



City of Sidney, MT  
City Council Regular Meeting  
July 18, 2022 6:30 PM  
115 2nd Street SE | Sidney, MT 59270

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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: 861 8734 0950 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, Stevenson, Koffler, Rasmussen and DiFonzo

**4. Correction or Approval of Minutes**

**a. City Council Regular Meeting Minutes 7-5-22**

Motion was made to approve.

Motion made by Alderwoman Christensen, Seconded by Alderwoman Rasmussen.

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

**b. Police and Fire Committee Meeting Minutes 7-5-22**

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

## 5. Visitors

**Keith Linberg:** Mr. Linberg stated his next-door neighbor, Bill Long, has dead trees and he wanted to know what can be done. PWD Hintz stated he has been sent numerous letters over the years, and that some volunteers took some down, but there is new dead trees. Mr. Linberg stated one of the trees that is dead could fall on his home. City Attorney Kalil stated it is on the Nuisance Committee list and FM/BI Rasmussen stated he and PWD Hintz will go look at it tomorrow and take pictures for City Attorney Kalil. PWD Hintz stated he has cleaned the property up some.

**Others Present:** Lyn Solberg-Rodier (via phone), Pete Deg, Schrader, Jordan Mayer (Interstate Engineering), Laura Gundlach (Morrison-Maierle), Molly Davidson (Morrison-Maierle)

### a. Jason Schrader-Dogs Running at Large

Mr. Schrader came before the City Council to discuss City Code 6-3-7. He stated his wife was walking their dog and a couple of dogs attempted to attack her. He stated he does not feel the current code gives law enforcement the backing to do anything about these dogs. He stated in the circumstance of his wife, no misdemeanors or fines were issued and how can we make the city code easier for law enforcement to enforce and make the fines harsh enough so people will not let it happen and Sidney can be safer. Chief Kraft stated in the particular circumstance, the owners of the two dogs were cited. He stated for a first offense it is a \$50 fine, going up for each offense after. He stated the SPD receives around 500 animal related calls each year, and when possible, citations are issued. He stated beyond the citation is out of law enforcements hands. Chief Kraft stated as for the code as written, they do cite, when possible, but if the Council would like to address a fine structure it can be looked at. Mr. Schrader stated he has concerns with a fine that is that low and that it would not deter people from allowing it to happen. Chief Kraft stated he has had a background in animal control, \$500 would be excessive in the circumstances of one-time accidental animals getting out, but routine offenders could be looked at. Alderman DiFonzo stated if people have dogs running at large routinely, harsher fines is understandable, but for a first-time offense it should not be higher than \$50, but ultimately the amount is decided by the Judge no matter what the code states. He stated he would like to see a review for repeat offenders. Mr. Schrader stated for repeat offenders, assessing them more would also be for police officer time that it takes to respond. Alderman DiFonzo asked for this to be looked at by the Police and Fire Committee.

Motion was made to send the review of the dog running at large city code to the Police and Fire Committee.

Motion made by Alderman DiFonzo, Seconded by Alderwoman Christensen.

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

## 6. Public Hearing

Nothing.

**7. Mayor Norby**

Mayor Norby thanked the Chamber for the mural on the side of the theatre.

**8. Committee Meeting Work**

**a. Police and Finance-Approve FY22-23 Payroll Resolution** (recommendation, resolution to follow on agenda)

Alderman Godfrey stated the Police and Fire Committee met and are recommending approval of the FY22-23 Payroll as presented and the resolution to follow.

**b. Police and Fire-Updating Police Pay Scale** (recommendation and motion)

Alderman Godfrey stated the Police and Fire Committee met and are recommending putting the PayScale increase for the police department on hold for a year.

Motion was made to hold the increase to the police scale and review again next fiscal year.

Motion made by Alderman Godfrey, Seconded by Alderman DiFonzo.

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

**9. Alderman Requests and Committee Reports**

**Parks and Recreation** – Chairman Difonzo – Godfrey, Christensen | **Water and Sewer** – Chairman Koffler – Godfrey, Rasmussen

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

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

**Budget and Finance** – Chairman Christensen – Rasmussen, Godfrey

Alderman DiFonzo asked for an update on the South Meadow park equipment and PWD Hintz stated they just got the equipment information to him today and he is working on it with him.

**10. Unfinished Business**

Nothing.

**11. New Business**

**a. Solberg-Rodier Variance**

PWD Hintz stated the Board of Adjustment met and are recommending approval of the variance with the condition that their fence is brought into compliance on height. FM/BI Rasmussen stated

the sunroom should not cause any sight issues or other concerns. Mr. Deg stated the fence is 20 feet from the avenue and street, but it will grow up to be 6 feet tall. He stated it is not an official fence, but they would like permission to wait until the hops are dormant to move the fence back the remaining 5 feet.

Motion was made to approve the variance request with the condition that the fence be relocated once the hops are dormant.

Motion made by Alderwoman Rasmussen, Seconded by Alderman Koffler.

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

## **12. City Planner**

Nothing.

## **13. City Attorney**

### **a. Resolution #3883-Setting FY22-23 Payroll**

City Attorney Kalil read Resolution 3883, FY22-23 payroll, per the Police and Fire Committee recommendation.

Motion was made to approve the FY22-23 payroll.

Motion made by Alderman DiFonzo, Seconded by Alderwoman Godfrey.

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

Voting Abstaining: Alderwoman Rasmussen

## **14. Chief of Police**

### **a. June 2022 PD Report**

Chief Kraft provided the City Council with the June 2022 Police Department Report. Chief Kraft stated he has been fielding numerous public records requests.

## **15. Public Works Director**

### **a. June 2022 PD Report**

PWD Hintz provided the City Council with the June 2022 Public Works Report. He stated the pool was inspected last week and the boiler was inspected today, both passing. He stated 4th Ave Street project is back in City crew hands to finish the curb and gutter, finishing the project entirely in the next couple of weeks. He further stated the Neilson-Halvorson Sewer project is wrapping up, Mrs. Gundlach stating the paving started today. PWD Hintz stated they will be starting the manhole work.

Alderman DiFonzo asked if the public works is issuing nuisance tickets and PWD Hintz stated he has issued more warnings than ever before. Alderman DiFonzo asked PWD Hintz to look at a specific property.

**b. Nielson Halvorson Change Order 1**

PWD Hintz presented the Nielson Halvorson Change Order. Mrs. Gundlach stated this decreasing the price by just over \$25,000 and increases the contract days by 6 days. She stated because of the water main relocation being done by a different contractor, deducting some of the work.

Motion made by Alderman Koffler, Seconded by Alderman Stevenson.

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

**c. Morrison Maierle Amendment 4 to Task Order 12**

PWD Hintz presented the Morrison Maierle Amendment 4 to Task Order 12. She stated this is due to the adding of 6 contract days, so this increases the Morrison Maierle contract for them to be on sight. She stated this also includes drafting for the waterline replacement and permit work.

Motion made by Alderman Stevenson, Seconded by Alderman Koffler.

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

**d. WWTP P3 Draw #33 (Nielson Halvorson) for \$126,418**

PWD Hintz presented the WWTP P3 Draw #33. Mrs. Gundlach stated this draw is the final amount on phase 3 loan, but the pay application is for more than that amount.

Motion was made to approve the WWTP Draw #33 and the pay application.

Motion made by Alderwoman Rasmussen, Seconded by Alderman Koffler.

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

**e. FEMA Grant for North and South Meadow**

PWD Hintz stated the FEMA application needs to be submitted this fall for funding. He stated this project did not get ARPA funding, and FEMA provides a 75% grant. Mrs. Davidson stated the storm water master plan has the Meadows project at the top for needed projects, with the Anderson Subdivision project being number 2 and winning an ARPA grant. She stated they have been waiting to apply for this grant because the Hazard Mitigation Plan has not been in compliance, and it is the hope that it will be finalized and so they would like to start the grant. She stated to prepare the grant it will cost approximately \$17,000, with it having so many required parts, but these fees could be reimbursed by the grant funding, up to 75%. She stated the grant

will have a better chance of funding if the preliminary plans are completed and to complete the preliminary plans it would cost approximately \$43,000, which could also have 75% refunded by the grant. Clerk/Treasurer Chamberlin stated

Motion was made to approve the grant application contract and the preliminary drawing with Morrison Maierle. In discussion Alderman DiFonzo asked if this would be approving the engineering for the entire project and Clerk/Treasurer Chamberlin stated this only approves the preliminary drawings.

Motion made by Alderwoman Rasmussen, Seconded by Alderman Koffler.

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

## **16. Fire Marshal/Building Inspector**

### **a. June 2022 Fire Run Report**

FM/BI Rasmussen provided the June 2022 Run Report.

Alderman DiFonzo asked if the City issues permits for demolishing and FM/BI Rasmussen stated the City does. Alderman DiFonzo asked if asbestos inspection is required and FM/BI Rasmussen stated the State does the asbestos, but it is required.

Alderman DiFonzo asked if Metz was contacted about leaking oil and FM/BI Rasmussen stated he was asked to remove the vehicles from the sidewalk. Alderman DiFonzo stated the business next to Metz has oil leaking onto his property and asked if it could they could be contacted. FM/BI Rasmussen stated that property is being sent letters for nuisance and they will look into that and include it if it is necessary.

## **17. City Clerk/Treasurer**

### **a. June 2022 JV Report**

Clerk/Treasurer Chamberlin provided the June 2022 JV Report. She stated the remaining reports will be on the next agenda, now that the fiscal year is closed.

Motion was made to approve.

Motion made by Alderwoman Christensen, Seconded by Alderman DiFonzo.

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

### **b. Richland County Fair Buttons for City Employees (\$5.00 X 79 = \$395.00)**

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

**18. Consent Agenda**

Motion was made to approve the consent agenda 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: \$344,359.80**

**b. Building Permits to be approved:**

2023-001	Weston Bauer	2735 Niehenke Drive	New Home	L9, B3, Mayo Sub
2023-002	Marlys Binder	1212 9th Ave SW	Deck	L3, B4, Peterson 1st Sub
2023-003	John Roth	515 East Holly	Shed	L1, B2, Kenoyer
2023-004	Paul Tjelde	334 21st Ave NW	Fence	Fairgrounds Add Lot 31

**19. Adjournment**

at 7:21pm