

March 19th, 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, Koffler, Rasmussen, and Sergent
4. **CORRECTION OR APPROVAL OF MINUTES:**
 - a. **March 8th, 2018 Regular Council Meeting Minutes:** Motion was made to approve the minutes from the March 8th, 2018 regular council meeting by Alderwoman Rasmussen, and seconded by Alderwoman Sergent. After no changes or corrections, all present voted aye.
 - b. **March 8th, 2018 Street and Alley Committee Meeting Minutes:** Motion was made to approve the minutes from the March 8th, 2018 Street and Alley Committee by Alderwoman Christensen, and seconded by Alderwoman Rasmussen. After no changes or corrections, all present voted aye.
 - c. **March 14th, 2018 Park and Recreation Committee Meeting Minutes:** Motion was made to approve the minutes from the March 14th, 2018 Park and Recreation Committee Meeting by Alderwoman Sergent, and seconded by Alderwoman Rasmussen. After no changes or corrections, all present voted aye.
5. **VISITORS:**
 - a. **Howard Conine and Larry Roth-American Tree Service-Solicitors License:** Mr. Conine stated that American Tree Service is looking for approval of a solicitor's license from the City Council, as they had been turned down by the Sidney Police Department. He stated that he is a convicted felon, convicted of deceptive practices, elderly abuse, and meth charges in 2006, but that he has served his time and paid his restitution and fines and is now clean. He stated that they are looking for a chance to do business in Sidney. He stated that Fairview, after initially turning them down based on the Sidney Police Department's background check, have chosen to give them the license, and they have been working in Fairview for the past week. He also provided the City Council with several references for their work done. Mr. Roth stated that he is a 4th generation tree trimmer who knows how to properly trim trees for their health and that they charge fair prices for the work they do, and they are looking for the opportunity to work in Sidney. He further stated that they do have their business license and insurance. Mayor Norby stated that he hopes that they both respect and understand the process, and that the background checks are done to protect the community. Alderwoman Rasmussen thanked them for their candidness, but wondered if it should be sent to committee to review fully. Motion was made to send the American Tree Service solicitors license to the Police and Fire Committee by Alderwoman Christensen, and seconded by Alderwoman Rasmussen. Alderman Smith commended both Mr. Conine and Mr. Roth on their personal achievements, but said that due to other tree trimming businesses being in Sidney, he would have to say no. Mr. Conine stated that part of being in America is the right to free business, and he didn't feel saying no because there was other similar businesses was appropriate. Mayor Norby stated that the purpose of his and the City Council's job is to protect, and although we all have pasts they do affect us. He further stated that he felt to approve the solicitors license once they had failed the background check would be taking on a liability he does not feel would be good for the community. Mr. Conine stated that they are helping the community by spending money here and staying here, even though they have been working in Fairview. He further stated that Missoula County hired them to do tree work at the Court House, and that was the County he was convicted in. Alderwoman Christensen called to question. After no further discussion, all present voted aye. The Police and Fire Committee Meeting was scheduled for March 26th, 2018 at 5pm at the City Hall Council Chambers. Chief DiFonzo stated that they were denied the solicitors license for many reasons, including starting work in Sidney prior to applying for it, and having a situation with a land owner that ended up involving the Police Department. He stated that as a business owner they should know to check local laws before starting work. He also stated that they were denied because they did not complete the entire application, and that putting off paper does not fill out the applications. He further stated that they are not the first ones to be denied for these two reasons, and reiterated that no work is allowed until after the Council officially votes at the April 2nd, 2018 Council meeting.
 - b. **Stacey Netz and Ani Nelson-Richland County Housing Authority-Demolition of Matthew House:** Mrs. Netz stated that it is not the Matthew House that they are looking to tear down, but the HUD 4-plex on 5th St SW and the Domestic Violence House. She stated that HUD has to approve the demolition, but that she is looking for a letter of support from the Mayor for this demolition. She stated that they had done this request previously, and Mayor Smelser wrote the letter of support. She stated that if all is approved, they hope to turn to lot that the 4-plex is on into green space, and the lot that the Domestic Violence House is on to additional secured parking. Motion was made to approve Mayor Norby writing a letter of support for the demolition of the 4-plex on 5th St SW and the Domestic Violence House by Alderwoman Christensen and seconded by Alderman Koffler. In discussion, Alderman Smith asked where Domestic Violence plans to move to, and Mrs. Netz stated that they are looking into moving them into another location provided by RCHA, and they are also looking into other locations, but that they will not need to move out if it is not approved or until absolutely necessary. After no further discussion, all present voted aye.
 - c. **Jordan Mayer-Interstate Engineering**
6. **PUBLIC HEARING: Nothing**
7. **MAYOR NORBY:**
 - a. **Montana Legislature Revenue and Transportation Interim Committee: Distribution of Oil and Natural Gas Production Tax Revenue:** Mayor Norby stated that Alderwoman Christensen, Clerk/Treasurer Redfield and himself attending the Revenue and Transportation Committee on the Oil and Natural Gas distribution. He stated he sat on the panel, and both Alderwoman Christensen and Clerk/Treasurer Redfield testified, Alderwoman Christensen read the letter from Mayor Bieber from Fairview. He further stated that he felt it went very well, and that more conversations and meeting should be happening in the future.
 - b. **Montana State Leadership-City/County/Schools Panel Representation:** Mayor Norby stated that he spoke on a panel with Mayor Bieber, County Commissioner Gorder, and County Superintendent of Schools Staffeson for the Montana Leadership. He stated that it was a lot of fun, and that they had a lot of very good questions. Alderwoman Christensen stated that she also spoke on a business panel, and that she agreed it was a lot of fun with great questions.

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8. COMMITTEE WORK:

a. Street and Alley Committee

i. **BARSAA Resolution:** Alderwoman Christensen stated that the Street and Alley Committee met on March 8th and reviewed the Bridge and Road Safety Accountability Act distribution resolution. She stated that this is the resolution to request the funding from the new and additional gas tax. Alderwoman Christensen made a motion, based on the recommendation of the Street and Alley Committee, to approve the project of the engineering the curb and gutter and some overlay, and to use the Street Maintenance Fund for the 5% match, which is where it was budgeted from. Alderwoman Sergent seconded the motion. In discussion, Alderman Smith asked where the locations of the projects will be, and PWD Hintz stated that the curb and gutter is from West Main Street to 3rd St, replacing the old box curb. After no further discussion, all present voted aye.

b. **Park and Recreation Committee:** Alderwoman Rasmussen stated the Park and Recreation Committee met on March 14th with both the Tiger Sharks Swim Team and Richland County Baseball. She stated that the Tiger Sharks Swim Team asked for permission to have their annual swimming camp from May 28th to the 30th, with the hope of having it in the afternoon, but knowing that the decision on time will need to wait for the Pool Manager to be hired. Alderwoman Rasmussen made a motion, based on the Park and Recreation Committee's recommendation, to approve the Tiger Sharks Swim Team Camp to be at the Svarre Pool from May 28th to 30th, 2018. Alderwoman Christensen seconded the motion, and all present voted aye.

Alderwoman Rasmussen stated that the Tiger Sharks Swim Team has also requested a change in the time schedule for the 2018 season, as they are now aware that the changes made last year did not work well. She stated that they are proposing to have their times in the pool be from Noon to 1:30pm and 4:30pm to 5:25pm, and that the Park and Recreation Committee tentatively approved that change, but will not make an official recommendation until the Pool Manager is hired and can weigh in on the matter.

Alderwoman Rasmussen stated that the Park and Recreation Committee also recommended, from the recommendation of City Clerk/Treasurer Redfield, to keep the swim pass costs the same as the previous year. Alderwoman Rasmussen made a motion to approve keeping the 2018 swim pass costs the same as 2017, and Alderman Koffler seconded the motion. After no further discussion, all present voted aye.

Alderwoman Rasmussen stated that the Park and Recreation Committee also met with Richland County Baseball, and that she felt the meeting was productive and moving in the correct direction. She stated that Richland County Baseball are supposed to attend the May 2018 Park and Recreation Board Meeting to review and sign their 2018 agreement, and the Park and Recreation Committee will continue to look into the funding matters.

9. ALDERMEN REQUESTS AND COMMITTEE REPORTS:

Alderman Smith stated that he had discussed the vehicles and trailers on the City Streets with PWD Hintz and Chief DiFonzo, and that Lieutenant Rosaaen is working on getting them tagged and moved.

10. UNFINISHED BUSINESS: Nothing

11. NEW BUSINESS:

a. **January and February 2018 Fire Call Report:** Mayor Norby stated that the January and February 2018 Fire Call Report is before the City Council. City Clerk/Treasurer Redfield stated that Rural Fire Chief Rasmussen again provided this report for the City Council.

12. CITY PLANNER SANDERSON: Nothing

13. CITY ATTORNEY:

a. **Resolution No. 3770-BARSSA Distribution Request 2018 (Table until April 2nd, 2018 Meeting):** Mayor Norby asked that this resolution be tabled until the April 2nd, 2018 City Council Meeting, to finalize the project addendum. Motion was made to table Resolution No. 3770 by Alderwoman Christensen, and seconded by Alderwoman Rasmussen. After no further discussion, all present voted aye.

b. **Resolution No. 3771-Purchase of Asphalt Distributor Truck:** Mayor Norby read Resolution No. 3771, purchase of asphalt distributor truck, aloud. City Clerk/Treasurer Redfield stated that attached to the resolution is the City Attorney Opinion, as requested by Stockman Bank. Motion was made to approve Resolution No. 3771 by Alderwoman Christensen, and seconded by Alderwoman Rasmussen. After no further discussion, all present voted aye.

14. CHIEF OF POLICE DIFONZO:

a. **Report: Nothing**

b. **Chief of Police City Code 1-20-1 Amendment (Tabled at March 8th, 2018 Meeting):** Motion was made to un-table the Chief of Police City Code 1-20-1 Amendment by Alderwoman Christensen, and seconded by Alderman Smith. After no further discussion, all present voted aye. Chief DiFonzo stated the current City Code for the Chief of Police does not allow for the Chief to live outside of the City limits. He stated that with his retirement, and the cost of housing within the city limits, he fears that this could hinder the hiring of his replacement. He stated that he feels living directly outside the City limits will not hinder the purpose of the job, but that the best solution would be to amend that section to say that the Chief of Police can live outside of the City limits with permission of the City Council. City Clerk/Treasurer Redfield stated that the City Attorney would need to draft a resolution or ordinance to change the current code. Motion was made to approve moving forward with amending City Code 1-20-1 as described by Chief DiFonzo by Alderwoman Christensen, and seconded by Alderwoman Rasmussen. After no further discussion, all present voted aye.

15. PUBLIC WORKS DIRECTOR HINTZ:

a. **Report: Nothing**

b. **MDT East Holly St Agreement:** PWD Hintz stated that this is the standard construction and maintenance agreement for a project with the MDT, and need permission for Mayor Norby to sign. Motion was made to approve the MDT East Holly St Agreement by Alderwoman Christensen, and seconded by Alderman Koffler. After no further discussion, all present voted aye.

c. **MDT East Holly Utility Agreement:** PWD Hintz stated that this is a standard utility agreement for the lowering of the water mains on East Holly. Motion was made to approve the MDT East Holly Utility

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Agreement by Alderman Koffler, and seconded by Alderwoman Rasmussen. After no further discussion, all present voted aye.

- d. **MDT Sidney Urban Routes Agreement:** PWD Hintz stated that this is the standard construction and maintenance agreement for the Sidney Urban Routes Project, the details of which are shown on the map in the agreement. Motion was made to approve the MDT Sidney Urban Routes Agreement by Alderwoman Christensen, and seconded by Alderwoman Rasmussen. After no further discussion, all present voted aye.

16. CITY TREASURER REDFIELD:

- a. **Water/Sewer Bank Transfer- \$ 19,929.94:** City Clerk/Treasurer Redfield stated that the water/sewer bank transfer for this set of claims is \$19,929.94. Motion was made to approve the water/sewer bank transfer of \$19,929.94 by Alderman Smith, and seconded by Alderman Gartner. After no further discussion, all present voted aye.
- b. **Treasurer's Report:** Clerk/Treasurer Redfield stated that while she was doing the balancing, she discovered that the fees charged to the City of Sidney for the credit card machine have changed drastically. She stated that she believes it is due to the amount that the machine is being used, but instead of being charged almost 5% per transaction, which is the amount that the City has been charging the users, the fees are now very minimal and vary depending on card type. She stated that after conversations with Utilities Manager Anderson and herself, Mayor Norby has approved no longer charging a fee for the credit card use, starting April 1st, 2018. She stated that it is their hope that more people will then use the credit cards, and the NSF's will diminish substantially.

17. CITY CLERK REDFIELD: consent agenda

- a. **GENERAL JOURNAL VOUCHERS: e-mailed**
- b. **Claims to be approved: \$ 222,650.52**

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

Meeting was adjourned at 7:46 p.m.

ATTEST:



MAYOR NORBY



CITY CLERK

April 2nd 2018
DATE SIGNED