



City of Sidney, MT  
Street and Alley Committee Meeting 1-15-25  
January 15, 2025 5:30 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: 713 080 5898      Passcode: 4332809      Call: 1-346-248-7799

**Alderman Present:** Christensen, Rasmussen and DiFonzo

**Other's Present:** Mayor Norby, PWD Hintz, FM/BI Rasmussen, Clerk/Treasurer Chamberlin, Gordon \_\_\_\_.

**1. New Business**

**a. Phoenix Capital Oil Lease for City Shop Offer**

PWD Hintz stated he has invited Gordon Torgerson to discuss his opinion on the offer for leasing the City Shop mineral rights by Phoenix Capital. He stated it is only part of the City Shop property, 7.5 acres. Mr. Torgerson stated the \$400 bonus is a good offer, but he would negotiate the 17% original offer negotiate to 18.75%, and change the terms to a 3-year primary term with 2-year option to extend, as he feels it is to long of a term with their offer. He lastly stated he strongly recommends deleting paragraph 20 that gives them the right of first offer during term of lease or to match an offer. He stated 5 years down the road that situation can get messy, most leases do not have that Bonafede offer paragraph. He stated all that needs to happen to continue to progress is call them with this counter and see if they accept or counter back.

Alderman DiFonzo asked if this is the portion of city shop land that is not in City Limits? Mr. Torgerson stated yes, the land inside the city limits is already leased. Alderman DiFonzo asked if there would be any issues should the city annex that property and Mr. Torgerson stated no but the city can add a service non-development clause to the lease, which they will accept because they will not be drilling on the city property. Alderman DiFonzo stated that property should be in the City limits. Mr. Torgerson stated it wouldn't cause any issue with the validity of the oil and gas lease either way if the property is annexed. PWD Hintz stated technically the offer has expired, but he can contact them to offer new terms.

Motion was made to recommend approval of contacting them with the new terms outlined by Mr. Torgerson and the addition of the service non-development clause to know at the next council meeting.

Mr. Torgerson stated he would be willing to sit down with PWD Hintz to make that phone call.

Motion made by DiFonzo, Seconded by Rasmussen.

Voting Yea: DiFonzo, Christensen, Rasmussen

**b. Review Zoning Code-Commercial Zones Maximum Fence Height**

B-1: 11-10-3 (C)-Maximum 72 inches

B-2: 11-11-3 (C)-Maximum 72 inches

B-3: 11-12-3 (D)-Maximum 72 inches

CLM: 11-13-3 (B)-Maximum 96 inches

M-I: 11-14-3 (B)-Maximum 96 inches

Alderman DiFonzo proposed to amend the B-1 city code 11-10-3 to increase the maximum height for fences from 72 inches to 96 inches. He stated B-1 district will not affect the downtown area and if it is something that is being requested by the property owners in that zone, then the code should be updated to allow all the properties and not have to go through that extensive process.

PWD Hintz stated there has not been that many requests for this change and Alderman DiFonzo stated it should still be universal for that zone. FM/BI Rasmussen stated he does not disagree with updating this zone as Ace Hardware paid \$530 in permit fees instead of \$30 because of the variance when they could have built a wall just as tall, right on the property line, for a cheaper fee, which is not something we want to see happen. He added that he feels no barbed wire should be allowed and that the previous zoning code had conditions on what materials could/couldn't be used for fences, but 11.18.28 no longer limits the kind of fences. He stated this would be an opportune time to get those added back in for all zoning districts.

PWD Hintz stated with the variance process the City would have control if want higher, and don't if the code is changed. Alderwoman Rasmussen stated the fences will still have to be permitted and we don't lose control for where they are allowed. Alderman DiFonzo stated the Ace property could be sold and the fenced area could be used for different reasons for why it was allowed and reiterated he feels if going to allow then allow. FM/BI Rasmussen stated the area's affected could be the new coffee shop and south, fox run and east holly. Alderwoman Rasmussen stated the extra 2 feet would provide extra security for these properties with expensive merchandise.

Alderwoman Christensen stated they could propose to add the specifications of what is prohibited for fences in all zones, along with the B-1 fence height change. Clerk/Treasurer Chamberlin stated staff could get the specification change recommendation together for council meeting on Tuesday. FM/BI Rasmussen stated they would use the previous code and City Planner Sanderson for the specification details. Alderman DiFonzo stated it would be possible then for a variance for type of material and it would not be for the height over and over again. FM/BI Rasmussen stated the commercial and industrial zoning code already states that they shall provide screening at minimum of 8 feet for outside storage, which validates this change for the B-1 zone.

Motion was made to recommend approval of the update to the zoning code for the B-1 fence maximum height of 96 inches and the specifications for what is or is prohibited for fences in all zoning districts, the details of which to be outlined and recommended by city staff.

Motion made by Rasmussen, Seconded by DiFonzo.

Voting Yea: DiFonzo, Christensen, Rasmussen

Adjourned at 5:53pm.