

February 19th, 2019

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; via phone: Christensen.
4. **CORRECTION OR APPROVAL OF MINUTES:**
 - a. **February 4th, 2019 Regular Council Meeting Minutes:** Motion was made to approve the minutes from the February 4th, 2019 regular Council Meeting by Alderwoman Rasmussen, and Alderwoman Sergent seconded the motion. With no changes or corrections, all present voted aye.
5. **VISITORS:**
 - a. **Dayton and Liz Cherney-4th St SW and 9th Ave SW-danger corner that needs signage: Not present**
 - b. **Kelly Reisig-Richland County Library:** Mrs. Reisig provided the City Council with a 2018 report for the Richland County Library. She stated that they are currently short 3 full time employees, but have been approved by the County to hire one and are interviewing for that position. She stated that the Library is still doing many functions for the community, including a Book Tasting this Friday for adults to have appetizers and nonalcoholic wine while looking at books. She stated that the Library is a part of the Montana Share Program, which allows the sharing of the book with other libraries, which expands the user's access to books. She stated that after the remodel is done at the Library, it is their hope that they will get the approval for the hiring of the other 2 full time employees. She also stated that the Community Colleges will be utilizing the Library after the remodel for the classroom. Alderman Smith asked how the Library tracks its visitors, and Mrs. Reisig stated that they have a one way door counter. Mrs. Reisig stated that they just finished their application for the Excellence in Library Service to Public, and if they are awarded it again it will be the third year in a row. Mrs. Reisig stated that the Library is open 5 days a week from 10am to 6pm.
 - c. **Jason Schrader**
 - d. **Casey Hanson-Morrison Maierle**
 - e. **Jordan Mayer-Interstate Engineering**
6. **PUBLIC HEARING: Nothing**
7. **MAYOR NORBY:**
 - a. **FFA Week Proclamation February 16th to 23rd:** Mayor Norby read the FFA Week Proclamation out loud. Alderwoman Rasmussen made the motion to approve the FFA Week Proclamation, proclaiming that the week of February 16th to 23rd 2019 be FFA Week. Alderman Koffler seconded the motion, and with no further discussion, all present voted aye.
 - b. **Helena Report:** Mayor Norby stated that he and City Clerk/Treasurer Redfield had a good trip to Helena. He stated that Representative Krautter is doing well, and set up a meeting with the Lieutenant Governor and Budget Director to speak directly with them about the Governor's bonding bill. He stated that he and City Clerk/Treasurer Redfield specifically spoke with them about the target rates that the State has established that must be in place for applying for State infrastructure assistance and grants, and how the City of Sidney and many communities in the State of Montana do not and cannot reach those target rates for their base rates, and discussed many more options for having skin the in game for getting State funding. Mayor Norby stated that he also attended the Executive Forum, which was very good and that he learned a lot at. Mayor Norby stated that they testified on HB372. City Clerk/Treasurer Redfield stated that currently, the State has established protocols that ensure that even when taxable valuations go way up, the property tax revenue of local government's only increases by half the inflation rate average of 3 years. She stated that this is accomplished by changing the number of mills the local government is allowed to assess. City Clerk/Treasurer Redfield stated that HB372 is attempting to remove the half of the inflation rate, which will only increase the property taxes very minimally for the property tax owner, one estimate being less than \$5 per year for a property worth \$100,000, but increases the revenue for the local governments for funding police, fire and parks.
8. **COMMITTEE WORK: Nothing**
9. **ALDERMEN REQUESTS AND COMMITTEE REPORTS: Nothing**
10. **UNFINISHED BUSINESS: Nothing**
11. **NEW BUSINESS: Nothing**
12. **CITY PLANNER SANDERSON: Nothing**
13. **CITY ATTORNEY: Nothing**
14. **CHIEF OF POLICE DIFONZO: Nothing**
15. **PUBLIC WORKS DIRECTOR HINTZ:**
 - a. **Update:** PWD Hintz stated that the Public Works Department hauled 130 loads of snow this morning, and plan to go back out the next morning.
 - b. **East Holly Water Project Pay Application #4 from Western Municipal for \$90,648.54:**
 - c. **East Holly Water Project Change Order #1:**

Mr. Mayer of Interstate Engineering presented the City Council with the East Holly Water Project Pay Application #4 and Change Order #1. He stated that the one goes with the other. He further stated that the Water and Sewer Committee originally met and reviewed this, and it was presented that with the bore issues with this project that then caused issues with the Tractor Supply Company (TSC) fire suppression system, it was presented that the City of Sidney pay the original contract price and that Western Municipal would waive all liquidated damages, including any claims made by TSC. He stated that after the original Committee meeting, they checked with City Attorney Kalil, and he said that the letter and lean releases provided released the City of liquidated damages. Alderman Smith stated that he did not see anywhere in the correspondence that the City would not be liable for any TSC claims made. Mr. Mayer stated that the releases were signed, and although he thought they were vague, Attorney Kalil thought they would sufficient, but that the Council could approve pending further legal review if they would like. He further stated that TSC has finally responded today, and has submitted a claim for approximately \$25,000, but that Western Municipal has not paid it as it was just received. Alderman Smith stated that if Western Municipal chooses not to pay, they would next come after the City of Sidney for payment. Mr. Mayer stated that anyone can sue for payment, but that he understands that Attorney Kalil has taken the stance that with the releases signed and correspondence from Western Municipal, the law is on the side of the City. Mr. Mayer stated that the City is still withholding approximately \$80-100,000 for this project, pending final approval

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and inspection. Alderman Smith stated that he would like to see correspondence from Western Municipal explicitly stating that the City of Sidney is not liable for any claims made by TSC, and made a motion to table both the Pay Application #4 and Change Order #1 for the East Holly Water Project, pending that. Alderman Smith seconded that motion, and with no further discussion, all present voted aye.

- d. **WWTP Phase # 3 Draw: \$76,570.78:** PWD Hintz provided the City Council with the WWTP Phase 3 draw #5 for \$76,570.78. City Clerk/Treasurer Redfield stated that this draw is specifically for the closing of the two SRF loans, which are anticipated to close on March 15th. She stated that it is required to draw on the loans in closing, which is why the draw is broken down into two disbursement requests. Motion was made to approve the WWTP Phase #3 Draw #5 for \$76,570.78 by Alderman Smith, and Alderwoman Rasmussen seconded the motion. With no further discussion, all present voted aye.
- e. **WWTP Change Order: \$15,030.00:** Mr. Hanson presented the City Council with the WWTP Phase 3 Change Order #1 for \$15,030. He stated that part of phase 3 is building an outfall structure in the Yellowstone River, which was originally designed to be just be a spread footing. He stated that COP Construction built their cofferdam, and although they had issues, they got the area dewatered, but they have now realized that the base material is different than what they planned, and so have had to reengineer to add 9 pilings to the plan. He stated that the reengineering originally cost approximately \$40,000, but because there was contingency money not used for parts of the project that are completed, they were able to use some of those funds to make the net of the change order only \$15,030. He stated that the costs incurred with the dewatering issues are the contractor's issues and will not be bore by the City. Alderman Smith asked if the materials were researched prior and where the mistake was made, and Mr. Hanson stated that he did not feel a mistake was made. He further stated that they researched with representative samples form a location similar and close by, and that they could not use the exact location because that location was chosen because it is a location that has not been eroded with the river or moved, which made it a debris field with large debris that made sampling that location not cost effective. He further stated that due to the permits that allow the working in the Yellowstone River, the contractor must be completely out of the river by March 15th, and cannot work in the river again until mid-August. He stated that this makes the contractor highly motivated to get this done, which is actually driving the cost of the reengineered part of the outfall structure down, versus if it was part of the original bid. He also stated that should this not get approved tonight, and COP Construction have to remove the cofferdam and start over on the dewatering in August, that could cost the City hundreds of thousands of dollars, so he does not feel waiting is the best option. Motion was made to approve the WWTP Phase 3 Change Order #1 for \$15,030 by Alderman Smith, and Alderwoman Rasmussen seconded the motion. With no further discussion, all present voted aye.

16. Fire Marshal/Building Inspector Rasmussen:

- a. **January 2019 Fire Department Report:** FM/BI Rasmussen provide the City Council with the January 2019 Fire Department Report.

17. CITY TREASURER REDFIELD:

- a. **Update: Nothing**

18. CITY CLERK REDFIELD:

Consent agenda

- a. **GENERAL JOURNAL VOUCHERS:** to be reported and approved monthly
- b. **Claims to be approved: \$ 11,2979.48**

2019-51 Boys and Girls Club 108 2nd St SE Sign L1-6, B20, Kenoyer

Motion was made to approve the consent agenda by Alderman Koffler, and Alderwoman Rasmussen seconded the motion. With no further discussion, all present voted aye.

Meeting was adjourned at 7:25 p.m.

ATTEST:

MAYOR NORBY

CITY CLERK

DATE APPROVED