

# March 7, 2016

1. **CALL TO ORDER:** The regular meeting of the Sidney City Council was called to order by Mayor Rick Norby at 6:30 pm.
2. **PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was stated by all present.
3. **ALDERMEN PRESENT:** Sergeant, Gilbert, Koffler, Gartner, Smith, and Christensen
4. **CORRECTION OR APPROVAL OF MINUTES:**
  - a. **February 16th, 2016:** Motion was made to approve the Minutes from the February 16<sup>th</sup>, 2016 regular council meeting by Alderman Smith and seconded by Alderman Koffler. All council present voted aye.
5. **VISITORS:**
  - a. **Carlina Quintero:** Ms. Quintero stated she is training with Murtagh Municipal Engineering and Patrick Murtagh and is helping to work on the Sidney Lagoon project.
6. **PUBLIC HEARING: Nothing**
7. **MAYOR NORBY:**
  - a. **Reappointment of Zoning Board: David Seitz, Justin Jones, and Jeff Hintz (1 term ending 5-31-17):** City Clerk Redfield stated that it was discovered that the Board of Adjustment and Zoning had 3 members, David Seitz, Justin Jones, and Jeff Hintz, whose appointments had expired on 5-31-14, and that they are 3 year terms. She stated that all three members asked for reappointment, but because their reappointment would be retro back to 5-31-14, their term would expire 5-31-17. Motion was made to approve the reappointment of David Seitz, Justin Jones, and Jeff Hintz to the Board of Adjustment and Zoning for a 3 year term expiring 5-31-17 by Alderwoman Gilbert and seconded by Alderman Smith. All present voted aye.
  - b. **Reappointment of Park Board: Jeff Mead, George Biebl, Mary Pfau, Larry Christensen (2 terms ending 4-30-20) Jim Stoner, Blinda Larson (1 term ending 4-30-16):** City Clerk Redfield stated that it was also discovered that multiple members of the Park and Rec Board's terms had expired on April 30, 2012 and that these are 4 year terms. Clerk Redfield also stated that she contacted the Board members and that Jeff Mead, George Biebl, Mary Pfau, and Larry Christensen have agreed to finish the current term, which they would have to be retro-actively reappointed to, and to another term which would end 4-30-20. Clerk Redfield stated and Blinda Larson and Jim Stoner would only like to be retro-actively reappointed to their term, which would end on 4-30-16, which would open 2 spots on the Board after that date. Motion was made to retro-actively reappoint Jeff Mead, George Biebl, Mary Pfau, Larry Christensen, Blinda Larson and Jim Stoner to the Park and Rec Board, term ending 4-30-16, and to reappoint Jeff Mead, George Biebl, Mary Pfau, and Larry Christensen to another term ending 4-30-20 by Alderwoman Gilbert and seconded by Alderman Smith. Voting went as follows:  
Ayes: 5  
Nays: 0
8. **COMMITTEE WORK: Nothing**
9. **ALDERMEN REQUESTS AND COMMITTEE REPORTS:**
  - a. Alderwoman Gilbert stated that the rules for the recreational use of the City Parks were reviewed by the Park and Recreation Advisory Board, and given to City Attorney Krauter for review. Alderwoman Gilbert made a motion to approve the Park Use Agreements including specific agreements for special entities, and Alderman Gartner seconded the motion. All Council present voted aye.
10. **UNFINISHED BUSINESS:**
  - a. **Resolution 3722-SID 104 Boundary Line Relocation for Mayo Subdivision, and Hilltop Enterprises Phase II and IV-Tabled Settlement Agreement-Litigation with Coleman Construction-Un-tabled:** Motion was made to un-table the Settlement Agreement for the litigation with Coleman Construction by Alderman Koffler, and seconded by Alderwoman Christensen. City Attorney Krauter stated that the City received the updated settlement agreement with the changes as discussed by the council in the previous closed session, and that should the Council have any questions pertaining the revised settlement agreement, the meeting would have to be closed. Mayor Norby asked the Council if they would like to close the session, and all agreed no. Motion was made to approve the Settlement Agreement for the Litigation with Coleman Construction by Alderwoman Gilbert, and seconded by Alderwoman Christensen. All council present voted aye.
  - c. **City/County Memorandum of Understanding for Sage Court Housing-Un-tabled:** Motion was made to un-table the City/County Memorandum of Understanding for the Sage Court Housing by Alderman Smith and seconded by Alderwoman Sergeant. All Council present voted aye. City Attorney Krauter stated that he worked with the County Attorney to get the language and specifics ironed out and that he recommends approval of the MOU. Motion was made to approve the City/County Memorandum of Understanding for the Sage Court Housing by Alderwoman Gilbert and seconded by Alderwoman Christensen. Alderwoman Gilbert stated that the address for the City of Sidney in the MOU was wrong, and City Attorney Krauter stated he would get it fixed prior to signing. Chief DiFonzo stated that the project is moving along, and it will be about 2 months until people will be moving in, but the MOU needs to be signed so that they can start the application process for tenants. City Attorney Krauter stated once signed, it will have to go to the County Commissioners for approval and signatures. All Council present voted aye.
  - d. **Holy Week Procession-Un-tabled:** Motion was made to un-table the Holy Week Procession by Alderwoman Christensen and seconded by Alderman Koffler. In discussion Alderwoman Gilbert asked if the route had been decided on, and Chief DiFonzo stated that they would be on the sidewalk crossing at North Central on the east side of the road and that he would have a car in the area. City Clerk Redfield stated that because they will be using the sidewalks and that they understand they must obey all traffic and walking laws, there is not a need for approval from the Council that City Staff just wanted to update them and get it off the agenda. All Council present voted aye.
11. **NEW BUSINESS:**
  - a. **Park Use Agreements:** Discussed under Alderwoman Gilbert for Alderman Requests and Committee Reports
12. **CITY PLANNER HOW:**
  - a. **Zoning Code Update:** City Planner How stated that the new zoning code is almost complete, and that it will have a public hearing with the Zoning Board on April 5<sup>th</sup>, 2016. He stated the update included a complete re-write of the code, including updates for the design standards. Moving forward, the subdivision and flood plain updates will be updated via grant funds, and the grant application will need to be to the state by the end of May 2016.
  - b. City Planner How stated that Forrest Anderson will be working him and might have to attend some of the City Council meetings in City Planner How's place.
  - c. City Planner How stated that he is working on the revised lease agreement with the Boys and Girls Club for the Johnson Park land use, and that it needed to be updated since they will be using more land than initially thought.
13. **CITY ATTORNEY: Nothing**
14. **CHIEF OF POLICE DIFONZO:**
  - a. **Report:** Chief DiFonzo stated that interviews and testing had taken place for the 2 vacancies in the Police Department for 3 candidates. Chief DiFonzo stated that because he will be gone for the next Council Meeting, Alderman Smith, who participated in the interviews, will make a recommendation for hire to fill 1 of the 2 positions.
  - b. Chief DiFonzo stated that he needed to work with PWD Hintz for the signs and traffic lights at Central School.
15. **PUBLIC WORKS DIRECTOR HINTZ:**
  - a. **Report:** PWD Hintz provided the Council with his February Monthly report for the public works department.
  - b. **AE2S Contract of Services: Water Treatment Plant:** PWD Hintz stated that City Staff and City Attorney Krauter reviewed the contract with AE2S for the preliminary engineering for the proposed Water Treatment Plant. City Attorney Krauter stated that he would recommend approval of the agreement, and that it is a straight forward agreement. Motion was made to approve the AE2S contract of services for the Water Treatment Plant by Alderwoman Christensen, and seconded by Alderman Smith. In discussion Alderwoman Gilbert asked what the contract was for, and PWD Hintz stated it was for geotechnical work. UM Anderson stated that 35% will be for design and 65% will be for site design. Alderwoman Gilbert asked if this is to get preliminary cost figures to move forward and PWD Hintz stated yes. Alderwoman Gilbert ask if there was any floodplain issues, and UM Anderson stated that the study done proved the floodplain is ok. Alderwoman Gilbert ask the cost of the contract, and UM Anderson stated approximately \$274,000, but that impact fees could be used for it. Voting went as follows:  
Ayes: 5  
Nays: 1

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- c. **Amendment of Contract with Murtagh Municipal Engineering:** PWD Hintz stated that this amendment of contract is for the cross over from Murtagh Municipal Engineering to Morrison and Maierle, who joined engineering firms. Mr. Murtagh stated that it would be the same people working on the lagoon project, just under a new engineering firm. Motion was made to approve the amendment of contract with Murtagh Municipal Engineering by Alderman Smith and seconded by Alderwoman Sergeant. All Council present voted aye.
- d. **WASAC Meeting-March 10<sup>th</sup> in Billings:** PWD Hintz asked the Council for permission to travel to Billings on March 10<sup>th</sup>, 2016 to attend the annual WASAC meeting, which is a meeting collaboration between all funding agencies including the DNRC, Department of Commerce and SRF. Motion to approve PWD Hintz to go to the WASAC meeting in Billings on March 10<sup>th</sup>, 2016 was made by Alderwoman Gilbert and seconded by Alderwoman Christensen. All council present voted aye.
- e. PWD Hintz stated that he had received the bids on the budgeted sewer vacuum/jet rodder and truck, but that he had not awarded the bid yet, as he was undecided on if he would move forward with purchasing a new one, or if rehabbing the old one would be best. PWD Hintz stated he was willing to sit down with the Water and Sewer Committee to go over the bids and have their input for the decision. It was the General Consensus of the Council to send this purchase to the Water and Sewer Committee.
- f. Mr. Murtagh provided an update on the Lagoon, which is moving forward with bonding of Phase 2, which will not close until bid selection is complete for a more accurate budget for Phase 2. Mr. Murtagh stated that the finances look in good shape and that the rates that are in place will accurately fund the Phase 2 bonding. He stated that Phase 1's loan will close out soon, and that they are waiting on DEQ Comments for Phase 2 plans, and that the bidding should take place in about a month.
- g. PWD Hintz stated that the softball concession stand in South Meadow was vandalized over the weekend, and that a police report had been filed.
- 16. COMPLIANCE OFFICER MEAD:**
- a. **Report:** Compliance Officer Mead provided his February Monthly report to the City Council. No questions or discussion was held on the report.
- 17. FIRE MARSHAL GILBERT: Nothing**
- 18. CITY TREASURER DEY:** City Clerk Redfield stated that Treasurer Dey provided a report to bring the Council to speed on some of the things that she has been working on, and included is that a repurchase agreement will be coming before the Council for approval at the March 21, 2016 meeting.
- 19. CITY CLERK REDFIELD: consent agenda**
- a. **GENERAL JOURNAL VOUCHERS:** e-mailed
- b. **Claims to be approved:** \$ 106,731.98

2016-65  
2016-66

Corby Storer  
Nathan Davis

Fence  
Fence

PUD South Meadow  
L14, B74, Kenoyer's 1<sup>st</sup>

A motion to approve the consent agenda was made by Alderman Smith and seconded by Alderman Koffler. All council voted Aye.

Meeting was adjourned at 7:05 pm

ATTEST:

  
CITY CLERK

  
MAYOR NORBY

March 21, 2016  
DATE SIGNED