

June 18th, 2018

1. **CALL 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, Gartner, Smith and Christensen
4. **CORRECTION OR APPROVAL OF MINUTES:**
 - a. **June 4th, 2018 Regular Council Meeting Minutes:** Motion was made to approve the minutes from the June 4th, 2018 regular Council Meeting minutes by Alderwoman Sergent, and seconded by Alderwoman Christensen. With no changes or corrections, all present voted aye.
 - b. **May 29th, 2018 Park and Recreation Committee Meeting Minutes:** Motion was made to approve the May 29th, 2018 Park and Recreation Committee Meeting minutes by Alderwoman Christensen, and seconded by Alderwoman Rasmussen. With no changes or corrections, all present voted aye.
 - c. **June 12th, 2018 Water and Sewer Committee Meeting Minutes:** Motion was made to approve the June 12th, 2018 Water and Sewer Committee Meeting minutes by Alderman Smith, and seconded by Alderwoman Rasmussen. With no changes or corrections, all present voted aye.
 - d. **June 14th, 2018 Budget and Finance Committee Meeting Minutes:** Motion was made to approve the June 14th, 2018 Budget and Finance Committee Meeting minutes by Alderwoman Sergent, and seconded by Alderman Gartner. With no changes or corrections, all present voted aye.
5. **VISITORS:**
 - a. **Kiwanis-Pie Social July 13th, 2018:** Alderwoman Christensen stated the Kiwanis Club will be hosting their annual Pie Social on July 13th, 2018 at the Richland County Courthouse, and they would like the tables and garbage cans previously provided by the City of Sidney. PWD Hintz stated there is no issue with getting them over there. Motion was made to approve the Kiwanis Club using the City tables and garbage cans for the annual Pie Social by Alderwoman Rasmussen, and seconded by Alderman Smith. All present voted aye.
 - b. **Kayla Fox-Aquatic Yoga in Svarre Pool during Adult Swim:** Mrs. Fox came before the City Council requesting to use the Svarre Pool for Aquatic Yoga classes. She presented the City Council with an outline of what she was proposing. She stated that the days would be determined with the Pool Manager, and that the Pool Manager had recommended doing it during adult swim, which is at 5:30pm. She stated that aquatic yoga is very good for people with autoimmune diseases such as arthritis, and for the elderly. Mrs. Fox stated she has done similar classes in the community and has been contacted about doing them at the Svarre Pool by people interested. The cost would be \$8 per session if prepaid, or \$10 per session if paid each time, but that she is willing to drop that cost. She further stated that there is the option for the City to pay her to do the classes, and she would receive a 1099, but the City would be responsible for registration and tracking of the classes. Mrs. Fox stated she has liability insurance that covers herself, participants and the location the classes are provided. She further stated that she would only require part of the pool, so those who do not want to participate will still have access to the rest of the pool, and her class would not be affected by others in the pool. Mayor Norby stated that he felt this would be good for the community, but would prefer to not have the City pay for the services. Alderwoman Christensen stated that they will still need to have a pool pass to have access to the pool, and Alderwoman Rasmussen stated that it might be a little expensive at the current rates. City Attorney Kalil asked if Mrs. Fox has a liability waiver, and Mrs. Fox responded she does and has them sign each time they attend, and that she can provide it and the liability insurance to review. Alderwoman Rasmussen asked if the Park and Recreation Board need to have an agreement drafted, and City Attorney Kalil stated that he believes permission with the liability insurance and waiver approval would be sufficient. Alderwoman Rasmussen asked how many times a week they would be holding this class, and Mrs. Fox stated she hopes 2 times a week for 5 weeks. She further stated that the Committee on Aging received a grant that certified her, and she would like to see if in the future she can get another grant through them to certify her on aquatic yoga and then have the grant pay her to do the classes so they could be free in the future. Motion was made to approve Kayla Fox doing aquatic yoga at the Svarre Pool with the condition that City Attorney Kalil approves her liability insurance and waiver, by Alderwoman Rasmussen and seconded by Alderwoman Sergent. In discussion Mrs. Fox stated she will provide the proof of liability insurance and waiver tomorrow. Nikki Hoffman of the Sidney Herald asked what Mrs. Fox would do if someone not registered try to join the class, and Mrs. Fox responded that she would inform them of the class and help them register, but that she doesn't feel it will be a problem. After no further discussion, all present voted aye.
 - c. **Boys and Girls Club-Banner for summer food program on Train in Veteran's Park:** Mr. Shaw came before the City Council to ask on behalf of the Boys and Girls Club for permission to hang a sign promoting the summer lunch program on the train in Veteran's Park. Mr. Shaw stated the purpose of the lunch program is to help those who rely on school food when school is not in session. He stated that the breakfast and lunch are free to the youth, and that adults can eat for a minimal fee. He stated that last week they served over 200 kids. He stated the sign was provided by Blue Rock. Alderwoman Rasmussen stated she is very thankful for the service that helps kids and families in the community. Mr. Shaw stated that the program will be going for approximately 6 more weeks. Motion was made to approve the hanging of the Boys and Girls Club sign promoting their breakfast and lunch program on the train in Veteran's Park by Alderman Koffler, and seconded by Alderwoman Rasmussen. After no further discussion, all present voted aye.
 - d. **Lee Harris:** Mr. Harris stated that he is requesting the City Council to allow him to use the Hockey Dome parking lot for his father's estate auction on June 30th, 2018. He stated that they had planned to use the Hockey Dome, but weather permitting would like to use the parking lot. He further stated that with it being on a Saturday there will be no swimming lessons and the swim team is in Glendive. Motion was made to approve the use of the Hockey Dome parking lot for Mr. Harris's father's estate sale by Alderman Koffler, and seconded by Alderwoman Sergent. All present voted aye. Mr. Harris stated that he is going to start moving the larger items, such as vehicles, into the parking lot in a couple of days, but they will be placed so they don't interfere with the pool parking.
 - e. **Thom, Jeana, and Lauryn Barnhart-Dog Park**
6. **PUBLIC HEARING: Nothing**

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7. MAYOR NORBY:

- a. **Audit Report FY16-17:** Mayor Norby stated that he and Council President Christensen met via phone with Auditor Bob Denning for the closing conference for the fiscal year 2016-17 audit. He stated that the City received the highest opinion for that audit, and for the second year in a row the finances submitted to the Auditor were correct, making it not necessary for the Auditor to fix the books. Mayor Norby stated that Auditor Bob Denning asked him to thank the accounting staff for their hard work on his behalf, and also stated that he is extremely proud of the accounting staff. Alderwoman Christensen added that the City had nothing but glowing reviews and that Auditor Bob Denning stated we should be very proud.

8. COMMITTEE WORK:

a. Water and Sewer Committee

- i. **Rate Study:** Alderman Smith stated the Water and Sewer Committee met with Interstate Engineering and reviewed the rate studies. He stated that they looked at the rates and projects coming, and do know the rates will have to be adjusted, but discussed doing incremental rates over 5 years. He stated the City and Interstate Engineering will be having an informational meeting about the rates in August, with public hearings to follow.

b. Budget and Finance Committee

- i. **FY17-18 Budget:** Mayor Norby asked to table all budget decisions until a deeper review of the entire budget can be made. Motion was made to table all budget decisions by Alderwoman Christensen, and seconded by Alderwoman Sergent. Alderwoman Christensen stated that she reviewed the budget after it was updated after the meeting and agree it needs to be reviewed. After no further discussion, all present voted aye.

- **Payroll COLA of 1.5% and Bonus of \$250.00**
- **Donations**
- **Police Department Budget**

c. Park and Recreation Board on June 12th, 2018:

Alderwoman Rasmussen stated the Park and Recreation Board met on June 12th and discussed the following items.

- i. **MMIA required Park Use Application and Bouncy House Exclusion:** Alderwoman Rasmussen stated they reviewed the Park Use Application and Bouncy House Exclusion, as now required by MMIA, and recommended approval. Alderwoman Rasmussen made a motion to approve the Park Use Application and the Bouncy House Exclusion, and Alderwoman Christensen seconded the motion. With no further discussion, all present voted aye.
- ii. **Fence for Dog Park:** Alderwoman Rasmussen stated that at the Park and Recreation Board Meeting it was discussed that the Dog Park previously approved would not be enclosed with a fence per City Staff recommendation. Alderwoman Christensen stated that based off the plans presented previously, she thought it would be enclosed by fences. Lauryn Barnhart stated that they had always wanted it completely fenced, and the only reason the south fence was marked for possibly not being fenced is because they were unsure of the location of that fence and if they would have funding for it right away, but with the last fundraiser they do have enough funds to fence the southern park. Alderman Smith stated that he recalled it being fenced completely, and that is the only way he has ever seen dog parks, and all other Council members present agreed. Lauryn stated that they had even discussed and created the fence gates large enough for mowing. PWD Hintz stated the reason that he did not want the south fence installed is for the canal and mowing it safely. He stated that the fence could be moved back to create enough room for safely mowing, but that it would make the dog park smaller and bottleneck the park. He further stated that the first the Park and Recreation Board had heard of fencing the entire park was the end of May, and at that point they said no because of the issues. Jeana Barnhart stated that every one of the layouts/plans that they presented for the various parks had it enclosed with a fence, and that they would rather sacrifice the size than having it not enclosed. Lauryn Barnhart stated that they are afraid that the dogs will get away while chasing a rabbit or something, and that they are ordering signs that will state that the dogs must be monitored at all time. PWD Hintz stated that he would rather not have the south fence installed, as it will clutter the park, and that from the beginning he didn't want all of the fences. Mayor Norby stated that that was never addressed at the City Council meetings where this was discussed, and PWD Hintz stated it was discussed at the Park and Recreation Board meeting. Alderwoman Rasmussen stated that the City Council approved the Dog Park with it being enclosed with fences. Jeana Barnhart stated that they will work with PWD Hintz and Parks Superintendent Ridl on the location of the fence for the mowing.
- iii. **Trap Club Agreement:** Alderwoman Rasmussen presented the Council with the Trap Club Agreement, and stated this is the first time the Trap Club will have an agreement for the use of the City property. Motion was made to approve the Trap Club Agreement by Alderwoman Rasmussen, and Alderman Koffler seconded the motion. After no further discussion, all present voted aye.
- iv. **Spraying for mosquitos:** Alderwoman Rasmussen stated that the Park and Recreation Board discussed the spraying for mosquitos, and asked if this was a possibility. PWD Hintz stated to fog the entire City, it would take 2-3 sets of foggers which cost between \$8,000 and \$10,000 a piece, not including the payroll and chemical expenses. He stated that usually for that type of spraying for mosquitos, there is a mosquito district created to charge the public on the property taxes. PWD Hintz there is other ways to just specifically spray the City Parks and ballparks, which are substantially less costly, but would still require someone to become certified in pesticide application. Mayor Norby stated that with the diseases mosquitos carry, it is something to look further into. City Attorney Kalil stated he would look into the situation for legal reasons.

9. ALDERMEN REQUESTS AND COMMITTEE REPORTS: Nothing

10. UNFINISHED BUSINESS: Nothing

11. NEW BUSINESS:

- a. **Chamber Conditional Use Permit for Electronic Sign:** PWD Hintz stated that the Zoning Board recommended approval of the Chamber Conditional Use Permit for the electronic sign, with 3 conditions which were the requirement of DOT permitting the sign, no flashing, blinking, or rolling, and the sign must

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dime in low light levels. PWD Hintz stated that the MDT/DOT has more stringent rules and regulations on the signs, such as there cannot be 2 signs within 2,000 feet of each other. Alderwoman Christensen made a motion to approve the Conditional Use Permit of the Chamber for the electronic sign with the following conditions: 1. Must be permitted by the DOT, 1, Cannot be rolling, flashing, or blinking, and 3. Must be dimmed in low light levels. Alderwoman Rasmussen seconded the motion. In discussion, PWD Hintz stated he has the MDT regulations if the Council would like to review, and City Clerk/Treasurer Redfield stated they had been forwarded on to the Chamber. After no further discussion, all present voted aye.

12. CITY PLANNER SANDERSON: Nothing

13. CITY ATTORNEY:

- a. **Ordinance #573-Updating Mayor City Code:** City Attorney Kalil read Ordinance #573, updating the Mayor's City Code, out loud for the first reading. Motion was made to approve the first reading or Ordinance 573 by Alderwoman Rasmussen, and seconded by Alderwoman Sergent. In discussion Alderwoman Christensen noted that the changes made to the City Code are basically cleaning up verbiage and setting a minimum number of hours required for the Mayor. City Attorney Kalil stated that the part of the City Code allowing the Mayor to call on inhabitants to aid the enforcing of the law was gender specific to males only, so that was also changed to be any inhabitants within the age requirements. After no further discussion, voting went as follows:

Ayes:

- b. **Resolution #3772-Setting FY18-19 Wages-**This item was tabled previously in the meeting under Committee Work, Budget and Finance Committee.

14. CHIEF OF POLICE DIFONZO:

- a. **Report: Nothing**

15. PUBLIC WORKS DIRECTOR HINTZ:

- a. **Report: Nothing**

- b. **East Holly Water Project Bid:** Mr. Mayor of from Interstate Engineering stated he met with PWD Hintz to discuss the bid from the East Holly Water Project, which came in over the engineers estimate. He stated that they had discussed that if the City Council decides to rebid the project, it will push everything back a month, which causes the risk that the bids could come in even higher. This is on top of the usual risks of rebidding of the bids coming in the same or higher. City Clerk/Treasurer Redfield asked how much the City is responsible for with the current bid, minus what the MDT is paying, and Mr. Mayer stated it is approximately \$172,000, not including change orders. City Clerk/Treasurer Redfield stated there is approximately that amount in water impact fees that could be used for this project. Mr. Mayer stated that he felt the current bid should be accurate with the way they bid the project, and should the project should not come in higher, but that the City Council does have the option of going with the MDT doing the entire project without it being engineered but that is was a big concern for the City which is why they hired Interstate Engineering to do the engineering. He further stated that the Council does have 60 days from the bid opening to decide, but pushing the decision off could cause issues with rebidding and project schedule. Alderwoman Rasmussen thanked Mr. Mayer and PWD Hintz for their work on this bid and project. Alderman Gartner asked if the original bidder could be asked to reconsider and lower the bid, and Mr. Mayer stated he has already reached out to them and they said they could not lower it. Alderman Smith asked how much it will cost to rebid the project, and Mr. Mayer stated a couple thousand dollar, to which Alderman Smith stated that that would still be less than the higher bid. Alderman Smith asked if the project could be pushed for a better bid time table, and Mr. Mayer stated that the MDT if usually very specific when a project that ties into their project needs to be done, but have not specifically asked if they would be willing to let the City push their part of the project. Alderman Koffler asked why we only received one bid, and if there is a possibility of receiving more if rebid. Mr. Mayer stated that there was only one other bidder who has said they might be interested, but he does not know for sure if they will or where their bid would even come in at, which could be a risk that it will come in even more than the current bid. Motion was made to approve the East Holly Water Project Bid and to sign the Notice of Award to Western Municipal Construction by Alderwoman Christensen, and seconded by Alderwoman Rasmussen. With no further discussion, 5 present voted aye and 1 present, Alderman Smith, voted nay.

16. Fire Marshal/Building Inspector Rasmussen:

- a. **Report: Nothing**

17. CITY TREASURER REDFIELD:

- a. **Treasurer's Report May 2018:** City Clerk/Treasurer Redfield presented the City Council with the May 2018 Treasurer's Report. She stated that the reports starting in July will be more detailed, with cash balances and notes.
- b. **Water/Sewer Bank Transfer of \$420,972.93:** Clerk/Treasurer Redfield presented the City Council with the water/sewer bank transfer. She stated that the reason it is extremely high is because it includes claims from two meetings, which had the bond payments, and May payroll. Motion was made to approve the water/sewer bank transfer of \$420,972.93 by Alderwoman Christensen, and seconded by Alderwoman Sergent. With no further discussion, all present voted aye.

18. CITY CLERK REDFIELD:

consent agenda

- a. **GENERAL JOURNAL VOUCHERS: e-mailed**
- b. **Claims to be approved: \$ 145,026.80**

2018-60

2018-62

2018-72

2018-73

2018-74

2018-75

2018-76

2018-77

2018-78

2018-79

HOLDING-MDOT

HOLDING-Burger King

Jeff Nesper

Robin Fritz

Marvin Stedman

Darold Hoffman

Pheasant Run Apts

George Olvera

Cody Gralla

Tyler Christensen

222 7th St SE

815 8th Ave SE

715 9th Ave SW

315 21st Ave NW

400 Lincoln NW

524 4th St SE

812 5th St SE

610 Yellowstone Ct

Fence

Fence

Addition

Fence

Sign

House

Siding

Fence

L8&E1/2 of 9, B60, Kenoyers

L7, B D, Neilsen Halvorsen 1st

L4, B1, Carpenter Simard Add

Klein Minor Subdivision

L1, Minor Sub-COS 27-861

L9A, B38, Kenoyers 1st

L13 E12' of 14, B44, Kenoyers

L6, B3, JB Subdivision

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

Meeting was adjourned at 7:51 p.m.

ATTEST:

MAYOR NORBY

CITY CLERK

DATE SIGNED