

May 4<sup>th</sup>, 2015

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 present.
3. **ALDERMEN PRESENT:** Sergeant, Gilbert, Koffler, Gartner, Smith, Christensen
4. **CORRECTION OR APPROVAL OF MINUTES:**
  - a. **April 20, 2015:** Motion was made to approve the minutes from the April 20<sup>th</sup>, 2015 regular council meeting by Alderwoman Christensen and seconded by Alderman Koffler. All council present voted aye.
5. **VISITORS:**
  - a. Michael Ayers: Bakken Bench Advertising USA: No Show
  - b. Patrick Murtagh: Murtagh Municipal Engineering
  - c. Kelly Burke: Reese and Rays IGA
  - d. Arnold Hansen: Winner's Pub
  - e. June Backhaus
  - f. Les Anderson
  - g. Laren Kutzler: Reynold's Market
  - h. Joel Kleinsasser: Cattle-Ac, Rod Iron
  - i. Mike Franciguel: Sidney Herald
  - j. Adam Smith: Interstate Engineering
  - k. Lowell Cutshaw: Interstate Engineering
  - l. Bill Barber
  - m. Walt McNutt
  - n. Ray Johnson: South 40
6. **PUBLIC HEARING:** Nothing
7. **MAYOR NORBY:**
  - a. **Legislature Update:** Mayor Norby informed the council that sadly no bills were passed in this State Legislation Session to help with the dire infrastructure needs that the City of Sidney has, and that it was very disappointing. Moving forward, he said, the City of Sidney will be working with the County Commissioner's for possible local funding.
8. **COMMITTEE WORK:**
  - a. **Park and Rec Committee-Mowing:** Alderman Koffler stated that the Park and Rec Committee met to discuss the mowing ordinance and procedures. It was the recommendation of the Park and Rec Committee, in the form of a motion by Alderman Koffler, to have the City staff assume all mowing on lots and to increase the fine to \$250.00, approving the new mowing policy presented to the Committee. Alderwoman Christensen seconded the motion and all council present voted aye.
  - b. **Police and Fire Committee-Alcohol Sales before noon on Sunday:** Alderwoman Sergeant stated that the Police and Fire Committee met and discussed with public input the changing of the ordinance to allow alcohol sales before noon on Sunday. Alderwoman Sergeant stated, in the form of a motion, that it was the recommendation of the Police and Fire Committee to amend the current city code to follow state law, allowing alcohol sales at 8am on Sundays. The motion was seconded by Alderman Koffler, and the motion passed 5-1.
9. **ALDERMEN REQUESTS AND COMMITTEE REPORTS:** Alderman Smith informed the Council that Clean-Up Richland County will be May 2-9<sup>th</sup> and that bags will be provided by Pro-Build and can be picked up at the Health Department.
10. **UNFINISHED BUSINESS:** Nothing
11. **NEW BUSINESS:**
  - a. **Meissel Variance Request:** PWD Hintz informed the Council that the Variance Board met to discuss the Meissel Variance request. He stated that there was a structure built in 1972 that encroached on the side yard setback regulations. He stated that the Variance Board approved the variance on the existing structure as it had been there since 1972, and the proposed addition. City Planner How stated that the only stipulation was that the addition must be on the same plain as the current structure. It was the Variance Boards recommendation to approve the Meissel Variance Request, with no opposition from the public. Motion was made to approve by Alderwoman Christensen and seconded by Alderman Koffler. All council present voted aye.
  - b. **Water Department Bill Write Off:** Water Cashier Sauber informed the Council that there is an outstanding bill of \$10.42 for Janine Johnson, who no longer resides at the residence as she now lives in the assisted living home. She stated she has sent many bills to get payment, but no payment has been received. With the minimal amount and that postage sending the bills is starting to cost more than the bill itself she would like permission to write off the bill. Motion was made to write off the \$10.42 bill of Janine Johnson by Alderman Smith and seconded by Alderwoman Sergeant. All council present voted aye.
12. **CITY PLANNER HOW:**
  - a. **Messer Easement:** City Planner How stated that they received a letter from MDU stating that the line was not being used and would not be used in the future, and that the line will be capped. Utilities Manager Anderson stated that there was no issue with abandoning the easement. Motion was made to approve the abandonment of the easement by Alderwoman Christensen, and seconded by Alderman Sergeant. All council present voted aye.
13. **CITY ATTORNEY NAVRATIL:**
  - a. **Ordinance 560-Emergency Lawn Ordinance:** City Attorney Navratil stated that this was an emergency to ensure that the lawn care was enacted prior to the mowing season for noticing the residents. City Attorney Navratil read Ordinance 560, and Emergency Lawn Ordinance aloud. Motion to approve Ordinance 560 was made by Alderwoman Sergeant and seconded by Alderman Koffler. Voting went as follows:  
**Ayes: Sergeant, Gilbert, Koffler, Gartner, Smith, Christensen**  
**Nays: None**  
**Absent: None**
  - b. **Resolution 3699-City Lawn and Yard Policy:** City Attorney Navratil read resolution 3699 setting the City of Sidney lawn and yard policy aloud. He stated that this resolution set the policy for posting tickets, and that city staff will be mowing the yards not in compliance. He stated that the resolution does not reflect the recommendation of the Park and Rec Committee in the fee area only. The resolution has only a set fee of \$250.00, as the increasing of the fees would reflect criminal activity and that \$250.00 is an appropriate amount to cover the cost of the mowing. Motion was made to approve Resolution 3699 by Alderman Koffler, and seconded by Alderwoman Sergeant. All council present voted aye.
14. **CHIEF OF POLICE DIFONZO:**
  - a. **Report:** Chief DiFonzo informed the Council that he and PWD Hintz will be locating placement for traffic radar signs at Central School and starting the project of getting them installed. He also stated that the radar signs at West Side School have been very successful.
15. **PUBLIC WORKS DIRECTOR HINTZ:**
  - a. **Report:** PWD Hintz stated that he provided his April Monthly report, and no questions were asked.
  - b. **Cell Tower Lease Update:** PWD Hintz stated that he and City Attorney Navratil had been in contact with Kevin Hall to discuss this. After discussion it was decided to send this to the Street and Alley Committee to be discussed further.
  - c. PWD Hintz stated that Phase 1 of the Lagoon is almost done and that they will start phase 2 in the fall and that bids are being requested for the equipment for Phase 2 now. He also stated that the water main maintenance was done as of today.
16. **COMPLIANCE OFFICER MEAD:**
  - a. **Report:** Compliance Officer Mead provided his April monthly report. He also stated that an Auction for vehicles at the shop will be taking place on May 21<sup>st</sup>, and that there are about 23 vehicles at this time.
17. **FIRE MARSHAL GILBERT:**
  - a. **Report:** Nothing
18. **CITY TREASURER DEY:** City Clerk Redfield stated that there was an addition to the claims for \$157,036.23 for Oakland Construction and the State of Montana, the details of which were provided to the Council in their packets. PWD Hintz stated that this is for the Lagoon contractor that has a pay estimate due that was provided in December but was lost in the mail. The contractor is in dire straits and need the money as soon as possible. The City will be reimbursed by the County for this payment in about a week and the claim has already been submitted to them.
19. **CITY CLERK REDFIELD: consent agenda**
  - a. **GENERAL JOURNAL VOUCHERS:** e-mailed April 30, 2015
  - b. **Claims to be approved:** \$ 46,652.10+ \$157,036.23
  - c. **Building Permits to be approved:**

May 4<sup>th</sup>, 2015

2015-98	Sunset Village LLC	1032 B 6 <sup>th</sup> St SW	Apartment Building	L1A, B2&3, Andrew Dynneson Add
2015-99	Sunset Village LLC	1032 C 6 <sup>th</sup> St SW	Apartment Building	L1A, B2&3, Andrew Dynneson Add
2015-117	Dan Earle	303 1/2 N Central Ave	Wood Deck	L3, B3, Original
2015-121	Park Plaza	601 S Central	Wood Fence	L4, B57, Original
2015-122	Charles Stevenson	119 Lincoln Ave S	New Home	L5, B2, Gardner
2015-123	ON HOLD FOR FUTURE PERMIT			
2015-124	McNutt Family Trust	110 12 <sup>th</sup> Ave SW	Storage Shed	L1, B2, JB Subdivision
2015-125	ON HOLD FOR FUTURE PERMIT			
2015-126	Lawrence Volk	519 5 <sup>th</sup> St SE	Garage	L5&6, B50, Kenoyer's 1 <sup>st</sup> Add
2015-127	Deedra Hawk	823 6 <sup>th</sup> Ave SE	Fence	L3, B A, Nielsen Halvorsen
2015-128	Brandon McGrady	307 2 <sup>nd</sup> Ave NW	Shed	L3, Klins Ct
2015-129	Sunrise Pregnancy Res.	116 3 <sup>rd</sup> Ave NW	Fence	L3, B38, Original

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

Due to misunderstanding in Agenda, public comment for visitors was at the end of the meeting.

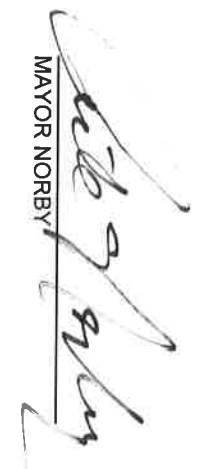
- A. Bill Barber spoke against changing the alcohol city code.
- B. Walt McNutt spoke for changing the alcohol city code.
- C. June Bauus spoke against changing the alcohol city code.
- D. Dan Earle spoke against changing the alcohol city code.
- E. Les Anderson spoke against changing the alcohol city code.
- F. Kelly Burke spoke for changing the alcohol city code.
- G. Arnie Hanson spoke for changing the alcohol city code.

City Attorney Navratil informed the visitors the moving forward the council will be presented with the ordinance to amend the code, which must pass 2 readings at 2 separate council meetings. The Ordinance will then not take effect for 90 days. He also stated that public input on such matters are always welcome.

Meeting was adjourned at 7:25 pm

ATTEST:

  
CITY CLERK

  
MAYOR NORBY  
May 18, 2015  
DATE SIGNED