

September 4th, 2018

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, Smith, Gartner, Rasmussen, Sergent; Absent: Koffler
4. **CORRECTION OR APPROVAL OF MINUTES:**
 - a. **August 20th, 2018 Regular Council Meeting Minutes:** Motion was made to approve the minutes from the August 20th, 2018 regular Council Meeting by Alderwoman Rasmussen, and seconded by Alderwoman Sergent. With no changes or corrections, all present voted aye.
 - b. **August 27th, 2018 Special Council Meeting Minutes:** Motion was made to approve the minutes from the August 27th, 2018 special Council Meeting by Alderwoman Christensen, and seconded by Alderwoman Rasmussen. With no changes or corrections, all present voted aye.
5. **VISITORS:**
 - a. **Chamber of Commerce-Parade of Lights:** Susan Joy with Chamber of Commerce ask the City Council for approval of the Parade of Lights, to be November 23rd, 2018 at 6:30pm. She stated that they would like to use the same route as last year, with the one change that it end at the IGA parking lot. Chief DiFonzo stated that he had no issue with this parade. Motion was made to approve the Parade of Lights on November 23rd, 2018 at 6:30pm, and Alderwoman Sergent seconded the motion. In discussion Mayor Norby thanked Mrs. Joy and the Chamber for all they do in the community. Chief DiFonzo also stated that he does not want candy thrown from the last couple of floats in the parade, as that causes a safety issue with kids trying to pick-up the remaining candy when traffic has commenced. Mrs. Joy stated that in the years past they have handed out bags of candy, not thrown them. Alderman Smith made a motion to amend his previous motion to include they not allow the last couple floats to throw candy, and Alderwoman Sergent seconded the amendment. With no further discussion, all present voted aye.
 - b. **Meadowlark-Oktoberfest:** Boyd Frye from the Meadowlark came before the City Council for approval of the closing of the parking lot behind the Meadowlark for the Oktoberfest October 6th, 2018 from 7pm to 11pm. He stated that this is the 3rd year they would be having the Oktoberfest, with last year having approximately 200 guests, and that they would like to continue to do it yearly. Alderman Smith asked if they will have the drinking area fenced off, and Chief DiFonzo further asked if they will have a process for carding. Mr. Frye stated that the entire back area will be fenced off with the only way to get into to be from the front door of the Meadowlark, where they will be carding. Motion was made to approve the blocking off of the parking lot behind the Meadowlark for the Oktoberfest on October 6th, 2018 from 7pm to 11pm, with the condition that Chief DiFonzo approve the plans, by Alderwoman Rasmussen, and seconded by Alderwoman Christensen. With no further discussion, all present voted aye.
 - c. **Chris Entzel- Street closing request:** Mrs. Entzel came before the City Council asking the City Council to approve the closing of West Main to 2nd Avenue on September 28th, 2018 from 5:30pm to 8pm. She stated that she is opening a business in the Yellowstone Mercantile building, and hopes to use this function to revive the use of the building. She further stated that this will be a free event for the grand opening, and that she has acquired sponsors to assist in making a free event. Mrs. Entzel stated that she has spoken to the business owners who may be affected, and all were ok with the event, as it is after their normal business hours. PWD Hintz asked if it would be ok to only block the street to the alley and not all the way to 2nd Ave, and Mrs. Entzel stated that she currently felt that would be fine. Motion was made to approve the blocking off of West Main on September 28th, 2018 from 5:30pm to 8pm by Alderwoman Christensen, and seconded by Alderwoman Rasmussen. With no further discussion, all present voted aye.
 - d. **Sarah Petrik**
 - e. **Nick Kallem**
 - f. **Matt Bieber**
 - g. **Robert Stinchfield**
 - h. **Julie Landers**
 - i. **Kale Rasmussen-City of Sidney Fire Marshal/Building Inspector**
 - j. **Jordan Mayer-Interstate Engineering**
 - k. **Deputy Chief of Police Mark Kraft-Sidney Police Department**
6. **Closed Meeting on Employee matters:** This matter was moved to the end of the City Council Agenda.
7. **PUBLIC HEARING:**
 - a. **Budget Amendment-FY2017-18:** City Clerk/Treasurer Redfield presented the two items on the budget amendment for Fiscal Year 2017-18. Mayor Norby called the public hearing to order for the Budget Amendment for Fiscal Year 2017-18 at 6:41pm. Mayor Norby called for any proponents, three times, and none came forward. Mayor Norby called for any opponents, three times, and with none coming forward, closed the public hearing for the Fiscal Year 2017-18 Budget Amendment at 6:41pm.
8. **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 seconded by Alderman Smith. With no further discussion, all present voted aye. Alderwoman Rasmussen stated that on September 29th, 2018 there will also be an awareness walk, and Pizza Hut is donating 20% of all sold items on September 5th, 2018.
9. **COMMITTEE WORK: Nothing**
10. **ALDERMEN REQUESTS AND COMMITTEE REPORTS: Nothing**
11. **UNFINISHED BUSINESS: Nothing**
12. **NEW BUSINESS:**
 - a. **Board of Adjustments**
 - i. **MDU Variance:** PWD Hintz stated that this was a variance for the maximum height for the power poles along East Holly, which is part of the MDT East Holly project. He further stated that the Board of Adjustment's recommended approval of this variance. Motion was made to approve the MDU power pole height variance by Alderwoman Christensen, and seconded by Alderwoman Rasmussen. With no further discussion, all present voted aye.
 - ii. **Petrik Variance:** PWD Hintz stated that this was a rear yard variance for the placement of a garden shed. He stated that the current City Code states that sheds must be 10 feet from the

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rear property line, and they would like to place their shed at 4 feet. PWD Hintz further stated that the Board of Adjustments has recommended approval of the variance, and is also looking into amending this portion of the City Code to lessen the rear set back requirements for such placements. Motion was made to approve the Petrik rear yard variance by Alderman Smith, and seconded by Alderwoman Sergent. With no further discussion, all present voted aye.

- iii. **Variance Application Update:** PWD Hintz stated that the Board of Adjustment's reviewed the revised variance application, which City Clerk/Treasurer Redfield updated to include the seven standards, and has recommended approval. City Clerk/Treasurer Redfield stated that the Zoning Code has seven standards for a variance that must be met for the Board of Adjustments to approve the variance. Utilities Manager Anderson suggested that these seven standards be included in the application so that applicants can see what needs to be met and have answers prepared. She stated that she felt this might also help so that people do not pay for a variance that does not meet the standards. Motion was made to approve the update to the variance application by Alderwoman Christensen, and seconded by Alderwoman Rasmussen. With no further discussion, all present voted aye.

13. CITY PLANNER SANDERSON:

14. CITY ATTORNEY:

- a. **Ordinance 574-Amending Nuisance Ordinance (2nd Reading-tabled at 8-20-18 Meeting):** Motion was made to un-table Ordinance 574 by Alderwoman Rasmussen, and seconded by Alderman Smith. All present voted aye. City Attorney Kalil read Ordinance 574, amending the Nuisance Ordinance, out loud for the second reading. Motion was made to approve Ordinance 574, amending the Nuisance Ordinance, by Alderman Smith, and seconded by Alderman Gartner. With no further discussion, voting went as follows:

Ayes: Christensen, Smith, Gartner, Rasmussen, and Sergent

Nays: None

Absent: Koffler

- b. **Resolution #3773-Fiscal Year 2017-18 Budget Amendment:** City Attorney Kalil read Resolution 3773, Fiscal Year 2017-18 Budget Amendment, out loud. Motion was made to approve Resolution 3773, Fiscal Year 2017-18 Budget Amendment, by Alderwoman Sergent, and Alderwoman Rasmussen seconded the motion. With no further discussion, all present voted aye.

15. CHIEF OF POLICE DIFONZO:

- a. **Report August 2018:** Chief DiFonzo provided the City Council with the August 2018 Police Report.
- b. Chief DiFonzo stated that he has concerns with the committee created in Ordinance 574, as the Police Department is not represented on it. He further stated that he does not want the Police Department involved until court orders have been issued. He stated that civil standbys are not done by the Police Department unless absolutely necessary, as they do not get involved without the court. He further stated that he does not want to see the Police Department become the enforcement agency for the lawn issues. City Attorney Kalil stated that the ordinance can be amended to include the police department on the Committee, but that the intent was never to involve the Police Department until papers needed to be served or if in extreme circumstances a police escort is needed.

16. PUBLIC WORKS DIRECTOR HINTZ:

- a. **Report August 2018:** PWD Hintz provided the City Council with the August 2018 Public Works Report.
- b. **Cell Tower Lease Agreement (sent for Attorney review 8-20-18 Meeting):** PWD Hintz stated that City Attorney DeCrescente e-mailed PWD Hintz pertaining to the cell tower lease, in which she recommended that the City attempt to stay with the current lease agreement. Attorney Kalil stated that with the land being in the middle of town, they do not feel selling the easement would be in the best interest for the City. PWD Hintz stated that the options supplied did not include the current lease agreement, but that he would contact them about pursuing that option.
- c. **Award to WWTP Phase 3 to COP Construction:** Laura Gundlach, of Morrison Maierle, was conferenced into the meeting. Mrs. Gundlach presented the City Council the bids for Phase 3 of the Waste Water Treatment Plant. She stated that there was 3 bids, all of which were very close together, with COP being the lowest bidder at \$4,375,912.00. She stated that it was still over the engineer's estimate of approximately \$3.8 million, but that it is approximately \$200,000 less than the first bid opening amount. She stated that the increase over the engineers estimate was due to cost of labor and fuel. Mrs. Gundlach stated that they are recommending the award of the bid, with start to be this fall which is needed for permit requirements. Motion was made to approve the award of COP with the Phase 3 Waste Water Treatment Plant construction by Alderman Smith, and seconded by Alderwoman Christensen. With no further discussion, all present voted aye. PWD Hintz stated that there is left over funding from the Phase 2 loan that will be used in Phase 3, and that the City will be meeting with the bonding agencies again next month.
- d. **Pay application #1 to east holly street water- Western Municipal Inc.:** PWD Hintz presented the City Council with the first pay application from Western Municipal for the East Holly Water Project for \$109,219.19. Motion was made to approve pay application #1 to Western Municipal for the East Holly Water Project for \$109,219.19 by Alderwoman Rasmussen, and seconded by Alderwoman Christensen. With no further discussion, all present voted aye. Mr. Mayer, of Interstate Engineering, stated that the 6th Ave crossing is installed and they are doing samples. He stated that next they will be moving to the to the 4th Ave crossing, which will probably be on Monday. He also stated that the 6th Ave crossing is 3 feet higher than originally planned, but that they are extending the warranty to go one year longer after the MDT completion to be sure it doesn't freeze or have issues.

17. Fire Marshal/Building Inspector Rasmussen:

- a. **Report August 2018:** Fire Marshal/Building Inspector Rasmussen stated that he will have the August 2018 Fire Department Report at the September 17th, 2018 Council Meeting.

18. CITY TREASURER REDFIELD:

- a. **Treasurer's Report:** City Clerk/Treasurer Redfield stated that she will have the August 2018 Treasurer's Report at the September 17th, 2018 Council Meeting.
- b. **Water/Sewer Bank Transfer of \$97,721.22:** City Clerk/Treasurer Redfield provided the water/sewer bank transfer of \$97,721.22 to the City Council for approval, and stated that this does not include the August 2018 payroll. Motion was made to approve the water/sewer bank transfer of \$97,721.22 by

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Alderman Smith, and Alderman Gartner seconded the motion. With no further discussion, all present voted aye.

19. CITY CLERK REDFIELD:

Consent agenda

- a. **GENERAL JOURNAL VOUCHERS: e-mailed**
- b. **Claims to be approved: \$ 134981.88**

2019-22A	Don Byer	724 Cactus Court	Addition	L13-15, B8, Meadow Village South
2019-24	Rod Bell	1111 Cedar Ave	Shed	L6A, B9, Peterson's Second Add
2019-25	Karmen Schmierer	705 Sunrise Court	Shed	L2, B10, Sunrise
2019-26	Eugene Fisher	999 Sunflower Lane	Shed	L8, B6, Meadow Village South
2019-27	Video Hot Spot	1035 S Central	Remodel	S32, T23N, R593, TR. 3 of Minor

A motion to approve the consent agenda was made by Alderman Koffler and seconded by Alderwoman Rasmussen. After no discussion, all council voted aye.

20. Closed Meeting on Employee matters: Mayor Norby closed the City Council Meeting to discuss an employee matter at 7:17pm.

Mayor Norby opened the City Council Meeting to the public at 7:25pm.

Meeting was adjourned at 7:25 p.m.

ATTEST:

MAYOR NORBY

CITY CLERK

DATE SIGNED