



City of Sidney, MT
Street and Alley Committee Meeting
February 12, 2025 5:30 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. New Business

- [a.](#) Annexation Report
- [b.](#) Review Fencing Prohibited Materials Code Update
- c. Discussion-Amending Code for stricter regulations on propane tanks
- [d.](#) Property Tax Assessment Update and Snow Removal Code Update



Date January 28, 2025
To: Mayor and City Council
From Forrest Sanderson, AICP and CFM
Re: ANNEXATION SUMMARY

I have been requested to provide a summary of Annexation Powers and some guidance as to when the City should require the annexation of certain properties to the City of Sidney. In all instances, the decision to annex property is a business decision and the question should be – Is the decision in the best interest of the City of Sidney? To fully consider this question, you must take into account the impact on all city funds especially your enterprise funds as the cost of construction of new water and sewer mains and possibly additional snow removal and solid waste equipment can be budget busters.

In the perfect world, anytime a property owner requests to be connected to or provided a service by the City of Sidney, the property should be annexed into the city and the city should never extend the services beyond the limits of the city. As we all know, the world is not a perfect place and there should be a few exemptions to the rule but remember that when we are discussing annexation, we are making a business decision.

Most typical types of annexation and restrictions, if any:

Annexation of Contiguous Property. Typically, City Initiated. This process is typically used to annex larger areas of developed property where the extension of city services is deemed necessary or in the public interest. Actions are potentially subject to protest and may be rejected by owners or voters.

Annexation of Wholly Surrounded Property. Always City Initiated. This process exists where parcels of land have been complexly surrounded by the City but have not been included. The premise is that these surrounded areas benefit from city services but do not pay for the benefits. Wholly surrounded properties do not have the right to protest the annexation action unless they are ‘protected uses’ such as Industrial, Agricultural, Manufacturing, Golf or Country Club to name a few.

Annexation by Petition. Always Landowner Initiated. The process allows landowners to ‘petition’ for inclusion into the municipality. The main driver for the petition is the desire to gain access to one or more public utility services. While the desire is always have 100% of the owners on board with the action as few as 1/3 of the owners may submit a petition for annexation provided that an election of the electors of the city and the area to be annexed must be held. The election requirements are eliminated if 50% of the resident landowners or if 50% owners of the land area support the petition for annexation. There are some conditional restrictions on the use of petition annexation but those restrictions can be overcome if 100% of the protected class of land support

The City of Sidney is an equal opportunity provider.

the annexation and the annexation is consistent with the Growth Policy. THIS IS PROBABLY THE MOST COMMON TYPE OF ANNEXATION SEEN BY MID SIZED MUNICIPALITIES IN MONTANA.

Annexation with the Provision of Services. Typically Landowner Initiated. This is probably the most complicated annexation process because it is predicated on a belief that annexation choices are only based on increasing the municipality's tax base and that some areas purposefully underserved by municipal services or that there are areas deriving unfair benefits from municipal services and not paying their fair share. This is the only annexation process that requires action by the city council and commitments to the outlined processes. If the municipality fails to comply with the timelines or process the question of annexation is taken over by the District Court.

Limitations of Annexation Power

Without question, whenever the question of extension of city services and annexation is raised with respect to 'the protected class of properties' the answer has to be all in or all out. This is because these protected properties cannot be forced to annex into the city unless 100% of the owners support the annexation. I am not 100% certain that we can enforce a waiver of annexation on a protected class of property, especially if the ownership were to change. As such, anytime a property classified as 'protected' for annexation purposes requests a city service it should be annexed or the service denied!

Remember that when you annex property you are also required to annex the full width of any and all public roads and parks within the annexation area or on the perimeter of the properties being annexed at the same time.

Lastly, you must plan to provide the same level of municipal services that are available to other members of the municipality (Roads, Water, Sewer, Garbage, Police, Fire, Ambulance etc.). The services do not all have to be available on day 1 following the annexation but you must have and follow a plan to provide the services in a reasonable amount of time.

Summary:

I hope this helps with your future discussions surrounding annexation. I would be more than willing to sit down with the City Council or a standing committee of the Council the next time I am in Sidney for other topics to discuss annexation in greater detail.

11.18.28 Retaining Walls/Fencing

11.18.28 A Retaining Walls

Retaining walls shall not exceed the height of eight (8) feet. Fences in Residential Zones shall not exceed six (6) feet in height above natural grade. More than one (1) retaining wall in a terraced arrangement shall be permitted. Retaining walls lower than three (3) feet designed and constructed to retain earth are exempt from other standards of this Ordinance that regulate walls. Walls taller than three (3) feet are required to be permitted and must include a stamp from a licensed Montana engineer.

11.18.28 B Fences by District

Fences in Residential Zones (R - Zones) shall not exceed six (6) feet in height above natural grade. The use of barbed wire or electric fences in residential zones is prohibited.

Fences in Business Zones (numbered B and C Zones) shall not exceed six (6) feet in height above natural grade. In the B-1 Zone fences shall not exceed eight (8) feet in height. The use of barbed wire or electric fences in Business Zones is prohibited.

Fences in Manufacturing Zones (CLM and MI) shall not exceed eight (8) feet in height above natural grade. The use of barbed wire is allowed in Manufacturing Zones. The use of electric fences is prohibited in Manufacturing Zones.

11.18.28 C Additional Fencing Requirements

Any fences constructed may extend beyond the property line onto the City right-of-way, provided that such fence ends at least five feet (5') from the established curb line to allow room for sidewalk construction. In the event no curb line has been established at the time of fence construction, the director of Public Works may establish a projected curb line for the purpose of determining placement of sidewalks in the future.

Notwithstanding any other part of this Section, a chain link fence may be constructed to a height of forty-two inches (42') within ten feet (10') from the intersection of a street or alley or within twenty-five feet (25') of the main street, provided that no materials are inserted into such chain link fence that would cause a decrease or obstruction to the vision of any operator of a vehicle.

Barbed wire and electrical fences may be permitted as an accessory use for safety reasons only upon the specified approval of the Building Inspector.

No yard fence shall be constructed or barbed wire, chicken wire, electrical wire, snow fence or any other wire unless such wire fencing is specifically designed and made for yard fencing and approved by the

Building Inspector. Chain link fencing materials are acceptable. No steel "T" or "U" fence posts may be used.

Any wood fence constructed from salvaged material must be painted so that all materials are of the same color within 30-days of installation

In no case shall such fences, walls or hedges be so placed and/or maintained that they impede vision for a driver of a vehicle approaching a street, alley or driveway intersection with another vehicle-traveled area; visibility triangles at all intersections shall be maintained unobstructed by fences.

02-03-2025

Memo

TO
City Clerk

FROM
City Attorney

CC
None

RE
Tax Lien Auction
Procedure

Jessie:

You had asked that I draft a memo explaining the process by which City assessments for nuisance remediation and similar charges are attached to property.

Prior to August of every year, the City Treasurer delivers a list of unpaid assessments to the County Treasurer. Every August 1, the Richland County Treasurer sends notice to property owners who have delinquent property taxes. If those taxes are not paid, a tax lien attaches to the property. Once the lien attaches, the County Commissioners can direct the Treasurer to auction off the property. If they don't, there is a method by which a private person can compel an auction by becoming the assignee of the tax lien. This process is set out in MCA 15-17-323, but it really doesn't matter for our present purposes, as the end result, the public auction, is the same. The property owner has a three year right of redemption for residential property, in which they can redeem their property by paying the lien amount owed, so the County is unlikely to auction anything off until after this time has elapsed.

When Richland County auctions a piece of property for back taxes, the County has to start the bidding with a minimum price set by MCA 15-18-220. That price is equal to the taxes owed, any assessments owed, plus half the assessed value of the land. The County cannot accept a lower bid than this amount, so in any scenario where the City levies on land, the City will receive the money it is owed, unless there are no bidders on the property. If there are not, the City can choose to purchase the lot for the amount owed, minus any assessments (MCA 15-17-317).

CHAPTER 7

REMOVAL OF SNOW AND/OR ICE

Section:

9-7-1: Duty To Remove Snow and Ice from Sidewalks:

(a) It shall be the duty of the owner or tenant of any privately held real property in the following zoning districts the city of Sidney to remove snow, ice and slush from sidewalks abutting said real property within forty-eight (48) hours after a snowfall: R-1, R-2, R-3, C-1, C-2, C-3.

(b) It shall be the duty of the owner or tenant of any privately held real property in any other zoning district to remove snow, ice and slush from sidewalks abutting said real property within twenty-four (24) hours after a snowfall.

(c) It shall be the duty of the owner of a lot or parcel of land where the sidewalk runs to an alley or other public way to clear snow and ice from said surface for one-half of the distance across the alley or public way or to the gutter line of the street.

9-7-2: Unlawful Dumping of Snow onto Public Rights of Way:

(a) It shall be unlawful and it is hereby declared a nuisance for any private owner or tenant of real property within the City to dump or deposit snow, ice and slush from said real property onto public streets, avenues, alleys or rights of ways of the City of Sidney; provided, that owners and tenants of real property in the “central business district” of the City of Sidney where no landscaped boulevard exists adjacent to said real property may deposit snow, slush and ice from sidewalks adjacent to their property onto public streets or avenues of the City of Sidney. For the purposes of this section, the “central business district” is defined as: [INSERT description]

Commented [JC1]: 9-7-2(b) commercial district, including current (b)-divide between private and business

Commented [JC2]: From sidewalks ONLY adjacent

Commented [JC3]: Have 24 hours to push snow into public streets in CBD, but should not push snow into AFTER city has plowed that street.

(b) Persons cleaning or causing to be cleaned any parking lot, service station, yard or court shall remove snow to a suitable disposal point not on any public rights of way, at his/her own expense.

9-7-3: Parking of Motorized vehicles During Removal of Snow and Ice.

Snow emergency routes. The following streets in the City of Sidney are declared snow emergency routes as follows:

(a) Snow emergency routes are those streets normally traversing the entire City or a major part of the City of Sidney and are essential to the rapid movement of emergency vehicles and normally

carry the heaviest traffic volumes. The following Streets or portions of streets in the City are hereby designated as snow emergency routes.

East Main Street, from 10th Avenue to Central Avenue.

West Main Street, from Central Avenue to 11th Avenue.

5th Street S.E., from 9th Avenue S.E. to Central Avenue.

5th Street S.W. from Central Avenue to 14th Avenue S.W.

14th Avenue S.W., from 5th Street S.W. to West Holly Street.

12th Avenue S.W., from 5th Street S.W. to West Holly Street.

4th Avenue S.E., from 14th Street S.E. to East Main Street.

4th Avenue N.E., from East Main Street to East Holly Street.

12th Avenue N.W., from West Holly Street to 4th Street N.W.

9th Avenue S.W., from 5th Street S.W. to 14th Street S.W.

22nd Avenue N.W., from West Holly to Bitterroot Drive.

The City of Sidney, City Council by resolution may designate and amend streets or portions of streets which shall constitute snow emergency routes within the City.

(b) Snow emergency defined. When winter weather conditions exist that make it necessary for motorized vehicle travel to be expedited such that parking on snow emergency routes be prohibited for snow plowing and/or hauling, an emergency conditions exists. Whenever the Director of Public Works or the City Street Superintendent determines that three inches (3") or more of snow, sleet, or freezing rain has accumulated on the designated snow emergency routes, and that a public service announcement to the local media and/or social media platform has been issued stating that snow route plowing will begin, a parking prohibition on said routes shall be become necessary.

A parking prohibition under this section shall remain in effect until such time as the City plows have completed plowing and/or hauling snow on a particular street designated as a snow emergency route. It is City policy to start plowing snow emergency routes within 12 hours of a snow event ending that creates the emergency situation. While the parking prohibition is in effect, no person shall park, or allow to remain parked, any vehicle or trailer on any portion of the designated snow emergency route.

Nothing herein contained will be construed to permit parking at any time or place where it is forbidden by any other ordinance provision.

(c) Signs to mark the route. Snow emergency routes shall be posted with special signs with wording

“EMERGENCY SNOW ROUTE – NO PARKING IF OVER THREE INCHES.”

Commented [JC4]: Change to “Emergency Snow Route” only

(d) Impounding vehicles. Any vehicle stopped on any snow emergency route in violation of the provisions of this section or on any other street of the City in violation of this section providing for the completion of plowing of snow or ice may be impounded by members of the Sidney Police Department and held in accordance with City ordinance or state law.

(e) Evidence with respect to vehicles parked or left in violation of section. In any prosecution with regard to a vehicle parked or left in place in violation of any provision of this section, proof that the particular vehicle described in the complaint was parked or left in violation of a provision of the section, together with proof that the defendant named in the complaint was at the time the registered owner of such vehicle, shall constitute prima facie evidence that the defendant was the person who parked or left the vehicle in violation of this section.

(f) Effective date. This section shall be in full force and effect from and after the passage, approval, and publication of the listed streets when signed as snow emergency routes in accordance with this section.

(g) Violations – Traffic citation – complaint. Whenever any motor vehicle is found stopped or parked contrary to the provisions of this section, the owner of such vehicle may be charged with a violation of this section. Any person violating this section is subject to a fine of \$100 per day of violation.

9-7-4: Violations.

(a) Any person, whether owner or occupant, who refuses or fails to keep sidewalks upon the property free from snow and ice shall be guilty of an offense and shall be subject to a penalty as follows:

(b) Upon failure of the property owner to remove snow and ice, the city may take action to remove snow and ice and assess the property, as provided in MCA7-14-4106 and further described below.

1. If snow and ice are not removed from sidewalks within the time and in the manner provided by the ordinances of the municipality, the snow and ice may be removed by or

under the direction of the director of public works director or **street commissioner** and the necessary expense thereof shall be chargeable against the abutting property.

Annually, on or before May first, the public works director shall make and file in the office of the city clerk a list showing separately the amount chargeable and assessed against each lot and tract and stating the name of the owner of each such lot or tract so far as known to the director of public works.

2. The city clerk shall give notice of the hearing and confirmation of the report of snow and ice removal and of the assessment therefore at the first regular June meeting of the governing body. Such notice shall notify all persons objecting to the report and assessment to appear and present their objections. The notice shall be published once each week for two consecutive weeks in the official municipal newspaper and the last publication shall not be less than eight days before the date set for the hearing.

3. At the meeting of the governing body in June or at such later meeting as the hearing and confirmation of such assessment may be adjourned to, the governing body shall consider and hear any objection to the snow and ice removal assessment, or to any part thereof, and after revising or correcting the assessment, if revision or correction is necessary, it shall approve and confirm the same. The city clerk shall attach to the assessment list the city clerk's certificate that the list is correct as confirmed by the governing body and shall file the same in the city clerk's office and shall certify the assessment in the manner provided by law for the assessment of property taxes.

4. From the time any assessment list provided for in this chapter is approved by the governing body, the assessment, with interest and penalties thereon, shall be and remain a permanent lien upon the property upon which the assessment is levied until the assessment is paid in full, and it shall have precedence over all other liens except general taxes. Such lien shall not be divested by any judicial sale, and no mistake in the description of the property assessed nor in the name of the owner thereof shall defeat such lien if the property assessed can be identified by the description in the assessment list.

9-7-5: Penalties.

(a) Any person who interferes with or hinders the removal of said snow and ice by the city, shall be guilty of a class B misdemeanor.

(b) Any person who dumps or deposits snow, ice and slush from any real property onto the public streets, avenues, alleys or rights of ways of the City of Sidney shall be guilty of a class B misdemeanor.

This ordinance shall be in full force and effect upon its final passage and approval.

(ALTERNATE VERBAGE FOR SECTION 9-7-3)

Commented [JC5]: Agree to keep original 9-7-3 verbage

9-7-3: Parking of Motorized vehicles During Removal of Snow and Ice.

Snow emergency routes. The following streets in the City of Sidney are declared as primary posted snow emergency routes as follows:

12th Avenue S.W./N.W., from 5th Street S.W. to West Holly Street.

12th Avenue N.W., From West Holly Street to 4th Street N.W.

5th Street S.W. from Central Avenue to 14th Avenue S.W.

9th Avenue S.W., from 5th Street S.W. to 14th Street S.W.

22nd Avenue N.W., from West Holly to Bitterroot Drive.

Lincoln Avenue N.W./S.W., from West Holly to Central Avenue.

East Main Street, from 10th Avenue to Central Avenue.

West Main Street, from Central Avenue to Lincoln Avenue

(i) Snow emergency routes are those streets normally traversing the entire City or a major part of the City of Sidney and are essential to the rapid movement of emergency vehicles and normally carry the heaviest traffic volumes. The following Streets or portions of streets in the City are hereby designated as secondary, non-posted snow emergency routes.

5th Street S.E., from 9th Avenue S.E. to Central Avenue.

West Main Street, from Lincoln Avenue to 11th Avenue.

14th Avenue S.W., from 5th Street S.W. to West Holly Street.

4th Avenue S.E., from 14th Street S.E. to East Main Street.

4th Avenue N.E., from East Main Street to East Holly Street.

14th Street S.W., from 16th Avenue to Central Avenue.

The City of Sidney, City Council by resolution may designate and amend streets or portions of streets which shall constitute snow emergency routes within the City.

