

September 15, 2014

not be completed as they needed the trailer placed on the lot right away, and they were unable to plan as they were not aware that the impact fees would apply to that lot. City Planner How asked the time frame for moving forward with the appeal and if this would be sent to the Impact Fee Committee for review of details. City Attorney Navratil asked if the issue largely resulting in the appeal of the impact fees paid is due to the City of Sidney Resolution 3595, to which Mr. Wahl stated that there was issues with both City of Sidney Resolutions 3594 and 3595, but largely the issue is with the 24 month grace period established in 3595. City Attorney Navratil responded to Mr. Klein's question on where the 24 month grace period came from by saying that the City of Sidney needed a mechanism to establish time frames and limitations. Mr. Wahl then stated that the Montana Code does not allow for time frames and limitations, as his appeal stated. City Attorney asked Mr. Wahl and his clients questions which established that Mr. Klein, being property owner, is part of this appeal as impact fees would be refunded to him should they be refunded. Questions also established that Mr. Klein has previously had accounts on these lots with the City of Sidney, but that as renters move trailers onto his property the service accounts are put into their names for payment purposes. City Attorney Navratil, in response to Mr. Wahl's appeal, stated that the City of Sidney must follow all Montana law, and to make exceptions to some citizens without following proper procedures could be considered discrimination against those who do not get the same exceptions. Mr. Navratil then stated, again in response to the written appeal of Mr. Wahl, that Montana Code was followed for noticing of the impact fees and their following resolutions. Mr. Wahl stated that he was willing to concede on the notification part of his appeal to the City of Sidney Council, and that he can take any issues that there may be with the District Court should refund and repeal not take place. City Attorney Navratil then stated that the City of Sidney will have a formal response to Mr. Hoffman, Mr. Klein and their Attorney Mr. Wahl at a special meeting to be held September 29, 2014 at the City of Sidney council chambers. Motion was made to review the appeal in detail in the Impact Committee who will make a recommendation to the City Council at the special meeting on September 29th, 2014 by Alderwoman Christensen, and seconded by Alderwoman Sergeant. All council voted aye.

14. CHIEF OF POLICE DIFONZO:

- a. **Chief Update:** Chief DiFonzo informed the council that in moving forward with the workforce housing they will be requesting to be put on the agenda to pass a resolution after final decisions are made and the Interlocal Agreement is signed.

15. PUBLIC WORKS DIRECTOR HINTZ:

- a. **Signing CTEP Grant:** PWD Hintz asked the council for approval to have Mayor Norby sign the agreement saying that we accept the CTEP Grant and that we have funds to match the grant, which is already budgeted for. Motion to approve Mayor Norby signing the CTEP Grant agreement was made by Alderman Smith and seconded by Alderman Koffler. All council present voted aye.
- b. **Permission to Travel- Subpoena to appear:** PWD Hintz stated he needed permission to go to Bozeman Tuesday and be back Wednesday night, as he received a Subpoena to appear on a legal issue. City Attorney Navratil asked if it was an arbitration hearing and PWD Hintz stated it was. It was the general consensus of the council to allow PWD Hintz to travel to Bozeman.

16. COMPLIANCE OFFICER MEAD: Nothing

17. CITY TREASURER: Nothing

18. CITY CLERK REDFIELD: consent agenda

- a. **GENERAL JOURNAL VOUCHERS:** e-mailed September 12, 2014
- b. **Claims to be approved:** \$214,505.49

c. BUILDING PERMITS:

Kevin Goff	304 2 nd St NE	Shed/Wood Fence	Lot 7, Block 34, Original
River Properties	2640 4 th ST NW	Single Family Home	Lot 3, Block 4, Mayo
Jamie Jensen	1998 Bitterroot Drive	Shed	Lot 6, Block 1, North Meadow
Larry & Pat Syth	751 6 th St NE	Addition	Lot 4, Block 19, Fischer's Estates
Tri-County	2429 West Holly	Addition	Lot 3, Block 4, Anderson
Richard Ruomanaara	533 33 rd Ave NW	Manufactured Home	Lot 14, Wagon Wheel
Bakken Block	322 8 th Ave NW	4 Plex	Lot 16, Northview
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Esprit Health Clinic	309 South Central	Remodel	Lot 3, Block 23, Original

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

Meeting was adjourned at 7:59 pm

ATTEST:


CITY CLERK


MAYOR NORBY

October 15th, 2014
DATE SIGNED