

February 20th, 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 Sergeant
4. **CORRECTION OR APPROVAL OF MINUTES:**
 - a. **February 5th, 2018 Regular Council Meeting Minutes:** Motion was made to approve the minutes from the February 5th, 2018 regular Council Meeting minutes by Alderwoman Rasmussen, ad seconded by Alderwoman Sergeant. After no changes, all present voted aye.
 - b. **February 12th, 2018 Police and Fire Committee Meeting Minutes:** Motion was made to approve the minutes from the February 12th, 2018 Police and Fire Committee Meeting minutes by Alderman Koffler, and seconded by Alderman Gartner. After no changes, all present voted aye.
 - c. **February 12th, 2018 Water and Sewer Committee Meeting Minutes:** Motion was made to approve the minutes from the February 12th, 2018 Water and Sewer Committee Meeting minutes by Alderman Smith, and seconded by Alderwoman Sergeant. After no changes, all present voted aye.
5. **VISITORS:**
 - a. **Garth Kallevig of Stockman Bank-Letter of Credit for City Bank Accounts:** Mr. Kallevig stated he was coming to the City Council to get approval for a new way to pledge the City of Sidney money. He stated that currently the City of Sidney's money is protected, by law, by pledged securities of Stockman Bank. He stated that now the Federal Home Loan Bank (FHLB), of which Stockman Bank is a part of, provide letters of credit to governmental agencies to further protect their money. He stated that the process is simple, once approval is given, the Stockman Bank will contact the FHLB to get a letter of credit on behalf of the City of Sidney, of which they will issue directly to the City of Sidney which they would hold. He stated that Stockman Bank still has to pledge securities to cover the letter of credit plus an additional 15%, and that the letter of credit is a 2 year agreement that provides an extra layer of protection for the governmental funds. He stated that Stockman Bank will be covering any fees associated with this process, and that should the funds need to be used, they are available immediately. Motion was made to approve moving forward with the letter of credit with the FHLB to further protect the City of Sidney money by Alderwoman Rasmussen, and seconded by Alderman Christensen. After no further discussion, all present voted aye.
 - b. **Lauryn Barnhart and Jeana Barnhart-Girls Scouts-Dog Park:** Ms. Barnhart stated that she was before the City Council to again discuss the dog park she has previously proposed. She stated that since she met with the City Council, she discussed the use of Pleasant wood Park with the FAA, and they presented multiple obstacles. She stated that the park would be in the runway protected zone so nothing could be taller than 5 feet, and that to access the dog park people would have to go through the FAA property. She stated that with these and other obstacles, she does not feel using this park would work. She stated that she would like to now get permission to put the dog park in west edge grass area of South Meadow Park, by the Softball Complex. She provided a handout showing the location of the proposed new park. She stated that there are many benefits of using this location, including being directly by the walking path, and already having fencing along 22nd Ave NW. She also stated that this area is already being widely used as this purpose. Alderwoman Rasmussen stated she would like to applaud Ms. Barnhart's determination and dedication to this project, and that she thinks this would be a good area, but her only concern is balls flying during the games. PWD Hintz stated that the field fences have already been moved back for home runs, and that people using the dog park during softball games would just need to be aware. Motion was made to approve the using the designated area of the South Meadow Park as a dog park by Alderwoman Christensen, and seconded by Alderwoman Rasmussen. Mayor Norby thanked Ms. Barnhart for all her work on this project. After no further discussion, all present voted aye.
 - c. **FFA: Cole Roberts, Emma Torgerson, Samuel Stephenson, and Kyle Topp**
 - d. **Jeff Mead**
 - e. **Jordan Mayer-Interstate Engineering**
 - f. **Laura Gundlach and Casey Hanson-Morrison Maierle**
6. **PUBLIC HEARING:**
7. **MAYOR NORBY:**
 - a. **FFA Week Proclamation:** Mayor Norby read the FFA Week Proclamation out loud, declaring the week of February 17th to the 24th, 2018 FFA Week.
 - b. **MDT Regional Meeting:** Mayor Norby stated that PWD Hintz, UM Anderson and himself attended the MDT Regional Meeting today in Glendive. He provided handouts from the meeting to the City Council, outlining the proposed projects of the MDT in the near future.
8. **COMMITTEE WORK:**
 - a. **Police and Fire Committee**
 - i. **Rural Fire Chief Personal Vehicle Claim:** Alderwoman Sergeant stated the Police and Fire Committee met and discussed the paying of the Rural Fire Chief personal vehicle use of \$350.00 per month. She stated that the County Commissioners had relayed to Mayor Norby that they felt that the City should pay this. Alderwoman Sergeant made a motion, per the recommendation of the Police and Fire Committee, to pay the monthly claim of the personal vehicle use for the Rural Fire Chief of \$350.00. Alderwoman Christensen seconded the motion, and Alderwoman Rasmussen recused herself. After no discussion, all present voted aye. Alderwoman Sergeant stated that in the Police and Fire Committee meeting, they thought that the Rural Fire Chief did not start until the middle of January, but it has since been brought to her attention that he did start the beginning of January. Alderwoman Sergeant made a motion to approve the paying of the full \$350.00 for the January personal vehicle use of the Rural Fire Chief, and Alderman Smith seconded the motion. Alderwoman Rasmussen recused herself. After no discussion, all present voted aye.
 - b. **Water and Sewer Committee**
 - i. **Interstate Engineering Task Order 2:** Alderman Smith stated the Water and Sewer Committee met and discussed Task Order 2 with Interstate Engineering. He stated that the task order is for the engineering of the East Holly water main crossing, which is lowering the water mains. He

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stated that in the meeting, it was stated that the MDT would engineer the lowering of the water mains for free, but that they would be lowering the one section needed with 45 degree angles to reach the desired depth, and that they would prefer to hire Interstate Engineering to make sure it was engineered correctly for the future. Alderman Smith made a motion, based on the recommendation of the Water and Sewer Committee, to approve Task Order 2 with Interstate Engineering, and Alderwoman Christensen seconded the motion. After no further discussion, all present voted aye.

- ii. **Interstate Engineering Task Order 3:** Alderman Smith stated the Water and Sewer Committee met and discussed Task Order 3 with Interstate Engineering, and asked Mr. Mayer to elaborate on this task order. Mr. Mayer stated that the task order is for a water rate study. He stated that Morrison and Maierle are currently working on the sewer rate study, and that the City has stated they wish to have them both completed at the same time. He stated that Task Order 3 also includes Interstate Engineering doing the public hearings for both of the rate increases, should they need to be done, and to do them at the same time. Alderman Smith stated that the Water and Sewer Committee felt having people who live in Sidney be a part of the rate discussions was important, as they will be paying for any increases also. Motion was made to approve Task Order 3 with Interstate Engineering by Alderman Smith, and seconded by Alderman Koffler. After no further discussion, all present voted aye.

9. ALDERMEN REQUESTS AND COMMITTEE REPORTS:

- a. Alderwoman Christensen stated that she attended the Building Committee Meeting of the Boys and Girls Club, and wanted to let everyone know that they will soon be starting the abatement and demolition for the new Boys and Girls Club.
- b. Alderwoman Rasmussen stated that the Park and Recreation Board are meeting tonight, following the City Council Meeting, where they will be working further on the park use agreements.

10. UNFINISHED BUSINESS:

- a. **Kandi Davis-Bagnell RV Park:** Mayor Norby stated that at the previous City Council Meeting, Mrs Davis had come before the City Council with a request, and there was no official decision made, and asked C/T Redfield to summarize the request. C/T Redfield stated that currently the water department count occupied lots in the trailer parks when they are reading meters, and they are then charged a rate per occupied lot. Mrs. Davis was requesting that the City only count occupied trailers, as they have some trailers that are only being stored on their property, and that they would designate unoccupied trailers by posting a sign in their window. UM Anderson stated that with tagging, it is easy to hang the sign when it is not being occupied, but there is no guarantee that it will come down if it becomes occupied, and that the City Staff would have no way of knowing if they are truly not occupied. Motion was made to deny the request of Mrs. Davis, keeping the current policy in place, by Alderman Smith. The motion was seconded by Alderman Koffler. In discussion, PWD Hintz stated that all others that have multiple dwellings pay the base rate plus an additional amount per room, occupied or not. He stated that deviating from the current policy would only be more unfair to the hotels and apartments who are paying regardless of occupancy. Alderwoman Christensen stated that she agreed that it would be too hard to monitor. After no further discussion, all present voted aye.

11. NEW BUSINESS:

- a. **November and December 2017 Fire Calls:** Mayor Norby stated that the City Council has been provided the fire call report for November and December 2017. C/T Redfield apologized for this being left off the agenda at the previous meeting.
- b. **Brandon Mueller Variance:** PWD Hintz stated the Board of Adjustment met and reviewed the variance request of Mr. Mueller. Mr. Mueller stated that since the meeting he has decided to go with a stick built structure with an insulated monolithic slab foundation, but that the proposed building will be taller than his home, but that there are a lot of tall buildings in the area of Deng Homesites Subdivision. Alderman Koffler made a motion to approve the Mueller variance, per the Board of Adjustments recommendation, and Alderwoman Rasmussen seconded the motion. In discussion, Alderwoman Rasmussen asked what the building will be, and Mr. Mueller stated it would be a garage. UM Anderson stated that the variance request was for the height of the garage, as he is asking for it to be 8 feet taller than the house, and City Code states that no accessory building can be taller than the primary structure on the property. Alderman Smith asked if 8 feet was the accurate amount of height variance, and Mr. Mueller stated that he does not want to go taller than necessary, so he may make it shorter than originally planned but that it would be the maximum height variance he would need. After no further discussion, all present voted aye.

12. CITY PLANNER SANDERSON: Nothing

13. CITY ATTORNEY:

- a. **Ordinance #570-Zoning Map and Code Changes-2nd Reading:** Mayor Norby read the second reading of Ordinance 570, zoning map and code changes, out loud. Motion was made to approve the second and final reading of Ordinance 570 by Alderman Smith, and seconded by Alderman Koffler. After no further discussion, voting went as follows:

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

Nays: None

Absent: None

14. CHIEF OF POLICE DIFONZO:

- a. **Report:** Lieutenant Rosaaen stated that he had nothing to report on behalf of Chief DiFonzo.

15. PUBLIC WORKS DIRECTOR HINTZ:

- a. **Report:** PWD Hintz stated that at noon on February 21st, Morrison and Maierle are hosting an open house and lunch at the Waste Water Treatment Plant, to celebrate the completion of Phase 3 and it being up and running. He stated that the Council and City Staff are all invited to attend and see what all has been completed.

Motion was made to un-table the WWTP Response to Change Order #4 by Morrison Maierle and the WWTP Morrison Maierle Amendment #1 to Task Order 7B by Alderman Smith, and seconded by Alderwoman Sergent. All present voted aye.

- b. **WWTP Response to Change Order #4 Letter:** Mr. Hanson of Morrison Maierle provided the City Council a response to the letter PWD Hintz had issued on their request pertaining to Change Order #4. He stated that in the letter PWD Hintz outlined 4 items in the change order that the City did not feel they

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should have to pay for, as they were design issues. He stated that of the 4 items, 2 of them were requested changes by the City of Sidney which were items number 1 and 4. Items number 2 and 3 were conflicts in space. He stated that although Morrison Maierle feels they could deny all 4 items, they are willing to give credit for items number 2 and 3.

- c. **WWTP Morrison Maierle Amendment #1 TO Task Order 7B:** Mr. Hanson stated that this change order has 3 parts. Number 1 is the overtime for the on sight engineer. He stated that this is withheld from the contractor's payments, as they are responsible for time management on sight, so this does increase the contract amount, it will not increase the net cost of the project. Item number 2 is for the additional time needed to complete Phase 3, and item #3 is for the deduction from the change order previously discussed. The total amount amended for the amendment #1 to Task Order 7B is \$41,768.00. Motion was made to approve Amendment #1 to Task Order 7B with Morrison Maierle by Alderwoman Rasmussen, and seconded by Alderwoman Christensen. In discussion, Alderman Smith asked why the design of building was incorrect to not account for space, and Mr. Hanson stated that changes had been made per the DEQ comments, and the drawings did not have the accurate sizing to show the space issues. Mrs. Gundlach further elaborated that they had preselected the UV and Blower systems and the redesign was also necessary to fit with the bid winners, which was then missed on being updated on the drawings in their attempt to get it out to bid on the original schedule. Alderman Smith asked if it was design issues, why the City should be asked to pay for it, and Mr. Hanson stated that Morrison Maierle are giving credit for some of these issues in the Amendment, and to also keep in mind that the design was originally engineered by Murtagh Municipal Engineering and that they quickly took the project over to keep it on the original schedule. Alderwoman Rasmussen asked where the funds for the Amendment would be coming from, and Mrs. Gundlach stated that the contingent money would be paying for this, and that the project is approximately \$800,000 under so there is more than enough to cover it and still be way under project. After no further discussion, all present voted aye.
- d. **Bike Path Project:** Mr. Mead of the City of Sidney Park's Department informed the City Council that they are going to be having a bike work shop instead of an auction to get rid of the bikes that the City has accumulated. He stated that there are at least a hundred bikes, and with the Boys and Girls Club possibly not having summer sessions, they thought having a work shop where kids can build their own bikes to get to and from the Library and Pool this summer would be a great idea. He stated that they want to have the work shop on May 12th at the old police station parking lot and lawn, but have not gotten the chance to ask the County Commissioners for permission to use their property. He also stated that they are working with the Library who will be including bike building in one of their programs and be advertising for it. He said it will be a donation and free will drive work shop, and that they would also like to work with the City Public Works on Earth Day to get more unused bikes around the community.

16. CITY TREASURER REDFIELD:

- a. **Water/Sewer Bank Transfer- \$ 96,541.05:** C/T Redfield stated the water/sewer bank transfer is \$96,541.05, and that this does include the January 2018 water and sewer payroll. Motion was made to approve the water/sewer bank transfer of \$96,541.05 by Alderwoman Rasmussen, and seconded by Alderwoman Sergeant. After no discussion, all present voted aye.
- b. **Treasurer's Report January 2018:** C/T Redfield stated that the issues with the PERS submission was corrected on their end, so she was able to complete the January payroll and give the January 2018 complete report, which she provided to the City Council.
- c. **House Bill 473/BARSAA Training:** C/T Redfield stated that the MDT and Montana League of Cities and Towns are offering BARSAA web training, which is for the new gas tax funds, which the City has to submit similar to grants to receive. She stated they are having two trainings, one on February 21st from 9:30am to 11:30am, of which she is registered, and one on February 26th from 12:30pm to 2:30pm, which PWD Hintz and Deputy Clerk/Treasurer Messer will be attending. She invited anyone who is interested to attend with either one.

17. CITY CLERK REDFIELD: consent agenda

- a. **Call for Park and Recreation Committee: Svarre Pool and Richland County Baseball:** C/T Redfield stated that there needs to be a Park and Recreation Committee Meeting to discuss the 2018 seasons to the Svarre Pool and Richland County Baseball. Alderwoman Rasmussen stated they would schedule it as quickly as possible.
- b. **Call for Street and Alley Committee: Snow Removal District:** C/T Redfield stated that the Street and Alley Committee need to meet to further discussed the proposed snow removal district. She stated that this Committee has the same members of the Budget and Finance, so she would like to schedule it to come directly after the already scheduled Budget and Finance Committee on Monday February 26th at 5:00pm, where they are finishing the City Attorney interviews. It was the general consensus to schedule this meeting at that time.
- c. **GENERAL JOURNAL VOUCHERS: e-mailed**
- d. **Claims to be approved: \$ 102,597.51**

No Building Permits to be approved at this time.

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

Meeting was adjourned at 7:34 p.m.

ATTEST:


MAYOR NORBY


CITY CLERK

March 8th 2018
DATE SIGNED