

December 1, 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:** Was stated by all present.
 3. **ALDERMEN PRESENT:** Sergeant, Gilbert, Koffler, Gartner, and Christensen
 4. **CORRECTION OR APPROVAL OF MINUTES:**
 5. **November 17, 2014:** Motion was made to approve the minutes from November 17, 2014 regular meeting by Alderwoman Sergeant, and seconded by Alderman Gartner.
 6. **VISITORS:**
 - a. Adam Smith: IEI
 - b. Bill Vanderweel: Sidney Herald
 7. **PUBLIC HEARING: Nothing**
 8. **MAYOR NORBY:**
 - a. **MLCT new Executive Director Tim Burton:** Mayor Norby announced that Tim Burton, currently Governor Bullocks Chief of Staff, as taken the Executive Directors position at the Montana League of Cities and Towns and will start on January 1, 2014. Mayor Norby stated that he feels this will be good for Sidney and Eastern Montana and that Mr. Burton will continue to work closely with us.
 8. **COMMITTEE WORK:** Nothing
 9. **ALDERMEN REQUESTS AND COMMITTEE REPORTS:** Nothing
 - a. **UNFINISHED BUSINESS:** Nothing
 - b. **NEW BUSINESS:** Nothing
 10. **CITY PLANNER HOW:**
 - a. City Planner How stated that the approved CTAP letter was signed by PWD Hintz and Mayor Norby and will be sent off on Tuesday December 2, 2014 to as for assistance with development standards, updates to zoning, subdivision updates, building codes and a downtown development plan.
 - b. City Planner How presented the City Council with Amended Contracts 5 and 6 to the City Planner Contract with KLJ. He presented these to be approved at the next council meeting.
 - c. **CUP and Variance: Atom Investments/Sun Haus Investments:** City Planner How presented the council with the Conditional Use Permit and Variance request by Gary Baldwin for 3 apartment/townhomes that will have 36 units in the Northview Subdivision. This is currently zoned B-1 Commercial Highway, which allows for multi-family residences by approval of CUP, but that he would need a variance to allow the local street access on 3rd instead of the access being off Holly as the MDT will not grant this access. The Zoning Board also granted a 1 foot height variance. When the variance was initially proposed to City Planner How the plans showed a 5 foot variance over the 35 allowed feet, but when the zoning board received the final plans it showed the building height was 34 feet 10.5 inches. The zoning board reduced the variance to 1 foot to allow for some leeway in the building process. City Planner How stated that he does not recommend the 1 foot variance; as the plans show under the 35 feet, and all plans should be followed.
 - Motion was made to approve the CUP to allow for multifamily residential in the B-1 zoning to allow for the 36 until apartment/townhomes with the conditions outlined by City Staff by Alderwoman Gilbert and seconded by Alderwoman Christensen. All council present voted aye.
 - Motion was made to approve the Variance request to allow the local street access to the complex off of 3rd Street by Alderwoman Christensen and seconded by Alderman Koffler. All council present voted aye.
 - Motion was made to deny the 1 foot height variance at the recommendation of City Planner How by Alderwoman Gilbert and seconded by Alderman Koffler. All council present voted aye.
 - Helena Chemical Right of Way and street abandonment:** City Planner How stated that he will give his report and recommendation when the Resolution is read under City Attorney Navratil.
11. **CITY ATTORNEY NAVRATIL:**
 - a. **Ordinance 556- Amendment to Meter Testing Charge (2nd Reading):** City Attorney Navratil read the second reading of Ordinance 556 aloud. Motion to approve the second reading of Ordinance 556 was made by Alderwoman Sergeant and seconded by Alderman Koffler. Voting when as follows:
Ayes: Christensen, Gartner, Koffler, Sergeant
Nays: Gilbert
Absent: Smith
 - b. **Ordinance 557- Updating City Code 10-2-6 (2nd Reading):** City Attorney Navratil read the second reading of Ordinance 557 aloud. Motion to approve the second reading of Ordinance 557 was made by Alderwoman Gilbert and seconded by Alderwoman Christensen. Voting when as follows:
Ayes: Christensen, Gartner, Koffler, Gilbert, Sergeant
Nays: None
Absent: Smith
 - c. **Ordinance 558- Updating Building Code:** City Attorney Navratil read the first reading of Ordinance 558 aloud. Motion to approve the first reading of Ordinance 558 was made by Alderwoman Sergeant and seconded by Alderman Koffler. Voting when as follows:
Ayes: Christensen, Gartner, Koffler, Gilbert, Sergeant
Nays: None
Absent: Smith
 - d. **Resolution 3690 -Supporting Local Government Services:** City Attorney Navratil read resolution 3690 aloud and stated that this resolution is coming at the recommendation of Mayor Norby, as funding is not currently in the State Budget for the Local Government Services, who the City of Sidney uses extensively. Motion to approve Resolution 3690 was made by Alderwoman Christensen and seconded by Alderwoman Sergeant. Alderwoman Gilbert asked if the City of Sidney is agreeing to set aside money for this. City Attorney Navratil stated no that this is just stating that we support them and need their services. All council present voted aye.
 - e. **Resolution 3691 --Abandonment of Street:** City Attorney Navratil read Resolution 3691 aloud. City Planner How stated that the public hearing was held on this, and that the resolution in just finalizing the closing and vacating of 2nd St SE so that Helena Chemical can move forward with their building plans. He also stated that the easements will need to be recorded at the Richland County Clerk and Records office. Motion to approve Resolution 3691 was made by Alderwoman Sergeant and seconded by Alderwoman Christensen. Alderwoman Gilbert asked if the resolution needs to show the easement also. City Planner How stated that they will be filed together, but the resolution does have a description of the easement. All council present voted aye.
 - f. **Claims Procedure:** City Attorney Navratil stated that he looked into the matter of claims needing to approved of by Council prior to payment, as requested previously by Treasurer Dey. He stated all he found was that all claims need to be approved by council, as provided by Statutory Montana Law.
 - g. City Attorney Navratil stated that the 9th Ave Easement is now signed and will be filed with the Richland County Clerk and Records office.
12. **CHIEF OF POLICE DIFONZO:**
 - a. Chief DIFonzo presented and read Captain Burnison's letter of resignation to the City Council. He will be leaving the City Police Department to be the Undersheriff for the Richland County Sheriff's Department, his last day will be December 31, 2014. Chief DIFonzo stated that he regrettably recommends the acceptance of Captain Burnison's resignation. Motion was sadly made to accept Captain Burnison's letter of resignation by Alderwoman Gilbert and seconded by Alderwoman Christensen. Chief DIFonzo stated that this is a good career move and he will be a huge asset to the new Sheriff John Dynessen, the County and the City.
13. **PUBLIC WORKS DIRECTOR HINTZ:**

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- a. **Report:** PWD Hintz presented to the council is monthly report, which detailed a sewer backup that went for 3 blocks. He stated that no claims had been presented to the City for damages yet, and since the main has been TV'd and cleaned.
- b. **CIP Engineer Solicitation:** PWD Hintz stated he needed approval to solicit for engineers to complete the Capital Improvement Plan that we received a grant for. The cost is unknown but negotiable. Motion to approve the soliciting of engineers for the CIP by Alderman Koffler and seconded by Alderwoman Christensen. All council present voted aye.

14. COMPLIANCE OFFICER MEAD:

- a. **Report:** Compliance Officer Mead presented to the Council his monthly report. Chief DiFonzo stated that he would like to see the funds received for the sale of junk vehicles to be tracked separately and used to build a fence around the impound area for security purposes. It was the General Consensus of the council to approve this. Compliance Officer Mead stated that the next problem area is the single family zoned residences that are housing multiple families that are stressing the City Systems.

15. CITY TREASURER:

- a. **Report: Claims:**

16. CITY CLERK REDFIELD: consent agenda

- a. **GENERAL JOURNAL VOUCHERS:** e-mailed November 28, 2014
- b. **Claims to be approved:** \$ 55,451.52 plus \$4,225.34 = \$59,676.86
- c. **Building Permits to be approved:**

Amy Roberts
Francisco Aguilar
Sun Haus

1171 14th St SW
805 S Lincoln
800, 802, 804, 806 3rd St

Modular Home
4 Plex Housing
4-9 Plex Housing

L5, B1, CR Bantia
L7, B2, Northview Sub

A motion to approve the consent agenda was made by Alderwoman Christensen and seconded by Alderwoman Sergeant. All council voted Aye.

Meeting was adjourned at 7:21 pm

ATTEST:


CITY CLERK


MAYOR NORBY

December 15, 2014
DATE SIGNED