

January 2nd, 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. **OATH'S OF OFFICE:**
 - a. **Mayor Norby, Alderwoman Sergent, Alderwoman Rasmussen, and Alderman Koffler:** City Clerk/Treasurer issued the Oath of Office to Mayor Norby, Alderwoman Sergent, Alderwoman Rasmussen, and Alderman Koffler for their newly elected terms, all starting January 1st, 2018 and ending December 31st, 2021.
5. **CORRECTION OR APPROVAL OF MINUTES:**
 - a. **December 18th, 2017 Regular Council Meeting Minutes:** Motion was made to approve the minutes from the December 18th, 2017 regular Council Meeting by Alderwoman Sergent, and seconded by Alderwoman Rasmussen. After no discussion, all present voted aye.
 - b. **December 27th, 2017 Budget and Finance Committee Meeting Minutes:** Motion was made to approve the minutes from the December 27th, 2017 Budget and Finance Committee by Alderwoman Christensen, and seconded by Alderwoman Sergent. After no discussion, all present voted aye.
6. **VISITORS:**
 - a. **Building Inspector Hillesland-2017 Yearly Report:** Mayor Norby presented Building Inspector Hillesland with a clock and gift from the City of Sidney for his retirement after approximately 24 years of service, and thanked him greatly for his service and his relationships with all at the City. Mayor Norby further stated that Mr. Hillesland will be greatly missed. Mr. Hillesland stated that he enjoyed his time, and that it did not feel like work he enjoyed it so much. Mr. Hillesland proved the City Council with his final yearly report for the building department in 2017. He also provided the City Council with a list of the value of the permits since 1994 when he began, which shows a huge increase in 2013 and 2014. The City Council also thanked Mr. Hillesland for his service to the City of Sidney.
 - b. **Sidney Health Center-waive of Building Permit Penalties-Mark Delany, Jennifer Doty and Theresa Livers:** Mr. Delany stated that Sidney Health Center (SHC) submitted to the City of Sidney the drawings/specs of the remodel at the end of October, on November 3rd they received the estimate for the permitting and plan review fees of \$8,437.00 when they submitted the plans for review, of which they submitted a check for. He stated that the permit had not been issued when they started demolition last week, and was contacted by Greg Anderson to stop all work until the permit was issued. He stated that it was an accidental oversight that they did not have the permit, and that all parties assumed the permit had been attained. Mr. Delany further stated that because it was an accident and the services that SHC provides to the community, they are asking that the penalties for starting demolition prior to the permit be waived, and that the permit cost be what was given at estimate, not the proposed increased fees. UM Anderson stated that the City Code allows for the penalties to be up to \$500 per day until the permit is obtained, and that it was at the request of City Attorney Crosby that work be stopped until the permit is issued. He further stated that since the work has stopped, Mr. Harlan has completed the plan review, so the permit can now be issued, as there was no issues found with the plan review. Alderman Smith asked if it is common for a plan review to take a month, and UM Anderson stated that with it being a complex review of remodel plans for a hospital, a month is a normal length of time. UM Anderson was asked if he saw any issue with waiving the penalties, and he stated that that because it was an accidental oversight, he sees no issue if the Council decides to waive the penalties. Alderwoman Christensen made a motion to waive the building penalties for the SHC commencing demolition prior to permitting, and Alderman Koffler seconded the motion. All present voted aye. Alderman Koffler stated that he felt the permit fees should be the amount as of when they applied and not the higher rate being approved tonight, and a made a motion to approve the SHC paying the \$8,437.00 in permit fees. Alderman Smith seconded the motion, and all present voted aye.
7. **PUBLIC HEARING:**
8. **MAYOR NORBY:**
 - a. **2017 Review:** Mayor Norby stated that he is thankful for the City Council, and that the 3 Aldermen were reelected to the City Council and that he also was reelected. He stated that 2017 was a long year, and that it brought many things, including being almost done with Phase 2 of the Lagoon. He stated the wanted to thank all employees and citizens.
 - b. **Planning Board Open Position:** Mayor Norby stated that the position for the Planning Board is still vacant. He also stated that Jeremy Norby has resigned from the Park and Recreation Board, so that position is also vacant. He stated that anyone interested in either of those positions should contact City Hall.
 - c. **Re-appoint Helen Schmitt to District 2 Drug and Alcohol:** Mayor Norby stated that Helen Schmitt has requested to be reappointed to the board of the District 2 Drug and Alcohol. Motion was made to approve the reappointment of Helen Schmitt to District 2 Drug and Alcohol Board by Alderwoman Rasmussen, and seconded by Alderwoman Sergent. After no further discussion, all present voted aye.
9. **COMMITTEE WORK:**
 - a. **Budget and Finance Committee:** Alderwoman Sergent stated the Budget and Finance met with City Attorney Crosby and Kyle Harlan and reviewed his contract for services to the City Building Inspector and Plan Reviewer, which is on the agenda for approval.
 - i. **Jordan Crosby-Interim City Attorney Contract:** Alderwoman Sergent stated the Budget and Finance Committee met and reviewed the contract of services with Jordan Crosby for the City Attorney and recommended approval. Alderwoman Sergent made a motion to approve the City Attorney contract with Jordan Crosby of Ugrin, Alexander, Zadick, and Alderwoman Christensen seconded the motion. In discussion, Alderwoman Rasmussen asked if this was full time, or still interim, and Alderwoman Sergent stated she will be full time for now, but we are still looking for a City Attorney. Mayor Norby stated that she has done a great job. After no further discussion, all present voted aye.

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- ii. **City Attorney October 2017 billing:** Alderwoman Sergent stated that the Budget and Finance reviewed the City Attorney October 2017 billing from Jordan Crosby, as it was higher than the contracted \$3,500. She stated that the City had a lot of things going on that they needed her immediate attention, and that they were in contact with her almost daily. She further stated that the Budget and Finance Committee recommended approval of the payment of \$6,207.50. Alderwoman Sergent made a motion to approve the payment of the October 2017 billing for the City Attorney Services of Jordan Crosby for \$6,207.50, and Alderman Gartner seconded the motion. In discussion, Alderman Smith asked if this approval was only for this time, as the contract says \$3,500 per month, and Alderwoman Sergent stated that it was. Alderman Smith asked if this was going to happen again, and Mayor Norby stated that it could, but that the work was justified. Alderwoman Rasmussen stated that the City had to pay Netzer Law Office more before also. After no further discussion, all present voted aye.

10. ALDERMEN REQUESTS AND COMMITTEE REPORTS: Nothing

11. UNFINISHED BUSINESS: Nothing

12. NEW BUSINESS:

- a. **Elect Council President:** Alderwoman Rasmussen made a motion to reelect Alderwoman Christensen as City Council President, and Alderwoman Rasmussen seconded the motion. After no discussion, all present voted aye. Alderwoman Christensen thanked the Council for electing her president, and handed out the proposed changes to the committee assignments. She stated that the Committees will be voted on at the next Council meeting, so if anyone has any requests for changes to let her know. Mayor Norby thanked Alderwoman Christensen for all of the extra work she does as Council President, including reviewing claims, signing checks, and much more.

13. CITY PLANNER SANDERSON: Nothing

14. CITY ATTORNEY:

- a. **Snow Removal District:** City Clerk/Treasurer Redfield stated that she would like to recommend that this be sent to committee so that Andy Newcomer, the Attorney who has assisted City Attorney Crosby on this matter, can be present via phone to answer any questions. Alderwoman Christensen made a motion to send the Snow Removal District to the Street and Alley Committee, and Alderwoman Rasmussen seconded the motion. After no discussion, all present voted aye. City Clerk/Treasurer Redfield stated that Mr. Newcomer and City Attorney Crosby have also issued their opinion for the 24 month rule for impact and connection fees, and that this will also be on the Street and Alley Committee agenda for review.
- b. **Resolution 3767-Building Permit Fee Schedule Update:** Mayor Norby read Resolution 3767, updating the building permit fee schedule out loud. Motion was made to approve Resolution 3767 by Alderwoman Rasmussen, and seconded by Alderwoman Christensen. After no further discussion, all present voted aye.
- c. **Building Inspector Contract with Kyle Harlan:** Motion was made to approve the contract of services with Kyle Harlan for the Building Inspector and Plan Reviewer by Alderwoman Christensen, and seconded by Alderwoman Rasmussen. After no further discussion, all present voted aye.

15. CHIEF OF POLICE DIFONZO:

- a. **Report December 2017:** Chief DiFonzo stated that he will have his December 2017 report and 2017 yearly report at the next City Council meeting. He asked the City Council to approve the resignation of Gregory Brooks from the Sidney Police Department. He stated that Officer Brooks had already been through the academy prior to employment with the City of Sidney, and is now planning to move to Watford City, and his resignation was as of December 23rd, 2017. Motion was made to approve the resignation of Gregory Brooks from the Sidney Police Department by Alderwoman Christensen, and seconded by Alderwoman Sergent. After no further discussion, all present voted aye.

16. PUBLIC WORKS DIRECTOR HINTZ:

- a. **Report December 2017:** PWD Hintz proved his monthly report for December of 2017. He pointed out that the snow hauled this December was substantially less than the amount of snow hauled in December 2016.
- b. **WWTP Phase 2 Change Order #4:** PWD Hintz stated that he is recommending approval of the Change order #4 for WWTP Phase 2, with conditions. He stated that the air intake piping changes and possibly changes to the mass air flow meters are because of design errors, that he and Utilities Manager Anderson do not feel the City should be responsible for, the cost being approximately \$17,000.00. He further stated that the draw and change order need to be approved due to Montana Stated payment laws, but that he would like to write the engineers a letter stating that they should be responsible for these parts of the change order and issue the City of Sidney a refund. Motion was made to approve the WWTP Phase 2 Change Order #4 with the condition that PWD Hintz issue the engineers a letter outlining that the City is not responsible for design errors and therefore not responsible for the intake piping changes and possibly changes to the mass air flow meters. Alderwoman Rasmussen seconded the motion, and after no further discussion, all present voted aye.
- c. **WWTP Phase 2 Draw #15 for \$305,860.17:** Motion was made to approve the WWTP Phase 2 draw request #15 for \$305,860.17 by Alderman Koffler, and seconded by Alderwoman Sergent. After no discussion, all present voted aye.

17. FIRE MARSHAL GILBERT: Nothing

18. CITY TREASURER:

- a. **Water/Sewer Bank Transfer- \$66,722.93:** City Clerk/Treasurer Redfield stated that the water/sewer bank transfer for this agenda does include the December 2017 payroll. Motion was made to approve the water/sewer bank transfer of \$66,722.93 by Alderman Smith, and seconded by Alderman Gartner. After no discussion, all present voted aye.
- b. **Treasurer's Report December 2017:** City Clerk/Treasurer Redfield provided the City Council with the Treasurer's Report for December 2017.

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19. CITY CLERK REDFIELD: consent agenda

- a. **GENERAL JOURNAL VOUCHERS: e-mailed**
- b. **Claims to be approved: \$ 25,273.37**

City Clerk/Treasurer Redfield thanked Alderwoman Christensen for reviewing the claims. She stated in the review of the claims it was discovered that 2 claims had not been posted for a total of \$666.79, so the total claims to be approved would be \$25,940.16.

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| 2018-46 | City of Sidney | 1105 3 rd St NW | Dividing Wall | L4A, Richland Minor |
| 2018-47 | Steve Meagher | 501 N Central | Shed/Fence | L3, B1, North Central |

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

Meeting was adjourned at 7:05 p.m.

ATTEST:


MAYOR NORBY


CITY CLERK

January 16th 2018
DATE SIGNED