

THE REGULAR BAKER CITY COUNCIL MEETING WAS HELD WEDNESDAY, APRIL 19, 2023 AT 7:00 P.M. IN THE FALLON COUNTY COURTROOM.

MEMBERS PRESENT: Mayor; Steve Zachmann, Councilors; Mike Loutzenhiser, Tracey Goerndt, Brittany Hoversland, Pat Ehret, City Attorney; Rich Batterman, Director of Public Works; Rod Morris, Fire Chief; Tom Bruha, Police Chief; Justin LaCroix, City Engineer; Shannon Hewson and Clerk Treasurer; Kevin Dukart.

GUESTS: Patricia Rost, Ashley Rost, Karen Beyers, Bobby Wood, Kaden Wood, Jason Griffith, Brenda Dietz, Sheena Veazey, Kyle Rogge and Lacey Berg.

The Pledge of Allegiance was recited.

PUBLIC COMMENT:

Karen Beyers presented a letter to city officials regarding a recent incident she was involved in with the Baker Police Department. After reviewing the letter, City Attorney Batterman asked Karen to consider use of the City Grievance Policy rather than hold a discussion on this matter before the City Council.

Karen agreed to this and retracted the letter except for Police Chief LaCroix and City Attorney Batterman's letters.

Attorney Batterman exited the meeting at 7:12 p.m.

Motion by Pat Ehret, second by Tracey Goerndt to approve the Consent Agenda Minutes of the meeting of April 5, 2023 with one correction to the Public Works Department input. Motion Carried. All Aye.

OLD BUSINESS:

With no objection, agenda order was modified.

Discussed the donation to the Fire Work's Fund with the uncertainty of raising funds for the fireworks. Motion by Brittany Hoversland, second by Tracey Goerndt to increase the city donation for fireworks to \$1,000 this year. Motion Carried. All Aye.

NEW BUSINESS:

Motion by Tracey Goerndt, second by Mike Loutzenhiser to approve an ad for the hiring of 1 short-term part-time worker in the Public Work's Department. Motion Carried. All Aye.

Attorney Batterman returned at 7:17 p.m.

OLD BUSINESS:

Motion by Brittany Hoversland, second by Tracey Goerndt to approve the Park Maintenance Agreement with Tod and Lisa Passmore. Motion Carried. All Aye.

Discussed the Food Forrest Land Use Agreement with SMART. Lacey Berg requested changes to the notice to the City Council on alterations and improvements also be "major" alterations and improvements. Lacey also asked on the extent of detail of plan for of improvements. She had submitted a plan last September; it was agreed to attach that plan for review of the final documents. Lacey inquired about the 30-day notice, specifically a break of contract.

Attorney Batterman stated this is common language that to only 30 days to cure any default and only then contract may be terminated by the aggrieved party.

Motion by Tracey Goerndt, second by Mike Loutzenhiser to approve the contract with SMART with one amendment as noted above. Motion Carried. All Aye.

NEW BUSINESS:

Consideration of a petition from Patricia A Rost to exclude land from the boundaries of the City of Baker described as a 100x200 foot tract of land located in the NW1/4, SW1/4 of Section 12, Township 7 North, range 59 East of P.M.M., Fallon County Montana.

Trish stated that the property has no improvements, was used as an area to dump debris such as concrete, asphalt and wasted dirt and is mostly located in the flood way. Trish further noted potential cost of SID are a factor in her request to de-annex.

Motion by Brittany Hoversland, second by Pat Ehret to authorize a draft of a Resolution of Intent on the petition for Ms. Rost to exclude land from the City of Baker. Motion Carried. All Aye.

Discussed a request to amend the short-term job classification to allow work from 90 days to 6 months to be in sync with state statutes. Attorney Batterman requested time to draft the change.

Motion by Brittany Hoversland, second by Mike Loutzenhiser to approve the Park Use Permit with the Baker Baseball Association for 2023. Motion Carried. All Aye.

Shannon reported on the recent bid received for Schedule III, Paving and Reconstruction for SID #36 and bid received from Diamond J Construction of Miles City, Montana \$1,686,192.75. This was under the engineer estimate. Shannon also presented total project cost estimates for both a 5-year and 7-year assessment for consideration.

Mayor Zachmann asked for the SID Committee to meet on Monday, April 24th, following that a recommendation will be made to the City Council.

The ordinance on use of motorized vehicles on the city streets as well as the age limit to operate was provided. Justin reported that there have been past incidences of children operating electric scooters on city streets that are under the age of 15.

Rich reported this is not allowed by city ordinance and wanted the City Council to be aware of the issue as we move towards summer. It was noted that some of these vehicles can obtain speeds of up to 40 mph.

Justin stated that they will issue information and warnings to those underaged that are observed operating the scooters on the streets.

Baker Cleanup Days ad has been placed in the paper and will be from April 29th through May 7th. The City Crew will be available to help with container site duty when necessary, during this time because of the extended hours.

FIRE DEPT. INPUT:

Tom reported the department held water rescue training this past weekend and will continue rope rescue training this weekend. They are still recruiting volunteers for the department.

PUBLIC WORKS INPUT:

Rod reported they have begun cleaning the streets and highways. Diamond J is currently working on the cement water tanks. The one that is now empty appears to be in good condition.

CLERK TREASURER INPUT:

The March 2023 Financials as well as the Quarterly Investment and Pledge reports were available.

MAYOR INPUT:

Steve read a statement on the history of SID #36 in relation to where has progressed on the project.

CITY ATTORNEY INPUT:

Rich reported that he will be at a City Attorney Training and will miss the May 3rd meeting. His past schedule has been to work on the agreements that the city had approved this meeting.

REDIRECT:

Shannon Hewson requested to refer to the agenda item on consideration of bids for SID construction as he had further information; in contact with both Rural Fire and the County Commission, they have requested the City Council take action on the 6th Street Waterline Project so that they may consider the cost share of \$150,000 for that project.

Motion by Brittany Hoversland, second by Pat Ehret to approve Schedule IV, 6th Street Waterline Project contingent upon the recommendation of the SID #36 Committee to approve bids for Schedule I and III of the SID Project. Motion Carried. All Aye.

COUNCIL INPUT:

Ehret – Thank you to the city workers on the water project and to Shannon for his efforts.

Hoversland – None

Goerndt – None

Loutzenhiser – Mike reported that he will not be able to attend the May 3rd meeting.

The following payroll was approved for payment:

PERD vendor liability \$2,292.66, MPERA vendor liability \$3,640.76, Nationwide Retirement emp w/h \$600.00, Dept. of Treasury emp w/h \$6,963.79, MT Dept. of Revenue emp w/h \$1,329.35, Unemployment Ins. vendor liability \$699.35, MT State Fund work comp. \$3,679.71, ACH Deposits; Brenda Dietz \$2,520.88, Larry Donnelly \$1,470.93, Kevin Dukart \$1,848.35, Blayne Higgins \$1,171.21, Justin LaCroix \$2,081.38, Jaramie McClean \$1,437.45, Rodney Morris \$ 1,919.69, Bryan Nevers \$1,630.71, Kyle Rogge \$1,878.84, Ashley Rost \$888.48, Cody Strandbakke \$1,879.93, Tyler Travis \$1,560.89, Sheena Veazey \$1,725.72.

Total payroll: \$41,220.08

There having been no further business to come before the Baker City Council at this time, Motion by Mike Loutzenhiser, second by Tracey Goerndt to adjourn at 8:30 p.m. Motion Carried. All Aye.

_____ Mayor _____ Clerk Treasurer