



City of Sidney, MT
City Council Regular Meeting 11/4/24
November 04, 2024 6:30 PM
115 2nd Street SE | Sidney, MT 59270

The City Council meetings are open to the public attending in person, with masks encouraged when social distancing cannot be accomplished. If the public does not wish to participate in person, they are also invited to participate via a Zoom meeting. You can participate via phone:

Meeting ID: 713 080 5898 Passcode: 4332809 Call: 1-346-248-7799

1. Call to Order

Mayor Norby called the regular meeting of the Sidney City Council to order at 6:30pm.

2. Pledge of Allegiance

The Pledge of Allegiance was stated by all present.

3. Aldermen Present

Christensen, Godfrey, Rasmussen, DiFonzo, Stevenson and Koffler

4. Correction or Approval of Minutes

a. October 21st, 2024 Regular Meeting Minutes

Motion was made to approve.

Motion made by Alderman Koffler, Seconded by Alderman DiFonzo.

Voting Yea: Alderman Koffler, Alderwoman Rasmussen, Alderman DiFonzo, Alderman Stevenson, Alderwoman Godfrey, Alderwoman Christensen

b. October 29th, 2024 Water/Sewer Committee Meeting Minutes

Motion was made to approve.

Motion made by Alderwoman Christensen, Seconded by Alderman Koffler.

Voting Yea: Alderman Koffler, Alderwoman Rasmussen, Alderman DiFonzo, Alderman Stevenson, Alderwoman Godfrey, Alderwoman Christensen

c. October 29th, 2024 Park/Rec Committee Meeting Minutes

Motion was made to approve.

Motion made by Alderman DiFonzo, Seconded by Alderwoman Christensen.

Voting Yea: Alderman Koffler, Alderwoman Rasmussen, Alderman DiFonzo, Alderman Stevenson, Alderwoman Godfrey, Alderwoman Christensen

5. Visitors

a. Richland Economic Development-Leslie Messer

Leslie Messer, Gary Schoepp, Leif Anderson, and Randy Olson

Mrs. Messer came before the City Council to update the City Council on Richland Economic Development and outlined how they have positively impacted the City of Sidney including assisting small businesses and bringing jobs to the area.

b. 406 Brew 2 U-Tami Rogers: Park on empty lot during the parade of lights

Did not attend.

c. Randi Hass-Water Impact Fees and Delinquent Sewer Bill

Mrs. Hass came before the City Council ask for the waiving of the impact fees and delinquent sewer bill at 202 6th Street SW. She stated the house had been receiving water from the neighboring property but with the City installing a new turnout to the property, she hired a contractor to install the service line for water services. She stated the fee to begin service was almost \$5,000 and had she been informed of this substantial debt prior to closing she could have negotiated this with the previous owner. She stated she was not aware of the sewer bill since she did not have water services and the building has been vacant so she is requesting the bill be cut in half and the late fee's be waived. She stated there was also an oil impact fee to offset expansion costs due to growth of the town. She stated the construction fee for the turnout have been reassessed to the previous property owner and requests the oil impact fee be either waived or reassessed back to the previous owner.

Clerk/Treasurer Chamberlin clarified that the sewer bill is currently \$380 and from her ownership of the home only. She stated none of this debt is from the previous owner and it is not an oil impact fee that she is being charged, rather the water impact fee that has been implemented in the community and numerous others to offset the costs in the water department.

Mayor Norby reminded the City Council that impact fees cannot be waived, if not paid for by the property than the City budget must pay it, utilizing taxpayer money. Clerk/Treasurer Chamberlin stated the current amounts for impact, hook-up and connection fees are \$3,025 with the delinquent Sewer Bill \$380 (\$40 in late fees) as of today. Mayor Norby stated we have only does this for non-profits in the past.

Alderman Christensen asked if this property has ever been hooked up to city water and Clerk/Treasurer Chamberlin stated it has not. PWD Hintz stated the building next door the property was connected to was not connected to City water. Mrs. Hass asked if he can be sure if it never has and PWD Hintz stated the service connection was not installed and the water main was not down that street prior to the construction with the Lincoln project.

Alderman Christensen stated sewer has to be paid monthly whether it is used or not and Clerk/Treasurer Chamberlin stated because it was an unmetered sewer account there is not way to prove that the water was not used during this time.

Alderman DiFonzo asked this should go before the Water/Sewer Committee and Alderman Rasmussen stated she would hate to see this open up a rabbit hole for many more properties to have these be forgiven also.

Mrs. Hass asked why the significant debt was not disclosed and did not show up in closing. Clerk/Treasurer Chamberlin stated the service line was not in place prior to her purchasing the home, she installed it, so none of these fees existed. She stated the sewer bill is from her ownership of the home and the only debt that would have existed prior to her purchasing is the construction fee they have already removed from the bill and will pursue with the previous owner. She stated the impact fee does not apply until the water is turned on. Mrs. Hass stated she feels this impact fee should follow the construction fee and Clerk/Treasurer Chamberlin stated the impact fee is separate and only applies when the service line is installed and water is requested to be turned on, therefore it was not a debt on the property prior to her purchasing it. Mrs. Hass asked if these fees were ever discussed with the previous owner and Clerk/Treasurer Chamberlin stated only if they inquired into connecting to the service. Mayor Norby stated the curb stop installed was just if they decided to connect in the future it would be available.

Alderman Godfrey asked if there was late fee's associated with the balance and Clerk/Treasurer Chamberlin stated \$40 of it is in late fees.

Motion was made to waive the \$40 late fees.

Motion made by Alderman Godfrey, Seconded by Alderman Rasmussen.

Voting Yea: Alderman Koffler, Alderman Rasmussen, Alderman DiFonzo, Alderman Stevenson, Alderman Godfrey, Alderman Christensen

d. Other's Present:

Jordan Mayer (Interstate Engineering), Joe Kauffman (Big Sky Surveying), Jake Holley (via Zoom), Jake VanEvery and John VanEvery

Sidney High School: Tacy Borg, Corey Christensen, Hailey, Gethchell, Reece Graves, Addison Morken, Clem Bayless, Nate Carlson, Audreee Demming, Ryleigh Kleinke, Rhett Rossol, Kylie Schoepp, Kyle Humphries

6. Public Hearing

a. Mercer Minor Subdivision Amended Plat Public Hearing

City Planner Sanderson stated he provided a staff report pertaining to the amended plat request by Mercer Heritage. He reviewed the findings of fact outlined in his staff report and since the elements have been deemed complete and ready for this public hearing, as required by regulations.

Mayor Norby called the Public Hearing for the Mercer Minor Subdivision Amended Plat to order at 6:57 pm.

Mayor Norby called for any opponents, three times, with none coming forward.

Mayor Norby called for any proponents, three times, with none coming forward.

Mayor Norby closed the public hearing at 6:58 pm.

7. Mayor Norby

a. Update:

Mayor Norby reminded everyone that tomorrow is Election Day and asked them to get out and vote. He further stated that the City will be closed because of this.

8. Committee Meeting Work

a. Water/Sewer Committee Meeting: 200,000 Gallon Tank Relining Pay Application

Alderman Koffler stated the Water/Sewer Committee met and discussed the pay application for the 200,000 Gallon Tank Relining Project and asked to have City Attorney Kalil review to see if we are required to pay it since the tank is still leaking after their second attempt to line it.

City Attorney Kalil stated the City is not obligated to pay until their end of the contract is fulfilled and the tank no longer leaks. He stated they should be told we will be happy to pay them when the job is complete and the tank no longer leaks. PWD Hintz stated the total bill is approximately \$45,000 and there is a \$12,000 retainage withheld from the previous project. He stated it is the same contractor that did the initial project.

Motion was made to not approve this pay application until the tank is fixed and there are no more leaks.

b. Park/Rec Committee: Veteran's Park Irrigation System

Alderman DiFonzo stated the Park and Recreation Committee met and reviewed the Veteran's Park Irrigation System updated cost estimate. PWD Hintz stated the cost estimate came in over \$300,000. He stated City staff is looking into ways to cut these costs, including phasing the project and doing much of the work in house. He stated they have parts on order and part will be completed this fall.

Alderman DiFonzo stated it was the consensus of the Committee to move forward with the temporary fix being done by the City with looking into the complete rehab costs once they are available.

c. Park/Rec Committee: Svarre Park Improvements

Alderman DiFonzo stated the Park and Recreation Committee met and reviewed the Svarre Park Improvements. He stated Park Superintendent Ridl presented a plan for a low impact fitness and pickleball court next to the swimming pool. He stated she is looking into grants but no firm amounts so the Committee tabled this until the committee could review the City's financial obligation for this project.

d. Call for Committee-Revised Snow Removal Ordinance

Clerk/Treasurer Chamberlin called for a Street and Alley Committee Meeting to review the Snow Removal Ordinance update.

Street and Alley was scheduled for November 20th, 2024 at 5:30pm.

9. Alderman Requests and Committee Reports

Parks and Recreation – Chairman DiFonzo – Christensen, Stevenson | **Water and Sewer** – Chairman Koffler – Godfrey, Christensen

Street and Alley – Chairman Christensen– DiFonzo, Rasmussen | **Sanitation** – Chairman Rasmussen – Koffler, Stevenson

City Buildings & Street Lighting – Chairman Stevenson– Koffler, Godfrey | **Police and Fire** – Chairman Godfrey, DiFonzo, Rasmussen

Budget and Finance – Chairman Christensen – DiFonzo, Koffler

10. Unfinished Business

Nothing.

11. New Business

a. CBDG Grant Contribution for Updating Growth Policy

Clerk/Treasurer Chamberlin stated the City of Sidney, Town of Fairview and Richland County have previously joined together to make the growth policy, which is a 10 year document that is now expiring. She stated Richland County is pursuing a CBDG Grant for the update and to also look into possible zoning for the County. She stated they are currently not looking for the incorporated cities to contribute to the match of the grant, rather for extended and more community involvement such as online surveys, websites etc. She stated they have requested the City contribute \$10,000-\$20,000. She stated this is an unbudgeted item.

Motion was made to send this to the Street and Alley Committee meeting on November 20th to review further.

Motion made by Alderwoman Christensen, Seconded by Alderwoman Rasmussen.

Voting Yea: Alderman Koffler, Alderwoman Rasmussen, Alderman DiFonzo, Alderman Stevenson, Alderwoman Godfrey, Alderwoman Christensen

12. City Planner

a. Mercer Minor Subdivision Amended Plat

City Planner Sanderson presented the Mercer Minor Subdivision Amended Plat from the public hearing for approval.

Alderwoman Christensen asked what specifically this amended plat is doing and City Planner Sanderson stated they are seeking to split a lot in the commercial district into 2 conforming lots.

Motion was made to approve.

Motion made by Alderwoman Rasmussen, Seconded by Alderman Koffler.

Voting Yea: Alderman Koffler, Alderwoman Rasmussen, Alderman DiFonzo, Alderman Stevenson, Alderwoman Godfrey, Alderwoman Christensen

13. City Attorney

a. Ordinance #600: Luinstra zoning Change 2nd Reading

City Planner Sanderson presented Ordinance #600 for the second reading of the Luinstra Zoning Change.

Motion was made to approve the second reading of Ordinance #600.

Motion made by Alderman DiFonzo, Seconded by Alderman Koffler.

Voting Yea: Alderman Koffler, Alderwoman Rasmussen, Alderman DiFonzo, Alderman Stevenson, Alderwoman Godfrey, Alderwoman Christensen

b. Update:

Nothing.

14. Chief of Police

a. Update:

Chief Kraft stated Halloween went well with only an incident of juvenile shenanigans that was handled quickly.

15. Public Works Director

a. Update:

PWD Hintz stated they are working on completing some of the valley aprons and other items before winter hits. he stated they are also working on getting their snow removal ready to go and being ready for winter.

PWD Hintz stated the 22nd Ave project is paved today and it should be open tomorrow. He stated the project went very well and he was impressed with the contractor and the final walk through is scheduled for next Friday.

b. Morrison Maierle Amendment 1 to Meadows Flood Mitigation Contract-Increase \$8,256

PWD Hintz presented the Morrison Maierle Amendment 1 to Meadows Flood Mitigation Contract, an increase of \$8,256. He stated this increase is for the grant management for the additional grant that the city received to cover our share of the costs for this project and the grant covers these additional costs.

Motion was made to approve.

Motion made by Alderman Koffler, Seconded by Alderwoman Rasmussen.

Voting Yea: Alderman Koffler, Alderwoman Rasmussen, Alderman DiFonzo, Alderman Stevenson, Alderwoman Godfrey, Alderwoman Christensen

c. North Park Elevated Tank Replacement Contract Amendment No. 1 to Task Order No. 7

PWD Hintz presented the North Park Elevated Tank Replacement Contract Amendment No. 1 to Task Order No. 7. Mr. Mayer stated this was discussed at the Water/Sewer Committee meeting even though it was not on their agenda. He stated the scope of the work with this new tank has increased to include park replacement, building, and landscaping due to the tear down and building of new tank. He stated the SRF Loan will pay for part of these expenditures but they will be looking into other funding assistance for things not covered.

Alderwoman Rasmussen asked if this project was one of the planned projects and Clerk/Treasurer Chamberlin stated this is Phase 4 of the projects for the water rate increase that the City Council implemented with the rate increase having gone into place over a year ago. She stated this project has been put on hold for numerous reasons, including pursuing grants that the City has received. Mr. Mayer stated there is also carry over money from the Phase 3 project.

Motion was made to approve.

In discussion Alderman Koffler asked if playground equipment was already available for that park and PWD Hintz stated some of the current equipment will be salvaged and Parks Superintendent Ridl has been slowing purchasing equipment for this park that has not been installed, knowing this project was coming.

Motion made by Alderman Koffler, Seconded by Alderman DiFonzo.

Voting Yea: Alderman Koffler, Alderwoman Rasmussen, Alderman DiFonzo, Alderman Stevenson, Alderwoman Godfrey, Alderwoman Christensen

d. Interstate Engineering Task Order No 9-Water System Preliminary Engineering Report

PWD Hintz presented the Interstate Engineering Task Order No 9-Water System Preliminary Engineering Report. PWD Hintz stated the Water/Sewer Committee reviewed this also. Mr. Mayer stated the City completed a Preliminary Engineering Report (PER) in 2014-15, which was the basis for the phased projects and rate increase and is necessary for funding. He stated since those projects are basically completed and it has been 10 years, it is time to complete a new one. He stated there are funding opportunities to pay for this PER and this task order would be for Interstate Engineering to pursue those grants on behalf of the City, with another task order being presented once funding is available for the actual planning of the PER. He stated the anticipated max out of pocket for the PER is \$20,000.

Motion was made to approve.

Motion made by Alderwoman Christensen, Seconded by Alderwoman Godfrey.

Voting Yea: Alderman Koffler, Alderwoman Rasmussen, Alderman DiFonzo, Alderman Stevenson, Alderwoman Godfrey, Alderwoman Christensen

e. Sidney Phase III Draw #7C for \$174,592.00

PWD Hintz presented the Sidney Phase III Draw #7C for \$174,592.00. Mr. Mayer stated this draw completes the construction of this project but there is still loan outstanding and until that is fully expended, possibly on phase 4, there will not be a final draw.

Motion was made to approve.

Motion made by Alderwoman Godfrey, Seconded by Alderman Stevenson.

Voting Yea: Alderman Koffler, Alderwoman Rasmussen, Alderman DiFonzo, Alderman Stevenson, Alderwoman Godfrey, Alderwoman Christensen

16. Fire Marshal/Building Inspector

17. City Clerk/Treasurer

a. Update:

Clerk/Treasurer Chamberlin stated the new computers and server update will be installed this week starting tomorrow. She further stated the City will also be closed Monday November 11th, 2024 to observe Veteran's Day.

18. Consent Agenda

Motion was made to approve the claims and building permits.

Motion made by Alderman Koffler, Seconded by Alderman Stevenson.

Voting Yea: Alderman Koffler, Alderwoman Rasmussen, Alderman DiFonzo, Alderman Stevenson, Alderwoman Godfrey, Alderwoman Christensen

a. Claims to be approved: \$136,447.60

b. Building Permits to be approved: 2024-034 to 2024-037

19. Adjournment

at 7:32pm.