

## October 6, 2014

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.
3. **ALDERMEN PRESENT:** Christensen, Smith, Gartner, Koffler, Gilbert, and Sergeant
4. **CORRECTION OR APPROVAL OF MINUTES:**

- a. Motion to combine and approve the minutes for September 15, 2014 Regular Meeting, September 17, 2014 Special Meeting, and September 29, 2014 Special Meeting was made by Alderman Smith, and seconded by Alderwoman Sergeant. All council present voted aye.

#### 5. VISITORS:

- a. Patrick Murtagh: Murtagh Municipal Engineering
- b. Abigail St. Lawrence, Thomas Flately: American Land Development
- c. Leann Pelvit: Sidney Trap Club
- d. Adam Smith: Interstate Engineering
- e. Gert & Wanda Christensen: Keystone Construction

#### 6. PUBLIC HEARING: Nothing

#### 7. MAYOR NORBY:

- a. **Montana League of Cities and Towns Conference:** Mayor Norby told the Council that the Montana League of Cities and Towns Conference is this week, so the group attending will be leaving tomorrow morning to go to West Yellowstone, where the conference is being held this year.

#### 8. COMMITTEE WORK: Nothing

#### 9. ALDERMEN REQUESTS AND COMMITTEE REPORTS:

- a. Alderwoman Gilbert informed the council that the generator grants are complete and that they are only waiting on the final costs to get invoices paid and reimbursed.

#### 10. UNFINISHED BUSINESS:

- a. **Adoption to response of appeal:** City Attorney Navratil stated that at the appeal hearing the Council voted to deny the Klein/Hoffman Appeal to Impact fees, but that his response needed to be approved via council so can be added to the minutes. Motion was made to bring City Attorney Navratil's response to the Klein/Hoffman Impact Fee Appeal back to the agenda was made by Alder\_\_\_\_\_, and seconded by Alderman Koffler. In discussion Alderwoman Gilbert clarified that this was only to bring back to the table. All council present voted aye. Motion was made to approve City Attorney Navratil's formal response to the Klein/Hoffman Impact Fee appeal by Alderman Smith, and seconded by Alderwoman Christensen. All council present voted aye.

#### 11. NEW BUSINESS:

- a. **Trap Club Lease Extension:** The Trap Club asked for an extension on their lease of City property to use as for their trap club, not wanting any changes made to the previous 10 year lease. PWD Hintz and City Attorney Navratil stated they had no issues with the extension. City Clerk Redfield stated that they are asking for another 10 year lease with no changes made to the terms. Motion was made to approve the extension of the Trap Club Lease for 10 years, with no changing in the terms by Alderman Koffler, and seconded by Alderwoman Christensen. Alderwoman Christensen asked where the land was located, Leanne Pelvit, Trap Club representative, stated it is on top of the hill on the way to Culbertson. All council present voted aye.

#### 12. CITY PLANNER HOW:

- a. **Sunrise Village Final Plat Phase 1-Plat Suspension:** City Planner How stated that he and the internal staff had a phone conversation with Mrs. St. Lawrence and the Flatleys, and came up with a formal extension of the Sunrise Subdivision Improvement Agreement Extension, of which he outlined in the staff report. In discussing the outlined conditions of the SIA Extension, City Planner How stated that Sunrise has until April 1<sup>st</sup> to have conditions met, including having 2 legal accesses, or the City would suspend their final plat until all needs are met. He also stated that staff is recommending that the wording be changed to include that all internal streets need to have all improvements done by November 1<sup>st</sup>, or gravel will need to be put on the streets as a temporary solution, allowing them to come back in the spring and finish. He also stated that 9<sup>th</sup> Street needs to be improved on to stand up to the frost by December 1<sup>st</sup>, if the other accesses are not opened, so that the road can sustain the freeze/thaw cycle. Alderwoman Gilbert asked if anything had been heard from the MDT on the accesses that they currently have blocked. City Planner How stated that the city is not privy to the lawsuit situation, but have asked for regular updates from ALD. Mrs. St. Lawrence stated that they are waiting on the designs for the Holly Street improvements and for further word on the crash gates from the MDT.

Alderwoman Gilbert asked if Miller Street was still a viable option, to which City Planner How stated that it is not out, but the city does not currently have funds to finish so not the best option. Alderman Smith stated he has concerns with the infrastructure being completed, as they have been working on it for 2 years. He stated he is also concerned that gravel on the internal streets would not be sufficient with snow removal. City Planner How stated that the gravel is necessary if the streets are not complete because of man hole servicing that the city has to do. Alderman Smith asked ALD if they have set plans for paving the internal streets, to which Mrs. St. Lawrence stated that Century is scheduled to do the paving by the end of the month.

Mrs. St. Lawrence stated that ALD has some issues with the conditions. She stated that ALD understands the access points are critical, but she does not feel that resolution of litigation concerning them should be a part of the conditions, as the City of Sidney is not involved in the litigation so has no standing. She also stated that ALD would like the one year extension reconsidered, instead of the April deadline. She also stated that the water main on miller will be connected and looped, but is not necessary in this phase, or until Lot 5a is developed. She also stated that ALD is willing to work with the City to discuss improvements on 9<sup>th</sup> street, of which they have already begun on. City Planner How stated that he is in favor of amending the conditions to not include the resolution of litigation, per Mrs. St. Lawrence's request, and that PWD Hintz and UM Anderson would have to look at the fire flows for water main looping before it is agreed on. City Planner How also stated that the extension was changed from 1 year to April 1<sup>st</sup>, 2015 due to residents who are currently living in the subdivision needing a firm date as to when the accesses and infrastructure are in place. Mrs. St. Lawrence stated that this was not what agreed upon in phone conversation, and that June 1<sup>st</sup> would better suit ALD as it matched the timeline with the MDT. Alderwoman Gilbert asked if this needed to be tabled until the issues could be settled. City Planner How stated that it needed to be voted on, so that things could move forward. He also stated that he is ok with changing the April 1<sup>st</sup> deadline to June 1<sup>st</sup>.

Alderwoman Gilbert made the motion to approve the Sunrise Subdivision Improvement Agreement Extension with amendments to the conditions as detailed above, including the looping of Miller Street, the 9<sup>th</sup> St. improvements, removing the resolution of litigation with MDT, and changing the end date from April 1<sup>st</sup> to June 1<sup>st</sup>. Alderman Smith seconded the motion and voting went as follows:

Ayes: Christensen, Gartner, Gilbert, Sergeant  
Nays: Smith and Koffler

The motion passed with a 4-2 vote.

- b. City Planner How informed the council that there will be a Growth Policy meeting coming up in Sidney, but that the dates are not set at this time, he will provide them when he has them.

#### 13. CITY ATTORNEY NAVRATIL:

- a. City Attorney Navratil presented the council with a resolution pertaining to the workforce housing with Richland County, provided by Richland County Housing Authority Executive Director Paul Groshart, to which revisions were made. He stated he was only presenting the resolution for review, and will be on the next agenda for passage.

#### 14. CHIEF OF POLICE DIFONZO: Nothing

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**15. PUBLIC WORKS DIRECTOR HINTZ:**

- a. **Monthly Report:** PWD Hintz stated that the City received the new side load garbage truck, and it will go in service this week. It should alleviate some trips to the landfill. The City also received its new sewer camera, which was purchased via impact fees, and are only waiting on training.
- b. PWD Hintz stated that he had a discussion with Shane Mintz of the MDT who said that the street lights at Lincoln and 22<sup>nd</sup> have had bids accepted, but it may not be until spring until construction begins, due to winter and the contractor. The MDT is pushing for it to be done in the fall, however.
- c. PWD Hintz told the City Council that 5 tables were severely vandalized at Veterans Park. The Public Works Department is going to try to combine pieces of the tables to get 1 or 2 full tables, but for the most part they are destroyed.
- d. **DEQ Second AOC:** Mr. Murtagh, MME, stated that the DEQ has presented the second Administrative Order on Consent, which updated the previous AOC so that the City will stop getting letters of violation and it pushes the timeline back, allowing more time to get funding. Mr. Murtagh stated that the council needed to approve Mayor Norby signing the second AOC from the DEQ. Motion to approve Mayor Norby signing the second Administrative Order on Consent from the DEQ for the Sidney Lagoon was made by Alderman Smith, and seconded by Alderman Koffler. All council present voted aye.

**16. COMPLIANCE OFFICER MEAD:** Compliance Officer Mead provided the council with his monthly report, to which there was no questions.

**17. CITY TREASURER:** Nothing

**18. CITY CLERK REDFIELD: consent agenda**

City Clerk Redfield stated that there was corrections on the bills that were discovered after the agenda was posted, she provided the council with a report showing the corrections and additions to the claims, and asked the Council to include the additional \$7,307.29 with the claims to be approved.

- a. **GENERAL JOURNAL VOUCHERS:** e-mailed October 3, 2014
- b. **Claims to be approved:** \$438,807.93 + \$7,307.29
- c. **BUILDING PERMITS:**


Peggy Hall	1224 9 <sup>th</sup> Ave SW	Storage Shed	Lot 5, Block 4, Peterson
Kerry Reitz	309 15 <sup>th</sup> Ave SW	Side & Rear Fence	Lot 2, Block 6, Johnson's 3 <sup>rd</sup>
Gordon Rambur	1201 Cedar Ave SW	Garage	Lot 2 & 3 Block 8, Petersons 2 <sup>nd</sup>
Wag Properties LLC	1000 3 <sup>rd</sup> St NW	Motel	Lot 2 & 3, Block 2, Northview Sub
Craig Painter	908 9 <sup>th</sup> Ave SE	Carport and Fence	Lot 13, Block A, Burns
Bakken Block	315 & 313 8 <sup>th</sup> Ave NW	Duplex	Lot 18, Block 1, Northview Sub
Bakken Block	302 & 300 8 <sup>th</sup> Ave NW	Duplex	Lot 12, Block 1, Northview Sub
Mary Bloom	541 8 <sup>th</sup> Ave NE	Manufactured Home	Lot 7, Fischer's
Blair Patton	1825 Sunflower Dr	New Home	South Meadow
Richard Malloy	202 9 <sup>th</sup> Ave SW	Addition to House	Lot 7, Block 1, Jensen
Ken Williamson	512 8 <sup>th</sup> Ave SW	Wood Fence	Lot 5 & 6, Block 7, Gardner
Jacob Carlson	205 Lincoln Ave S	Garage	Lot 2, Block 3, Gardner
James Talcott Const.	209 & 215 3 <sup>rd</sup> St NW	Fence	Lots 2 & 3, Block 7, Augustus Vaux
Mike Staffer	1098 16 <sup>th</sup> St SW	Addition to Garage	Lot 15, Block 49, Kenoyer
George Watts	1897 Crocus Drive	Remodel	Lot 3, Block 6, North Meadow
Crescent Electric	Hwy 16 North	Fence	Lot 3, B & B Minor

A motion to approve the consent agenda was made by Alderwoman Christensen and seconded by Alderman Smith. All council voted aye.

Meeting was adjourned at 7:09 pm

ATTEST:

  
Cassin Redfield  
CITY CLERK

  
MAYOR NORBY

October 20<sup>th</sup>, 2014  
DATE SIGNED