

August 6th, 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:** Sergent, Rasmussen, Koffler, Gartner, Smith, and Christensen
4. **CORRECTION OR APPROVAL OF MINUTES:**
 - a. **July 16th, 2018 Regular Council Meeting Minutes:** Motion was made to approve the minutes from the July 16th, 2018 regular Council Meeting by Alderwoman Rasmussen, and seconded by Alderwoman Christensen. With no changes or corrections, all present voted aye.
5. **VISITORS:**
 - a. **LYIP Celebration-Parade and Picnic in Quilling's Park-Phil Johnson:** Mr. Johnson stated that they are wanting to have a celebration for the LYIP judgment. He stated that they will now be having the picnic or BBQ at the Richland County Fair Grounds, as there is a larger space and more parking available for the community. He stated that he is before the City Council for approval to have a parade on August 25th, 2018 at 4pm, prior to the BBQ. He stated that they would like to have the parade start at the Cenex parking lot, and take the usual route through town. Chief DiFonzo stated that it would be appreciated if the Volunteer Firemen would assist in this, and Fire Marshal/Building Inspector Rasmussen stated he would ask at their meeting on Tuesday August 7th, 2018. Motion was made to approve the LYIP celebration parade on August 25th, 2018 at 4pm by Alderman Koffler, and seconded by Alderwoman Rasmussen. With no further discussion, all present voted aye.
 - b. **Jeana Barnhart-South Paw Dog Park Grand Opening and BBQ:** City Clerk/Treasurer Redfield stated that Mrs. Barnhart was wanting to invite the City Council to the South Paw Dog Park grand opening BBQ on August 16th, 2018 at 6:30pm, at the Dog Park.
 - c. **Perry & Jo Ella Bartels:** Mr. Bartels stated that he has issues with one of his neighbor's properties. He stated that the porch is falling apart and is home to numerous skunks, and that he has offered to help the property owner, but they have refused all help. He also stated that his other neighbor has 9 not licensed pick-ups on his property, plus other vehicles, that are also harboring skunks. Alderwoman Christensen stated that the Amendment to the Nuisance Ordinance they are in the process of approving is for items such as this, and that they will be looked into when those changes are implemented.
 - d. **Jeff Mead**
 - e. **Kale Rasmussen-City of Sidney Fire Marshal/Building Inspector**
 - f. **Brandie Azure-Richland County Adult Softball**
6. **PUBLIC HEARING: Nothing**
7. **MAYOR NORBY:**
 - a. Mayor Norby announced there will be a special meeting of the Sidney City Council on August 27th, 2018 at 6:30pm for the presentation, public hearing, and passing of resolutions for the fiscal year 2018-19 budget.
 - b. Mayor Norby stated that he and PWD Hintz came to an agreement with the Tammy Clem, the new Post Master, about the mail boxes being required to be moved to the curb, and that she agreed they would no longer require that to be done. He also thanked Post Master Clem for her working with the City on this matter.
8. **COMMITTEE WORK: Nothing**
9. **ALDERMEN REQUESTS AND COMMITTEE REPORTS: Nothing**
10. **UNFINISHED BUSINESS: Nothing**
11. **NEW BUSINESS: Nothing**
12. **CITY PLANNER SANDERSON: Nothing**
13. **CITY ATTORNEY:**
 - a. **Ordinance 574-Amending Nuisance Ordinance:** City Attorney DeCrescente presented the City Council with Ordinance 574, which amends the nuisance ordinance for the junk properties and vehicles the City has been getting complaints on. She stated that the Council can either review or discuss the changes, or if they are ready she can precede with the first reading of the Ordinance. Motion was made to approve moving forward with the first reading of Ordinance 574 by Alderwoman Rasmussen, and seconded by Alderman Koffler. After no further discussion, all present voted aye. City Attorney DeCrescente read Ordinance 574, amending the Nuisance Ordinance, out loud for the first reading. This ordinance amends the junk yard and junk vehicle portion of the City Code, per previous conversations and meetings. Motion was made to approve the first reading of Ordinance 574 by Alderwoman Christensen, and seconded by Alderwoman Sergent. With no further discussion, the voting went as follows:
Ayes: Sergent, Rasmussen, Koffler, Gartner, Smith and Christensen
Nays: None
Absent: None
Chief DiFonzo asked who the enforcement agency is that is mentioned in the amended code language, and City Attorney DeCrescente stated that it is a committee comprised of the Mayor, one Councilman, the Public Works, the Fire, and the Building Department. She assured Chief DiFonzo that unless the Committee feels they need police assistance or if papers need to be served, the Police Department will not be a part of this process.
14. **CHIEF OF POLICE DIFONZO:**
 - a. **Report July 2018:** Chief DiFonzo stated that he will provide City Council with the July 2018 Police report at the August 20th, 2018 Council Meeting.
 - b. **Adult Softball Alcohol Permit:** Motion was made to un-table the Adult Softball Alcohol Permit by Alderman Smith, and Alderman Koffler seconded the motion. After no further discussion, all present voted aye. Chief DiFonzo stated that he normally takes care of alcohol permits in City Parks, but that the intention of the alcohol permits was never for sporting events, just family gatherings in the parks. He stated that because of this reason he would not approve the application, but that the City Council can decide that these events should be allowed to have alcohol permits also. Alderwoman Christensen stated that the last softball tournament that applied was turned down. Chief DiFonzo stated that this is a two day tournament that would have 10 hours of alcohol consumption, and that is a huge liability. Alderman Smith asked if all participants in the tournament are over 21, and Mrs. Azure stated that there are some that are only 18, but that she knows who they are and they will be monitored to ensure they

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won't be drinking. Alderwoman Rasmussen asked who and how they are ensuring there will be no underage drinking when the drinking will be happening in the crowd and among players, and Mrs. Azure stated that she, the umpires, and concession workers, some of which have alcohol training, will be watching. Alderwoman Rasmussen stated that is a large responsibility for such few people for the number of people attending the tournament. Mrs. Azure also stated that they will not be selling the alcohol. Chief DiFonzo stated that if the City Council approves this, liability insurance would be required. City Clerk/Treasurer Redfield elaborated saying that they Richland County Adult Softball would have to acquire a special event liability insurance above their already existing policy. Motion was made to deny the Adult Softball alcohol permit by Alderman Smith, and seconded by Alderwoman Rasmussen. After no further discussion, all present voted aye.

- c. **Fireworks:** Motion was made to un-table the Fireworks discussion by Alderwoman Christensen and Alderwoman Sergent seconded the motion. With no further discussion, all present voted aye. Chief DiFonzo stated that there was issues this year with firework stands lighting fireworks off in commercial districts, even after being talked to about not doing it. He stated that the stand in front of City Hall especially had an issue with this, and that his main concern for them doing this is the traffic and the various incidences that could occur should the fireworks accidentally go into traffic or scare drivers. He stated that he would like to see the Fireworks Code be amended to prohibit the lighting off of fireworks in commercial districts. City Clerk/Treasurer Redfield stated that the entire code should be reviewed, as PWD Hintz had issued with people not cleaning up after themselves, and she would like to see it added that they do have to get a license for fireworks, even if local and non-profit stands have the fee's waived. Motion was made to send the Fireworks Code Review to the Police and Fire Committee by Alderwoman Christensen, and seconded by Alderwoman Rasmussen. With no further discussion, all present voted aye. Alderwoman Christensen requested that Chief DiFonzo and Fire Marshal/Building Inspector Rasmussen be present at that meeting.

15. PUBLIC WORKS DIRECTOR HINTZ:

- a. **Report July 2018:** PWD Hintz provided the City Council with his July 2018 Public Works report. PWD Hintz stated that the MDT Regional Director Shane Mintz had a meeting with him and they discussed the East Holly MDT project. He stated that they are rebidding the project in November, and hope to do the irrigation work right away in the spring. He further stated that the MDU power line portion will still be done this fall. Mr. Mintz also informed PWD Hintz that they would like to only shut down up to two blocks of east holly at a time, and that traffic will be diverted through the residential streets. Chief DiFonzo asked about over width loads, and PWD Hintz stated that he had not thought about those and would discuss them with Mr. Mintz. PWD Hintz stated he also discussed the traffic light at 12th Ave and West Holly with Mr. Mintz, who stated that they completed a traffic study, and that showed that a light there is not warranted. PWD Hintz stated that they would probably permit the stop light, but that the City would be responsible for paying the full portion of the light which can cost between \$250,000 and \$500,000. Chief DiFonzo stated that the intersection in question has 3 types of emergency responders using, Fire, Police and Ambulance, and that there needs to be something there so that the emergency responder vehicles can safely turn out onto West Holly. He further stated that he felt a simple red light strung across West Holly that could be activated out of the Justice Center would be fine. Alderwoman Christensen stated that she would like to see this also go to the Police and Fire Committee for further discussion. It was the general consensus of the City Council to send the traffic light at 12th Ave and West Holly to the Police and Fire Committee.

PWD Hintz stated that the Chapman sewer project was finished, which was part of the East Holly project. He also stated that the 4th Ave SE Water project is completed and the street has been patched, with the intention of doing an overlay on that street next year if funds allow. PWD Hintz further informed the City Council that the TA Project which is covering the canal, is set to go to bid on Thursday August 9th, 2018, but that they have had no interest or bidders yet for the project.

- b. **East Holly Water Project Construction Agreement with Western Municipal Construction:** PWD Hintz provided the City Council with the East Holly Water Project Construction Agreement with Western Municipal Construction. Motion was made to approve the East Holly Water Project Construction Agreement with Western Municipal Construction by Alderwoman Christensen, and seconded by Alderwoman Sergent. With no further discussion, 5 Council members voted aye, and Alderman Smith voted nay.
- c. **WWTP Phase 2, Draw #20-\$495,093:** PWD Hintz presented the City Council with the Waste Water Treatment Plant Phase 2 Draw #20, which should be the final draw for this phase. City Clerk/Treasurer Redfield stated that this draw pays Morrison Maierle for engineering, Western Municipal for construction, and the State of Montana Department of Revenue for the 1% contractors withholding. She also stated that this draw is being funded by the SRF Loan and \$5,000 by the RRGL Grant that the City of Sidney was given. Motion was made to approve the Waste Water Treatment Plant Phase 2, Draw #20 for \$495,093 by Alderwoman Rasmussen, and seconded by Alderman Koffler. With no further discussion, all present voted aye.

16. Fire Marshal/Building Inspector Rasmussen:

- a. **Report July 2018:** Fire Marshal/Building Inspector Rasmussen provided the City Council with the July 2018 Fire Report.

17. CITY TREASURER REDFIELD:

- a. **Treasurer's Report**
 - i. **Fiscal Year 2017-18 Final:** City Clerk/Treasurer Redfield provided the City Council with the fiscal year 2017-18 year end Treasurer's report, and stated that the July 2018 report will be provided at the August 20th, 2018 Council Meeting. Clerk/Treasurer Redfield informed the City Council that the preliminary budget resolution will be presented for approval at the August 20th, 2018 Council Meeting. She also stated that there will be a public hearing for the fiscal year 2017-18 budget amendments at the September 4th, 2018 Council Meeting.
- b. **Water/Sewer Bank Transfer of \$134,923.43:** Clerk/Treasurer Redfield stated the water/sewer bank transfer for \$134,923.43 was for most of July 2018, including payroll. Motion was made to approve the water/sewer bank transfer of \$134,923.43 by Alderman Smith, and seconded by Alderwoman Rasmussen. With no further discussion, all present voted aye.

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18. CITY CLERK REDFIELD:

consent agenda

a. GENERAL JOURNAL VOUCHERS: e-mailed

b. Claims to be approved: \$ 285,047.20

2019-08	City of Sidney	South Meadow Park	Fence	NA
2019-09	Richard Stone	721 3 rd St NE	Fence	L6, B12, Kenoyer Add
2019-10	NDM Restaurants	404 North Central	Restaurant	L3, B1, Augustus Vaux
2019-11	Richland County	201 W Main	Fence	L4, B38, Sidney Original
2019-12	Mike Wheeling	908 7 th Ave SE	Garage	L5A, B D, Nelson-Halversen
2019-13	City of Sidney (Chamber)	909 S Central	Sign	Chamber/Kiwanis Park
2019-14	Boys & Girls Club	201 3 rd Ave SE	Remodel	L1-6, B20 Sidney Original
2019-15	Steve Voss	801 2 nd St NE	Add-Carport	L1, B20, Kenoyer Add
2019-16	Sidney High School	121 5 th St SW	Concessions	High School Sub
2019-17	Roger 7 Don Byer	117 E Main St	Remodel	L1, B13, Original Townsite
2019-18	Brian Martin	307 Yellowstone Dr	Fence	L4, B4, JB Subdivision
2019-19	Tony Dodge	503 5 th Ave SE	Fence	L8, B51, Kenoyer Add

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

Meeting was adjourned at 7:36 p.m.

ATTEST:

MAYOR NORBY

CITY CLERK

DATE SIGNED