



City of Sidney, MT  
City Council 3-7-22  
March 07, 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: 851 0496 7995 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**

Present: Koffler, Godfrey, DiFonzo, Christensen, Rasmussen, and Stevenson

**4. Correction or Approval of Minutes**

**a. Regular City Council Meeting Minutes 2-22-22**

Motion was made to approve with no changes or corrections.

Motion made by Alderwoman Rasmussen, Seconded by Alderman Koffler.

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

**5. Visitors**

Other Visitors:

Ashley Vande Bossche-Healthy is Wellness

Judd Entzel

Ray Berry

**a. Larry Christensen-Sportsman Club: Car Show**

Larry and Renee Christensen and D. Miller for the Richland County Sports Club came before the City Council to have permission to use Moose Park on June 18th, 2022 from 8am to 4pm for their annual car show that will take place from noon to 2pm. Mr. Christensen stated they are working in conjuncture with A with Arts in the Park again this year. Alderman Koffler asked if there is any baseball that day and Alderwoman Christensen stated baseball will need to be informed that the park is not available that day.

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

**b. Kris Entzel-Foundation Fundraiser**

Mrs. Entzel stated they are working on getting the bi-laws and everything completed for the All Hands on Deck Foundation to help Eastern Montana youth. She stated in the beginning it will be financial assistance to get children the help they need, such as specialist appointments, medical issues, anything that troubled youth and young adults may need and hope to expand for scholarships and plan to work with the tribes. She stated the Fundraiser would be April 28th, a Thursday from noon to 10pm. She said it would be a free will dinner, face painting and such activities with high school groups, the National Guard is willing to bring in rock climbing wall and bungee jumping. She stated she will reach out to Governor Gianforte to see if he would like attend. She stated they would like from Central Ave to 2nd Ave SE barricaded, with the dirt lot having the rock-climbing wall, Governor's Table and Concert, 2nd Street and 3rd Street would be for vendors, and 2nd Ave would be for parking. She stated the concert would be from 5-10pm with no alcohol. She stated they would have liability insurance through Seitz insurance.

Alderwoman Godfrey stated she should reach out to Fink Dental and Sidney Eye Care, as there was complaints with Chamber Events for parking for their customers. She stated she would reach out to them to discuss. Alderman DiFonzo stated Chief Kraft needs to review the plans and Chief Kraft stated he will review. Alderwoman Rasmussen asked if the Foundation will be finalized by that time, and Mrs. Entzel stated it should be. Alderwoman Rasmussen stated usually these things are granted for established Foundations. Mayor Norby asked why a Thursday and she stated scheduling with Directors of the Foundation and the band.

Alderwoman Christensen stated she has concerns about blocking streets during business hours and Alderman DiFonzo stated she should get approval from the businesses prior to approval. Alderman Stevenson stated this is also an established bus route, so they should be contacted also.

Mayor Norby stated we finalize at the next Council Meeting.

## **6. Public Hearing**

### **a. City Code Update: Nuisance Ordinance**

Mayor Norby opened the public hearing at 6:46pm.

City Attorney Kalil stated this proposal is to update the Nuisance Ordinance that was adopted 3-4 years ago and the edits will offer a more streamlined process and easier removal for nuisance items on properties, instead of a court case for dangerous situations.

With no questions, Mayor Norby called for any opponents, three times, with none coming forward. Mayor Norby called for any proponents, three times, with none coming forward.

The public hearing was closed at 6:47pm.

### **b. Zoning Code Update: Sale of Recreational Marijuana**

Mayor Norby opened the public hearing at 6:47pm.

City Planner Sanderson stated with the passage of recreational marijuana in Richland County, the sale becomes a contemplated use within the city and needs to be addressed in our zoning regulations. He stated the zoning commission had a public hearing twice to review this. He stated they have recommended to not allow any home occupation sale in any zone, detailing the codes to be amended. He stated the main reason for not allowing this is the home occupation is an untested use of property with unknown impacts that may adversely affect the community. He stated the Zoning Commission on a 3-2 vote decided to not amend the zoning code for the sale of recreational marijuana, as the current code requires a federal license, as it was for medical marijuana.

Alderman DiFonzo asked for clarification that this would not allow any sale of marijuana in the City Limits, and City Planner Sanderson stated they cannot with a federal license.

With no questions or comments, Mayor Norby called for any opponents, three times, with none coming forward. Mayor Norby called for any proponents, three times, with none coming forward.

The public hearing was closed at 7:02 pm.

## **7. Mayor Norby**

Mayor Norby announced he will not be present for the March 22nd, 2022 meeting, so Council President Christensen will be running the meeting.

### **a. City Donate Veteran's Park Bench for Paul Quilling**

Mayor Norby stated he is seeking approval to donate a Veteran's Park Bench for City Employee Paul Quilling. He stated the cost of which would be \$1,150.00.

Alderwoman Rasmussen asked what fund this would be paid out of and Clerk/Treasurer Chamberlin stated Oil and Gas Fund.

Motion made by Alderman DiFonzo, Seconded by Alderman Stevenson.  
Voting Yea: Alderman Koffler, Alderwoman Rasmussen, Alderman DiFonzo, Alderman Stevenson, Alderwoman Godfrey, Alderwoman Christensen

**8. Committee Meeting Work**

Nothing.

**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

Nothing.

**10. Unfinished Business**

**a. Outback BBQ Street Dance by Cattle Ac August 27th:** times TBD, formal approval

Motion to approve. Alderman DiFonzo asked if this was cleared by the Chief of Police and Chief Kraft stated it had been.

Motion made by Alderwoman Christensen, Seconded by Alderman Stevenson.  
Voting Yea: Alderman Koffler, Alderwoman Rasmussen, Alderman DiFonzo, Alderman Stevenson, Alderwoman Godfrey, Alderwoman Christensen

**11. New Business**

**a. Healthy is Wellness Proposal**

Mrs. Vande Bossche came before the City Council to present on the Healthy is Wellness Program. She stated they are a wellness program in Montana and Wyoming dedicated to helping people get healthy. She stated they do individual assessments on where their current health is and how it can be improved. She said they would do this with employees and come on site every month to work with the employees as they wish with medical grade, science backed, feedback. She stated they do a full body scan that does visceral fat, body comp, muscle mass and much more to track progress. She stated they also can check balance and performance with their spata force light scan. She stated they currently service the Billings Police Department which uses this. She stated they have an app that tracks everything and will also report every month on

participation and what is the overall focus of the meetings, with a quarterly wellness score for individuals that is combined to make a City wellness score.

Clerk/Treasurer she and Chief Kraft did the scan and she really enjoyed it. She stated it is eye opening on what it can tell you. Chief Kraft stated it was a quick process with a lot of information that could combine with the current wellness program. Mrs. Vande Bossche stated they would also use those test results to assist in the health and coaching. She stated they propose 2 hours onsite every month, \$425 a month.

Clerk/Treasurer Chamberlin stated we are anticipating up to a 16% reduction in health insurance because of changes to our health plans, so this cost would not increase the overall budget. Alderwoman Christensen stated this is a lot cheaper than using the fitness center and Mrs. Vande Bossche stated they have a newer model. Alderwoman Rasmussen stated with everything going on, getting ahead in the health of our employees is very important.

Motion was made to approve.

Motion made by Alderwoman Rasmussen, Seconded by Alderwoman Christensen.

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

## 12. City Planner

Nothing.

## 13. City Attorney

### a. Ordinance 592: Nuisance Code Update: 1st Reading

City Attorney Kalil read Ordinance 592 out loud for the first reading. Alderwoman Godfrey asked if someone does not clean up their property get charged \$100 per day plus cost of cleaning up the yard and City Attorney stated the fine is capped at \$500 with the cost of abatement that could be put on the property taxes.

Motion was made to approve the first reading of the revised nuisance ordinance.

Motion made by Alderman Koffler, Seconded by Alderman Stevenson.

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

Voting Nay: Alderman DiFonzo

### b. Ordinance 593: Zoning Code Update for Sale of Recreational Marijuana: 1st reading

Motion made by Alderwoman Rasmussen, Seconded by Alderwoman Godfrey.

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

Voting Nay: Alderman DiFonzo

#### 14. Chief of Police

##### a. Introduction and Oath of Office: K9 Ringo (Bubbles)

Chief Kraft introduced K9 Officer Ringo, with his handler Officer Tanner Gomke.

Mayor Norby issued the Oath of Office to K9 Officer Ringo.

##### b. Approve Filling Open Police Department Position-James Drager

Chief Kraft stated Mr. Drager has made it through background and psych check and has accepted the conditional offer.

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

##### c. Update

Nothing.

#### 15. Public Works Director

##### a. Morrison Maierle Amendment 2 to TO 12: Nielsen-Halvorsen Construction Administration and Observation Services Contract

Mrs. Gundlach stated this is for the administrative work for the Nielson Halvorson project. She stated there will be another amendment for survey work.

Alderman DiFonzo asked what this project is and PWD Hintz stated we are replacing sewer mains that go across private property into the city right of way. He stated Morrison Maierle did the design for this project, and it is required to have this amendment. Clerk/Treasurer Chamberlin stated this project is being paid out of remaining SRF funds from the WWTP Phase 3 and cash.

Motion was made to approve by Alderwoman Rasmussen, Seconded by Alderman DiFonzo.

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

##### b. Award Western Municipal for Nielson Halvorson Project: contingent on SRF approval

PWD Hintz stated they would like to award schedule one only at this time.

Motion was made to approve by Alderman DiFonzo, Seconded by Alderman Stevenson.  
Voting Yea: Alderman Koffler, Alderwoman Rasmussen, Alderman DiFonzo, Alderman Stevenson,  
Alderwoman Godfrey, Alderwoman Christensen

**c. West Holly & Phase III Draw #4B for \$85,094.02**

PWD Hintz presented the 4B draw to Fer Pal.

Motion was made to approve by Alderman Koffler, Seconded by Alderwoman Christensen.  
Voting Yea: Alderman Koffler, Alderwoman Rasmussen, Alderman DiFonzo, Alderman Stevenson,  
Alderwoman Godfrey, Alderwoman Christensen

**d. Request For Proposal's for Architect for City Hall Remodel:** Special Meeting or Committee Meeting to review

PWD Hintz presented two proposals to review for the City Hall Remodel. It was decided to have a special meeting on March 28th at 5:30pm.

**e. LYIP Crossing Agreement**

PWD Hintz stated in order to do the bulb in for parking next to the high school to widen the street for traffic, the city has to encroach into the LYIP right of way and Interstate has drafted the presented agreement to do so.

Motion was made to approve by Alderman DiFonzo, Seconded by Alderman Koffler.  
Voting Yea: Alderman Koffler, Alderwoman Rasmussen, Alderman DiFonzo, Alderman Stevenson,  
Alderwoman Godfrey, Alderwoman Christensen

**f. Update**

PWD Hintz stated the Airport did officially request water service to them, which was approved with conditions previously which will assist in their fire protection.

He stated he received plans and specifications for the traffic light on 12th Ave and West Holly. He stated the project is scheduled to be installed this summer. He stated he and Mayor Norby are attending the MDT meeting this Wednesday.

Alderman DiFonzo asked what signs the Lower Yellowstone asked to install and Clerk/Treasurer Chamberlin

**16. Fire Marshal/Building Inspector**

**a. Update**

FM/BI Rasmussen stated he will have his report for the next meeting and will be attending training.

**17. City Clerk/Treasurer**

**a. Update**

Nothing.

**18. Consent Agenda**

Motion was made to approve the consent agenda 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: \$52,720.21

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

2022-063 Imelda Lopez 609 33rd Ave NW L21, B6, Wagon Wheel

RC22-20 Butler Ag Equip. 34940 HWY 23 B&B Minor Sub, Lot 2A, COS27-604

**19. Adjournment**

at 7:50pm.