to allow her time to do so.
  - c. **Brenda Redfield**
  - d. **Nick Kallem**
  - e. **Jason Schrader**
  - f. **Amy Efta-Sidney Herald**
  - g. **Adam Smith-Richland County**
  - h. **Marty Casey**
  - i. **Bill Linder**
  - j. **Molly Davidson-Morrison-Maierle**
  - k. **Laura Gundlach-Morrison-Maierle**
  - l. **Jordan Mayer-Interstate Engineering**
6. **PUBLIC HEARING: Nothing**
7. **MAYOR NORBY:**
  - a. **City Attorney Contract:** Mayor Norby moved this agenda item to be acted on directly after the approval of the minutes. Mayor Norby stated that Malcom Pippin emailed the City that Thomas Kalil is no longer with Pippin Law Firm and is opening his own law firm. Mayor Norby stated in the email the City was given the option of continuing with Pippin Law Firm or going with Thomas Kalil for City Civil Attorney. Alderwoman made a motion to approve going with Thomas Kalil as the City Civil Attorney, and Alderman Koffler seconded the motion. Mr. Kalil stated even going out on his own he wants to continue servicing the City of Sidney, would do so with the same contract, terms, and rates as their contract with Pippin Law Firm. Alderwoman Christensen stated that she felt with everything currently being worked on by the City Attorney, it is important to stay with the same attorney who has been working on it. Mayor Norby stated he agreed and recommends to stay with Thomas Kalil. With no further discussion, all present voted aye.
  - b. **Reappoint Bob Goss & Enid Huotari to Police Commission Three Year Term:** Mayor Norby stated Bob Goss and Enid Huotari need to be reappointed to the Police Commission for 3 year terms. Motion was made to approve the reappointment of Bob Goss and Enid Huotari to the Police Commission for a 3 year term by Alderwoman Christensen, and Alderman Koffler seconded the motion. With no further discussion, all present voted aye.
8. **COMMITTEE WORK:**
  - a. **Water and Sewer Committee**
    - i. **Dry Red Water/Richland County Sewer Extension Contract:** Alderwoman Rasmussen stated the Water and Sewer Committee met and are recommending moving forward with the Dry Red Water (DRW) Service Contract expansion. Mr. Mayer explained what was presented to the Water and Sewer Committee. He also stated that the current contract allows for 500 gallons per minute, which they are only currently using 11% of during peak, so they should not be needing to request more water or sewer, just to expand the service area. Motion was made to approve moving forward with expanding the DRW Service Contract by Alderwoman Rasmussen, and Alderman Koffler seconded the motion. With no further discussion, all present voted aye.
    - ii. **Review Water and Sewer Budget:** Alderwoman Rasmussen stated the Water and Sewer Committee met and reviewed the budgets for the water and sewer departments for FY19-20.
9. **ALDERMEN REQUESTS AND COMMITTEE REPORTS:**
  - a. Alderwoman Rasmussen stated she was approached by a teacher at West Side about them having a Science Group coming for hands on learning with students. She stated that this teacher wants to use either Moose or Veteran's Park for the shooting of rockets and an egg drop for grades k-5 and possibly 6<sup>th</sup> grade, and that they have the insurance to do so, but that they were told no by the Parks Superintendent. Motion was made to

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approve the science group at West Side using one of the City Parks for a rocket launch and egg drop by Alderwoman Christensen, and seconded by Alderman Koffler. In discussion Mr. Schrader stated that as a father and citizen, he definitely approves and thinks this should happen. With no further discussion, all present voted aye.

- b. Alderwoman Christensen stated she wanted to thank everyone for participating in the 2019 Richland County Fair. She stated they do not have numbers on how it went yet, but that they are already planning for next year, as it is the Centennial.

**10. UNFINISHED BUSINESS: Nothing**

**11. NEW BUSINESS: Nothing**

**12. CITY PLANNER SANDERSON: Nothing**

**13. CITY ATTORNEY:**

- a. **Ordinance #579-Flood Plain Regulation Update (2<sup>nd</sup> Reading):** City Attorney Kalil read Ordinance 579 out loud for the second reading. Motion was made to approve the second reading of Ordinance 579, Flood Plain Regulation Update, by Alderman Koffler, and seconded by Alderwoman Sergent. Voting went as follows:

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

**Nays: None**

**Absent: Smith**

**14. CHIEF OF POLICE DIFONZO:**

- a. **July 2019 Monthly Report:** Chief DiFonzo provided the City Council with the June 2019 and July 2019 Police Department reports.

**15. PUBLIC WORKS DIRECTOR HINTZ:**

- a. **July 2019 Monthly Report:** PWD Hintz provided the City Council with the July 2019 Public Works Department Report. PWD Hintz stated that he feels that should camping be requested by Swim Team for meets, it should be looked at more closely. He stated that they had campers parked significantly close to the Water Treatment Plant and Hockey building, and that if a fire had happened in either the buildings or the campers fire trucks would not have been able to get to them to put it out before significant loss happened. Building Inspector
- b. **WWTP P3, Draw #11 for \$345,910.54:** PWD Hintz presented the City Council with the Waste Water Treatment Plant Phase 3 Draw #11. Motion was made to approve the WWTP P3 Draw #11 by Alderwoman Christensen, and Alderwoman Sergent seconded the motion. With no further discussion, all present voted aye. Mrs. Gundlach stated that phase 3 is the headwork's and lift station, which is going good but late. She stated the contract had phase 3 being done today, which they won't be until the end of September. She stated that although this will cause a change order, it will be a net zero cost for the City, as it is the contractors job to pay for all services, including Morrison-Maierle's increased cost. Molly Davidson stated she is a Water Resource Engineer with Morrison Maierle, who she has been with for 20 years and she is in Sidney to respond to the Storm Water RFQ.

**16. Fire Marshal/Building Inspector Rasmussen:**

- a. **July 2019 Monthly Report:** Fire Marshal/Building Inspector Rasmussen stated he will provide the July 2019 Fire Department Report at the next City Council Meeting.

**17. CITY TREASURER REDFIELD:**

- a. **June 2019 Treasurer's Report (FYE):** City Clerk/Treasurer Redfield provided the City Council with the June 2019 Treasurer's Report.
- b. **June 2019 Journal Voucher Report:** Motion was made to approve the June 2019 Journal Voucher Report by Alderwoman Sergent, and Alderwoman Rasmussen seconded the motion. All present voted aye.
- c. **June 2019 Water/Sewer Bank Transfer:** Motion was made to approve the June 2019 Water/Sewer Bank Transfer by Alderwoman Christensen, and Alderman Koffler seconded the motion. All present voted aye.
- d. **July 2019 Water/Sewer Bank Transfer:** Motion was made to approve the July 2019 Water/Sewer Bank Transfer by Alderman Koffler, and Alderwoman Christensen seconded the motion. All present voted aye.
- e. **Taxable Evaluation for FY19/20 Budget:** City Clerk/Treasurer Redfield provided the City Council with the FY19-20 Budget Calendar and the 2019 Taxable Valuation information.

**18. CITY CLERK REDFIELD:**

**Consent agenda**

- a. **GENERAL JOURNAL VOUCHERS:** to be reported and approved monthly
- b. **Claims to be approved: \$ 400,321.53**

**2019-82	American Tower	115 2 <sup>nd</sup> St SE	Add. To cell tower	L1, B19, Original
**2019-89	SKIPPED and not used			
2020-003	Rhonda Folstad	927 11 <sup>th</sup> St SW	Deck	L6, B1, Peterson 2 <sup>nd</sup>
2020-004	Patricia Ruiz	105 6 <sup>th</sup> ST SE	Fence	L2, B59, Kenoyer Add.
2020-005	Ross Kauffman	2745 W. Holly	Remodel	L3, B5, Anderson Sub.
2020-006	A2Z Construction	621 9 <sup>th</sup> AVE SW	Fence	L6, B2, Hanson Add.
2020-007	Jozi Moore	121 3 <sup>rd</sup> AVE SW	Fence	L6, B39, Original
2020-008	Angela Wright	522 35 <sup>th</sup> AVE NW	Fence	L6, B9, Wagon Wheel Sub.
2020-009	Kenneth Moen	701 3 <sup>rd</sup> ST NE	Fence	L1&2, B12, Kenoyer Add.
2020-010	Steve Walla	416 35 <sup>th</sup> AVE NW	Porch	L14, B9, Wagon Wheel Sub.

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

**19. Closed Executive Session for possible litigation:** Mayor Norby closed the City Council meeting to discuss the plan for possible litigation at 7:08pm, and reopened the City Council meeting to the public at 7:21pm.

Meeting was adjourned at 7:21 p.m.

ATTEST:

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MAYOR NORBY

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

\_\_\_\_\_  
DATE APPROVED