

July 6th, 2020

Although the City Council Meeting will be held at City Hall and open to the public, with the current COVID-19/Coronavirus pandemic, the June 15th, 2020 meeting of the Sidney City Council can be called into by the public if they choose. The public is invited to participate in the meeting by calling 1 (786) 535-3211, access code 832-647-077.

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, Godfrey, Gartner, Koffler and Rasmussen. Via phone: Sergent.
4. **CORRECTION OR APPROVAL OF MINUTES:**
 - a. **June 15th, 2020 Regular Council Meeting Minutes:** Motion was made to approve the minutes from the June 15th, 2020 regular City Council Meeting by Alderwoman Christensen and Alderwoman Rasmussen seconded. With no further discussion, all present voted aye.
 - b. **June 25th, 2020 Budget and Finance Committee Meeting Minutes:** Motion was made to approve the minutes from the June 25th, 2020 Budget and Finance Committee meeting by Alderwoman Sergent and Alderwoman Christensen seconded. With no further discussion, all present voted aye.
5. **VISITORS:**
 - a. **Jason Schrader**
 - b. **Jeremy Norby-Seitz Ins.**
 - c. **Troy Jensen-Uintah**
 - d. **Kandi & Tim Case**
 - e. **Michelle Byer**
 - f. **Jordan Mayer-Interstate Eng.**
 - g. **Laura Gundlach-M&M Eng.**
 - h. **Walter McNutt-Airport Authority**
 - i. **Eric Gill-Sidney Herald**
 - j. **Peter Jasin**
 - k. **Haley Mindt**
 - l. **Kayla Hilburn**
 - m. **David Seitz-Seitz Ins.**
6. **PUBLIC HEARING: Nothing**
7. **MAYOR NORBY:**
 - a. **Lower Yellowstone Main Canal:** Mayor Norby stated he, Council President Christensen, Utilities Manager Anderson, Clerk/Treasurer Chamberlin, James Brower and the Hilburn family met and are looking into a fence in the residential areas by the main canal. Mr. Brower gave a history of the Irrigation District, including that the main canal was installed in 1905, prior to Richland County and the City of Sidney. He stated that it is law that locals must pay back any costs, plus interest, for any expenditures by the district which is why the cost of a fence cannot be paid by the Irrigation district. He further stated that MT Code 85-7-211 states the districts have no obligation to erect fences or prevent access to the canal and MT Code 85-7-2212 states the districts are not liable for any personal injury, death, or property damage. Mr. Brower stated the Lower Yellowstone Irrigation District has over 500 miles of main and lateral canals that must be maintained, and that the Bureau of Reclamation owns this property, so any fence within that easement will need federal approval. He stated that what happened with Trace Hilburn is a terrible tragedy, and at this meeting a fence being erected at 25 feet from the side of the canal was discussed, but that this will affect the properties that run along the canal, which is why he has agreed to discuss this each property owner along with Mrs. Hilburn. He stated the process of getting approval from the Federal Government to put the fence on their land will be a hard process with many different department's approvals needed. He further stated the Lower Yellowstone Irrigation Board is an elected board who have not met to discuss this year, so he cannot speak for them, but as manager he can continue to meet and get a plan in place. Mrs. Hilburn stated her focus is the residential area next to the canal where Trace drowned. Mayor Norby stated he is seeking the Councils approval for participating in these meetings, but any direct involvement needed by the City would come before the City Council for individual review and approval. Motion was made to approve the City participating in the planning meetings for the fence at the main canal, with the condition all specific items that the City is asked to participate in will come to the City Council for individual approval, by Alderwoman Rasmussen and seconded by Alderman Koffler. In discussion Ms. Mindt stated she has looked into the irrigation districts and that they are worried about cost, farming and livestock and asked if those were worth more than a life. Mr. Brower stated he never said anything was worth more than a life. Ms. Mindt asked if there is rules in the County why this issue was not resolved before and Mrs. Hilburn stated that is why they are creating this committee, to resolve the issue and Mr. Brower stated that everyone needs to work together to make this happen. Ms. Mindt asked if their main concern was livestock and Mr. Brower stated they were created to make communities around farming areas. Mr. Brower stated one concern that the district currently has is that property owners have placed items, such as fences, that are obstructing them from maintaining and mowing the main canal. He stated that the district sent out letters previously, but there was no response. He is seeking support from the City Council to do a joint letter with the Irrigation District to ask them to remove the obstacles so they can do the required maintenance and mowing, which will assist in making it safer. Ms. Mindt asked why ask them to remove the fences if they help with the safety and Mr. Brower stated these are not fences that block access to the canal rather block the road so they cannot get in to mow making the grass too high to see where the canal actually starts. Ms. Mindt stated there has been surveys done on the properties that resulted in the surveyors recommending something be done to protect from the canal, per her uncle who is a surveyor, and wanted to know why nothing had been done per those recommendations. Mr. Bower stated he has never heard of a surveyor making safety recommendations, but if they did it would be to the property owner not to the Irrigation District. PWD Hintz stated in 1996 the City started a project to cover 2.5 miles of laterals off the canal in the City limits for safety. Mrs. Hillburn stated she is hoping to use her connections with oil companies and businesses that she will be soliciting for donations to the fence while the emotions of the situation are fresh. Ms. Mindt stated she feels it is sad that this had to happen to get something done. Mrs. Hilburn stated they will also be selling shirts and bracelets for canal safety awareness for fundraising also.

Alderwoman Rasmussen amended her motion to approve the City's participation in the planning meetings to include moving forward with a joint letter with the Irrigation District to have the obstacles prohibiting the mowing and maintenance removed. Alderman Koffler seconded her amendment. With no further discussion, all present voted aye.
8. **COMMITTEE MEETING WORK:**
 - a. **Budget and Finance Committee**
 - i. **Globe Family Heritage Insurance for Employees:** Alderwoman Christensen stated the Budget and Finance Committee had the presentation of Glove Family Heritage Insurance for additional coverages above the health insurance coverages. She stated it was their recommendation to allow Globe Family Heritage Insurance to meet with the city employees to give them the option to enroll in their coverage, but it would not be processed through the city or payroll, which she made a motion to reflect.

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Alderwoman Rasmussen seconded the motion, and in discussion FM/BI Rasmussen asked if this will replace the Aflac coverage and Clerk/Treasurer Chamberlin stated this would not replace but be in addition to that insurance. With no further discussion, all present voted aye.

- ii. **Workman's Comp Insurance FY20-21:** Alderwoman Christensen stated the Budget and Finance Committee met with Seitz Insurance and Alan Hulse of MMIA about the City of Sidney's workman's comp coverage for FY20-21. She stated the committee had concerns with switching to the State Fund workman's comp coverage, one of which being the blood borne exposures. She stated it was their recommendation to continue with the MMIA workman's comp coverage for 1 year and to reevaluate next year to compare rates and coverages, which she made a motion to reflect. Alderman Gartner seconded the motion. In discussion Mr. Norby asked what the difference in costs was and Alderwoman Christensen stated the State Fund was about \$30,000 less. Mr. Seitz stated the blood borne exposure is the \$500 test only, not coverage. Alderwoman Christensen stated some of the other concerns that the Committee had was that MMIA covers the City in all other ways and so the different programs work together for the best of the city and they recommend giving them a chance for one more year. With no further discussion, all present voted aye.
- iii. **I-Compass App:** Clerk/Treasurer Chamberlin updated the City Council on what the I-Compass app would provide the City Council and public for switching to paperless meetings. Alderwoman Christensen stated it was the recommendation of the Budget and Finance Committee to move forward with this service, which she made a motion to reflect. Alderwoman Rasmussen seconded the motion. In discussion Mr. Schrader stated he learned about this earlier in the day and had contacted 20 plus people who are very excited and supportive about this, as he is, and it is a great idea. Mr. Brower asked how much this service will cost and Clerk/Treasurer stated it is \$3,000 annually. Mr. Schrader asked if it would have the information from the previous meetings and Clerk/Treasurer Chamberlin stated it would only have the information for the meetings that are set using it. With no further discussion, all present voted aye.
- iv. **Review of Police and Public Works budgets so far:** Alderwoman Christensen stated they reviewed the Police Department budget, which looks good, and a portion of the Public Works budget, which is still being worked on.

9. ALDERMEN REQUESTS AND COMMITTEE REPORTS:

- a. Alderwoman Christensen thanked everyone for their support with the Richland County Fair and with all of the new developments in the community she feels the cancelation was a good idea.
- b. Alderwoman Rasmussen thanked the Sidney Police Department for all they have done recently with the rough run the community has gone through. She also thanked Alderwoman Christensen for her work on the Fair Board and their tough decision.

10. UNFINISHED BUSINESS: Nothing

11. NEW BUSINESS:

- a. **Case Variance:** PWD Hintz presented the City Council with the Case Variance located at Lot 2B, Block 2, Kenoyer's 1st Addition. He stated the Zoning/Board of Adjustments met, reviewed, and have recommended approval of the 2-foot side yard, 58-foot long 16-foot 4-inch front yard, and 188 foot or 3% total lot coverage variances. Motion was made to approve the Case Variance per the recommendation of the Zoning/Board of Adjustments by Alderman Koffler and Alderwoman Rasmussen seconded. With no further discussion, all present voted aye.
- b. **Byer Variance:** PWD Hintz presented the City Council with the Byer Variance located at Lot 12, Block 26, Kenoyer's Addition. He stated the Zoning/Board of Adjustments met, reviewed, and have recommended approval of the variance allowing a preschool to be in CLM zoning. Motion was made to approve the Byer Variance per the recommendation of the Zoning/Board of Adjustments by Alderwoman Christensen and Alderwoman Godfrey seconded. With no further discussion, all present voted aye.
- c. **Fire Department Presumptive Workman's Comp Coverage:** Clerk/Treasurer Chamberlin presented the City Council with the presumptive workman's comp coverage quote for the Fire Department. She stated the quote is the same as last year at \$191/fireman and with 26 firemen it will cost \$4,966. She stated this coverage is completely voluntary by the City of Sidney and the Council elected to do it the previous year. Motion was made to approve the Fire Department Presumptive Workman's Comp Coverage by Alderwoman Rasmussen and Alderman Koffler seconded. In discussion Mr. Seitz asked if this coverage includes tabaco users and Clerk/Treasurer Chamberlin stated it does not. Mr. Rasmussen asked if the City pays for those who do and Clerk/Treasurer Chamberlin states they pay the rate times number of firemen, and their coverages are looked at by MMIA on case by case as she is not allowed to know that personal information. With no further discussion, all present voted aye.

12. CITY PLANNER SANDERSON:

- a. **Hughes Lot Aggregation:** PWD Hintz presented the lot aggregation of Jerry and Shannon Hughes located at Lots 16, 17 and 18, Block 6, Meadow Village South Subdivision. He stated this is aggregating Lots 16, 17 and 18 into one lot and City Planner Sanderson had recommended approval with conditions that all City DPW requirements are complied with and all City fees, applicable taxes and assessments are paid before final plat is signed. Motion was made to approve the lot aggregation of Jerry and Shannon Hughes with conditions outline by City Planner Sanderson by Alderwoman Godfrey and Alderman Koffler seconded. With no further discussion, all present voted aye.

13. CITY ATTORNEY:

- a. City Attorney Kalil stated they are moving forward with the enforcement process for several nuisance properties.

14. CHIEF OF POLICE KRAFT:

- a. **Police Department Report June 2020:** Chief Kraft presented the City Council with the June 2020 Police Department report.
- b. **Confirmation of Max Fletcher to Sidney Police Department:** Chief Kraft presented his recommendation for the confirmation of Max Fletcher to permanent status with the Sidney Police Department. He stated Officer Fletcher has completed the academy, his 1-year probation and has met all SPD requirements for confirmation. Motion was made to approve the confirmation of Max Fletcher to the Sidney Police Department by Alderwoman Christensen and Alderman Koffler seconded. With no further discussion, all present voted aye.
- c. Mr. Schrader asked Chief Kraft if he has heard anything from Governor Bullock for Police Department enforcement for any new Covid-19 restrictions or going back in phases and Chief Kraft stated he had not.

15. PUBLIC WORKS DIRECTOR HINTZ:

- a. **Public Works Report June 2020:** PWD Hintz provided the City Council with the June 2020 Public Works Department report.
- b. **Airport-Pleasant Wood Manner Property:** Mr. Jensen provided the City Council with maps of the Pleasant Wood Manner Subdivision by the Airport. He stated that with a being a subdivision there is streets and parks

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dedicated to the City of Sidney and they are asking for the City Council to investigate the transfer of those to the airport. Mr. McNutt stated when the airport purchased the properties within the subdivision, they thought they were purchasing one piece of land, not a platted subdivision with dedicated streets and parks. He stated that the subdivision cannot be built out because of it being in the approach zone of a runway and they are hoping to put the entire property into one lot but cannot with the current dedications so they are asking for this consideration. PWD Hintz stated in 2012 to 2013 the City did a test well in the northeast corner of the subdivision that showed to be a promising well and so the City will want to keep that easement for a water well and that infrastructure. Mr. McNutt stated that they agree to allow the City to keep the easement for the water well will stay in affect, there is no issue with that and it can be written into an agreement as it will not be to high for air traffic. Mayor Norby stated he would like to see approval to move forward with this tonight and PWD Hintz stated that would mean sending it to the City Planner and City Attorney for if we can and how to move forward. Motion was made to approve the City Planner and City Attorney looking into the abandonment of the streets and parks in the Pleasant Wood Manner Subdivision was made by Alderman Koffler and seconded by Alderwoman Christensen. With no further discussion, all present voted aye.

- c. **Morrison Maierle Amendment 1 to Task Order 11-Final Design and Construction Admin. Services-City: Shop Washdown Station:** PWD Hintz presented the City Council with the Morrison Maierle Amendment 1 to Task Order 11. Motion was made to approve Amendment 1 to Task Order 11 by Alderman Koffler and Alderwoman Godfrey seconded. With no further discussion, all present voted aye.
- d. **WWTP P3, Draw #19 for \$13,891.00:** PWD Hintz presented the City Council the WWTP P3 Draw #19. Mrs. Gundlach stated small draws for phase 3 will continue even once the project is closed as the Wash Down Station has been approved to be included in this SRF loan. She stated this draw includes the AOC letter for compliance of the lagoon. Motion was made to approve the WWTP P3 Draw #19 for \$13,891.00 by Alderwoman Christensen and Alderman Koffler seconded. With no further discussion, all present voted aye.
- e. **4th Ave Water Improvements-Draw # 1 for \$204,963.39:** PWD Hintz presented the City Council with the 4th Ave Water Improvements Draw #1. Mr. Mayer stated this draw includes the Franz Construction Pay Application #1 and that they have completed from the truck route to 10th and that they are working with the school to hopefully get their fire system back on next week and their goal is still to have through 8th done before school starts. Motion was made to approve the 4th Ave Water Improvements Draw #1 for \$204,963.39 by Alderman Koffler and Alderwoman Rasmussen seconded. With no further discussion, all present voted aye. Clerk/Treasurer Chamberlin stated the closing for this SRF Loan will be July 14th and that a Water and Sewer Committee meeting will be scheduled to discuss an amendment to the Franz contract. Mr. Mayer further updated the City Council on the Dry Red Water project, stating the Richland County Commissioners have awarded the sewer portion bid to COP Construction and they are planning to start in August with the City starting to accept their sewer at the end of the calendar year.

16. FIRE MARSHAL/BUILDING INSPECTOR RASMUSSEN:

- a. **Fire Department Report June 2020:** FM/BI Rasmussen stated he will provide the June 2020 Fire Department Report at the next Council Meeting, which will include firework stand information.

17. CITY CLERK/TREASURER CHAMBERLIN:

- a. **Journal Voucher Report June 2020:** City Clerk/Treasurer Chamberlin provided the City Council with the June 2020 Journal Voucher report for June 2020. She stated JV 1280 to JV1294 are the previously presented and approved journal vouchers for budgeted transfers and coding corrections. Motion was made to approve the June 2020 Journal Voucher report by Alderman Koffler and seconded by Alderwoman Christensen. With no further discussion, all present voted aye.
- b. **Consent agenda**
 - i. **GENERAL JOURNAL VOUCHERS:** to be reported and approved monthly
 - ii. **Claims to be approved: \$ 301,430.70**

2020-070	ON HOLD-McDonalds			
2020-113	ON HOLD			
2020-123	George Olvera	311 6th St SE	Fence	L9A, B38,
2020-124	W.P. McNutt	304 Yellowstone	Cover Porch	L3, B3, JB Subdivision
2020-125	Tyler Radke	814 2nd St NE	Fence	L11, B11, Kenoyer
2020-126	Kevin Klempel	721 3rd St SW	Fence	L2, B10, Gardner
2020-127	Kevin Sundheim	2811 Niehenke Drive	Deck	L7, B3, Wilkinson
2020-128	Edwin Emmel	505 4th St NE	Shed	L2, B7, Kenoyer
2020-129	Jerry Hughes	1802 Sage Lilly Dr.	Garage	L16-18, B6, South Meadow Vil.
2020-130	Anthony Bershaw	117 10th Ave SW	Fence	L11, B-00B, Nels Bach Addition
2020-131	Sianak Ebadzadsahreai	724 3rd St NE	Fence	L12, B1, Michelletto
2020-132	Matthew Senn	2404 3rd St NW	Fence	L4, B1, Hilltop
2020-133	Michael Sheehan	425 32nd Ave NW	Fence	L3, B2, Wagen Wheel Vil.
2020-134	Austin Lange	802 3rd St SE	Fence	L20, B32, Kenoyer
2020-135	Jayne Kelly	410 10th Ave SE	Remodel/Demo	L11, B20, Original
2021-001	Kevin Kowatch	623 8th St SE	Garage Add.	L6, B3, Kling Additon

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.

Clerk/Treasurer pointed out that with the size of the Council Chambers and the number public participants. She stated she has concerns about not being able to social distance within the chambers for the number of attendees and with the increase in local cases she wanted the City Council input. Alderwoman Rasmussen stated she agreed and that they need to keep the community safe while having the public attend the meetings and suggested going back to phone participation for the public and keep evaluating it. It was the general consensus of the City Council to move to public participation being via phone until the Council can assure their safety to participate in person.

Meeting was adjourned at 7:47 p.m.

ATTEST:

MAYOR NORBY

CITY CLERK

DATE APPROVED