

August 7th, 2017

1. **CALL TO ORDER:** The regular meeting of the Sidney City Council was called to order 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, Christensen, Smith, Gartner
4. **CORRECTION OR APPROVAL OF MINUTES:**
 - a. **July 17th, 2017 Regular Council Meeting Minutes:** Motion was made to approve the minutes from the July 17th, 2017 regular council meeting by Alderwoman Sergent, and was seconded by Alderman Koffler. After no discussion, all present voted aye.
 - b. **July 24th, 2017 Water and Sewer Committee Meeting Minutes:** Alderman Smith stated that he has a correction on the minutes, in the last paragraph of the Rick Partin meter situation, the recommendation should state that he has the option of hooking his lawn system to his house meter, or he can install a lawn meter but impact and hook-up fees would need to be paid and the bill would be reduced in either situation to the normal rate and not the bulk rate. Motion was made to approve the minutes from the July 24th, 2017 water and sewer committee meeting with the correction as stated by Alderman Smith by Alderman Smith, and seconded by Alderman Koffler. After no further discussion, all present voted aye.
 - c. **July 24th, 2017 Park and Recreation Committee Meeting Minutes:** Motion was made to approve the minutes from the July 24th, 2017 park and recreation committee meeting by Alderwoman Rasmussen and seconded by Alderwoman Christensen. After no discussion, all present voted aye.
 - d. **July 31st, 2017 Budget and Finance Committee Meeting Minutes:** Motion was made to approve the minutes from the July 31st, 2017 budget and finance committee meeting by Alderwoman Christensen and seconded by Alderwoman Sergent. After no discussion, all present voted aye.
5. **VISITORS:**
 - a. **Hannah Frye-Meadowlark Public House-Oktoberfest:** Mrs. Frye stated that the Meadowlark Public House would like to hold their Oktoberfest for the second year in the parking lot behind the Meadowlark. Chief DiFonzo stated that he had no issues with the event or the location, but would like to see more detailed plans prior to the event. Motion was made to approve the Oktoberfest celebration in the parking lot behind the Meadowlark Public House by Alderwoman Christensen, and Alderwoman Rasmussen seconded the motion. After no further discussion, all present voted aye.
 - b. **Jaylee Berg-Polar Plunge at Fire Hall parking lot:** Mrs. Berg stated that they would like permission to use the parking lot behind the old Fire Hall and City Hall for the polar plunge during the parade of lights celebration in November. She further stated that they would like to use the bathroom facilities at the fire hall. Alderwoman Christensen stated that the fire hall should be empty at that point, but they may still have equipment in the building that may prevent the use of the bathroom facilities. Mayor Norby stated it may be a better idea to have them use the City Hall restrooms, and City Clerk/Treasurer Redfield stated that there would be no issue of opening the restroom facilities, but that a staff member should be present at City Hall during that time. Motion was made to approve the polar plunge event to be held in the parking lot behind the old Fire Hall and City Hall during the parade of lights celebration in November 2017 by Alderwoman Christensen, and seconded by Alderwoman Rasmussen. After no further discussion, all present voted aye.
 - c. **Brandie Azure-South Meadow Softball Park: did not attend**
 - d. **Bo Kindopp-LYREC**
 - e. **Joyce Shultz**
 - f. **Deb Gilbert**
 - g. **Quinn Schwartz**
6. **PUBLIC HEARING: Nothing**
7. **MAYOR NORBY:**
 - a. **MLCT and MMIA Regional Training-attended on August 2nd, 2017:** Mayor Norby stated that he and City Clerk/Treasurer Redfield attended the MLCT and MMIA regional training in Wolf Point and that it was a very good training where they learned a lot of information.
 - b. **Mayor Debate-August 10th, 2017 at Elks:** Mayor Norby announced that the Young Professionals Group is hosting a Mayors Debate on August 10th, 2017 at the Elks, open to the public at 7pm.
 - c. **Victim Witness Surcharge Allocation Opinion Letter from City Attorney:** Mayor Norby asked the Council to approve tabling the Victim Witness Surcharge Allocation until the August 21st, 2017 Council Meeting as Helen Schmidt was not able to attend the meeting tonight to be available for discussion. Motion was made to approve the tabling of the Victim Witness Surcharge Allocation until the August 21st, 2017 council meeting by Alderwoman Rasmussen and seconded by Alderwoman Christensen. After no further discussion, all present voted aye.
8. **COMMITTEE WORK:**
 - a. **Water and Sewer Committee**
 - i. **Rick Partin water hook-up:** Alderman Smith stated that the water and sewer committee met to discuss Mr. Partin connecting to city water for his lawn meter, but Mr. Partin did not attend the meeting. He stated that the committee found a couple solutions that works for the City, which are hooking his lawn system up to his house meter and having his lawn bill reduced from approximately \$945 to \$198, or to have a separate meter installed and the valve corrected and to pay impact and hook-up fees, with the bill still being reduced. He stated that until Mr. Partin contacts the City as to which solution is best for him, there is no action to take.
 - ii. **Sewer Main rehab for FY17-18:** Alderman Smith stated that the water and sewer committee meeting met and discussed the sewer main rehab of 6 blocks, possibly more, and to use \$400,000 in sewer cash to do the project. PWD Hintz stated that it has been discovered via cameraing with the new sewer equipment that the sewer mains are in very bad shape, and that Toni Hanson of Hanson Independent h purchased the equipment to do the DIPP sewer lining, but still needs to do a certain amount of training hours to become certified in running the equipment. Mr. Hanson has agreed to do the CIPP lining on the 6 blocks for his training, which would mean a discount of 25% for the project on materials. Alderman Smith made the motion per the recommendation of the water and sewer committee to approve the addition of \$400,000 to the sewer budget to pay for the CIPP lining of the sewer mains in the FY17-18 budget and to have Hanson Independent do the project. Alderman Koffler seconded the motion. In discussion

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Alderwoman Rasmussen asked if there would be on sight oversight during the training, and PWD Hintz stated that there would be 3 factory representatives helping with the project and that the City will be assisting on the project including clean-up. After no further discussion, all present voted aye.

b. Park and Recreation Committee

- i. Park Agreements:** Alderwoman Rasmussen stated the park and recreation committee met and discussed the agreements for use of the parks. She stated that the agreements need to be reigned in and that the park and recreation committee should take over the agreements for the entities the City pays out. She further stated that she will be taking this discussion before the park and recreation board at the next meeting. PWD Hintz stated that out of 8 to 9 agreements that were sent out, only 2 were returned this year from baseball and the Tiger Sharks Swim Team, both of which were just turned in in the last couple weeks. Alderwoman Rasmussen stated that the main objective is to get a better system for protecting the City.
- ii. Joyce Schultz-Lights in Quilling's Park:** Alderwoman Rasmussen stated the park and recreation committee met and discussed the lights in Quilling's Park, per the complaint issued by Joyce Shultz. She stated the original recommendation was to point the lights down and change the timer. Since the meeting, she stated that she went to Quilling's Park after 9pm and the lights are brightly shining directly towards Mrs. Schultz's home. After investigating the matter further, Alderwoman Rasmussen stated she would like to see the lights have a manual shut-off in place of the time and not see the lights used unless for events. Motion was made to approve turning the new LED lights at Quilling's Park off unless there is an event and the looking into of having a manual shut off on the lights by Alderwoman Rasmussen, and the motion was seconded by Alderwoman Sergent. In discussion, Alderman Smith asked if the lights had been point downward, and PWD Hintz stated that they had been and that equipment had to be borrowed to do so. After no further discussion, all present voted aye.

c. Budget and Finance Committee

- i. Acceptance of resignation of Netzer Law Office as City Attorney:** Alderwoman Sergent stated the budget and finance committee met and discussed the resignation of Netzer Law Office, but due to new information would like to turn the item over to Mayor Norby. Mayor Norby stated that due to receiving new information via e-mail from Deputy County Attorney Tom Halvorson, which was forwarded from Betsy Brandberg of the State Bar Association, he would like to recommend that the City Council approve the resignation of Netzer Law Office, to be effective immediately, but that they do not accept any statements made within their letter of resignation. Alderman Smith made a motion to approve the resignation of Netzer Law Office as the City Attorney for the City of Sidney, to be effective immediately, but not to accept any statements made within their letter of resignation. Alderwoman Christensen seconded the motion, and after no further discussion, all present voted aye.
- ii. Approval of hire of Jordan Crosby (Ugrin, Alexander, Zadick, PC) as interim City Attorney:** Alderwoman Sergent stated that the budget and finance committee met and reviewed the two proposed interim City Attorney proposals, from Bill Hunt and Jordan Crosby. She stated that after reviewing it was the recommendation of the budget and finance committee to hire Jordan Crosby of Ugrin Alexander Zadic, PC as the interim City Attorney, and that her contact is on the agenda for discussion and approval.
- iii. Approval of moving forward with Request for Qualification process for City Attorney:** Alderwoman Sergent stated the budget and finance committee met and reviewed the Request for Qualifications (RFQ) for the hiring of a new city attorney. Alderwoman Sergent made a motion to move forward with the RFQ process for hiring a new city attorney, and Alderwoman Christensen seconded the motion. After no further discussion, all present voted aye.

9. ALDERMEN REQUESTS AND COMMITTEE REPORTS: Nothing

10. UNFINISHED BUSINESS: Nothing

11. NEW BUSINESS:

- a. Jordan Crosby of Ugrin, Alexander, Zadick PC-approval of contract for interim City Attorney:** Mayor Norby asked City Clerk/Treasurer to outline the proposed contract for interim City Attorney with Jordan Crosby of Ugrin Alexander Zadick, PC. City Clerk/Treasurer Redfield stated that this is a basic city attorney contract, and that it is an hourly contract of \$175/hour for partner time, \$155/hour for associate time, and \$100/hour for paralegal time, and that there is a not to exceed \$3,500 clause in the contract. She stated that the scope of work is the basic city attorney work, and that the termination section of the contract states that with 15 day written notice, the City may terminate its contract with them for multiple reasons, one of which being the hiring of the full time City Attorney. Motion was made to approve the interim city attorney contract with Jordan Crosby or Ugrin Alexander Zadick PC by Alderwoman Sergent, and was seconded by Alderwoman Christensen. After no further discussion, all present voted aye.
- b. Lower Yellowstone REA Electric Line Right-of-Way Easement for Waste Water Treatment Plant:** Mr. Kindopp of LYREC stated that this easement is for the new and upgraded services for the lagoon, and that this easement is similar to other service easements for lagoon. He stated that the easement runs on the south side of the field north of the lagoon. UM Anderson stated that the services are for the new buildings in phases 2 and 3 of the WWTP and that the easement runs parallel to the lateral on the south side of the field. Motion was made to approve the Lower Yellowstone REC Electric Line Right-of-Way Easement for the Waste Water Treatment Plant by Alderman Smith, and seconded by Alderwoman Rasmussen. After no further discussion, all present voted aye.

12. CITY PLANNER SANDERSON:

- a. Report: Nothing**
- b. Doty Amended Plat:** PWD Hintz stated that City Planner Sanderson has recommended approval of the amended plat with no issues or conditions. Motion was made to approve the Doty Amended Plat by Alderwoman Sergent and seconded by Alderwoman Christensen. In discussion, Alderwoman

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Christensen asked for more details as to what the amended plat is for. City Clerk/Treasurer Redfield stated it was a lot aggregation of lots 7 and 8 of Block 2 of the Hilltop Enterprises Subdivision. UM Anderson stated that the house structure was built crossing the lot lines, so they are wanting to turn the 2 lots into 1. After no further discussion, all present voted aye.

13. CITY ATTORNEY: Nothing

14. CHIEF OF POLICE DIFONZO:

- a. **Report:** Chief DiFonzo presented his monthly report for July of 2017. He stated that on September 29th there will be an event in the Reynold's Parking lot, and that he is waiting on the specifics of the events. He further stated that he felt the fair went well and that there was no large issues that he is aware of. He stated that although the Sidney Police Department does not run security for the fair, they do assist if needed.

15. PUBLIC WORKS DIRECTOR HINTZ:

- a. **Report for July 2017:** PWD Hintz provided his monthly report for July of 2017, and stated that there has been work on street overlaying. He further stated that WWTP P2 is moving along and that the foundation for the building is nearly complete, the ponds have been constructed and the liners will be installed this tated that a construction meeting is going to be on Wednesday to discuss phase 2 of the all are invited to attend. PWD Hintz further stated that the North Central Frontage Road nearly complete, and that there will probably only be one more pay application after the ht's.
- b. **TA Project (Bike Path Extension)-Agreement Modification:** PWD Hintz stated that the Transportation Alternative Bike Path Extension on 14th St that was approved about a year ago by the City Council has an agreement modification that has changed the funding so the City will no longer be required to have the local match money, that the MDT will cover the match as it is on their route. Motion was made to approve the agreement modification for the TA Project Bike Path Extension by Alderwoman Rasmussen, and seconded by Alderman Koffler. After no further discussion, all present voted aye.
- c. WWTP draw number 10 totaling 0 for \$356,543.31 by Alderman I present voted aye.
- d. tz asked for approval of the North 26.10. Motion was made by Alderman Smith to approve the North Central Water Project Draw for \$156,526.10, and Alderwoman Sergent seconded the motion. After no discussion, all present voted aye.
- e. **WWTP Change Order #3: No-cost change order to add to scope of work for area restoration:** PWD Hintz asked for approval of the Waste Water Treatment Plant change order number 3 that is a no cost change order that increases the scope of work for area restoration. Motion was made to approve the WWTP change order #3 by Alderwoman Christensen, and seconded by Alderwoman Rasmussen. After no further discussion, all present voted aye.

16. FIRE MARSHAL GILBERT: Nothing

17. CITY TREASURER:

- a. **Printing of Employee Handbook-Boss Quote:** City Clerk/Treasurer stated that she received a quote from Boss for the printing of the new employee handbook. She stated that with paper cost and having to pay per page for printing on the city hall printer, it is more cost effective and time effective to have Boss print the 50 copies of the employee handbook for approximately \$325. She stated that the binding will be done in office if approved. Motion was made to approve the use of Boss for the printing of the new employee handbook by Alderman Smith. Alderwoman Rasmussen seconded the motion, and all present voted aye.
- b. **Bank Transfer of \$255,821.06:** City Clerk/Treasurer Redfield stated that the water and sewer bank transfer for this set of claims is \$255,821.06. She stated that this number is inflated from the claims to be approved because of the project payments that are approved separately from the claims. Motion was made to approve the transfer of \$255,821.06 from the water and sewer bank account by Alderwoman Sergent, and seconded by Alderwoman Christensen. After no further discussion, all present voted aye.

18. CITY CLERK REDFIELD: consent agenda

- a. **GENERAL JOURNAL VOUCHERS:** e-mailed
- b. **Claims to be approved:** \$ 290,446.20 + \$93,535.37 = \$383,981.57

City Clerk/Treasurer Redfield stated that there were some last minutes claims that needed to be added to the agenda from the fire department and the property and liability payments to MMIA, totaling \$93,535.37. She further stated that Alderwoman Christensen did review these new claims.

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| 2018-10 | Mike Vaira | 2304 3 rd St NW | Addition to Deck | L1, Hilltop Enterprises P1 |
| 2018-11 | Walter McNutt | 304 Yellowstone Dr | Shed | L3, B3, JD Subdivision |
| 2018-12 | Walter McNutt | 405 Yellowstone Dr | Shed | L8, B4, JD Subdivision |
| 2018-13 | Randy Jones | 1101 Sunflower Lane | Garage | L7, B4, North Meadow Village |
| 2018-14 | Charlotte Dore | 702 2 nd Ave SE | Fence | L1&2, B75, Kenoyer |
| 2018-15 | Kelly Properties | 606 35 th Ave NW | Manf. Home | L19, B9, Wagon Wheel Village |
| 2018-16 | Gem City Motors | 703 South Central | Remodel | L1, B2, South Park Subdivision |
| 2018-17 | Thomas Ortloss | 173 Miller Street | Interior Remodel | L-A,B,C,D of Dashner |
| 2018-18 | Walt McNutt | 601 Yellowstone | Shed | L24, BI, JD Subdivision |

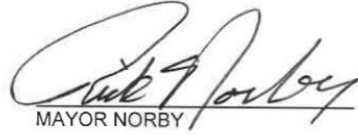
A motion to approve the consent agenda was made by Alderman Koffler and seconded by Alderman Gartner. After no discussion, all council voted aye.

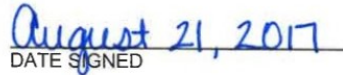
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Meeting was adjourned at 7:10 p.m.

ATTEST:


CITY CLERK


MAYOR NORBY


DATE SIGNED