

THE REGULAR BAKER CITY COUNCIL MEETING WAS HELD WEDNESDAY, MAY 17, 2023 AT 7:00 P.M. IN THE FALLON COUNTY COURTROOM.

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

ABSENT: Tracey Goerndt

GUESTS: Jody Strand, Patricia Rost and Sandy Kinsey

The Pledge of Allegiance was recited.

PUBLIC COMMENT:

Jody Strand stated she appreciates the efforts of increased enforcement of the use of fireworks within the city. This past year there were some incidents in her neighborhood where the fireworks were very loud and disturbing. This is disruptive to not only residents but those in hospital and nursing home care. There is already a designated area near the lake for people to use for this purpose.

Motion by Brittany Hoversland, second by Pat Ehret to approve the Consent Agenda Minutes of May 3, 2023 as presented. Motion Carried. All Aye.

OLD BUSINESS:

Mayor Zachmann read the title of Resolution #744, a Resolution of Intent to Exclude Land from the City of Baker in regard to a petition by Patricia A Rost.

Attorney Batterman presented MCA 7-2-4805 which provides the factors for consideration of the petition to exclude land, which includes best interest of the city and the inhabitants and effect on symmetry of the city boundaries. Rich stated that the Prairie Ave. right of way would potentially be reduced if the exclusion occurs as well as access to city utilities located in the right of way.

Trish Rost debated whether the exclusion of the corner tract would have any effect on the symmetry as not all other boundaries are square. She also asked if she could donate the 40' right of way to the city as a concession.

Mayor Zachmann requested to defer this item until later in the meeting. This was agreed to.

NEW BUSINESS:

Clerk Dukart requested to change the policy on the county and school irrigation and seasonal water accounts to activate in April and de-activate on October 1. The meters for these accounts are in the possession of these public entities and in the past, there has been a lack of communication on when the services are active. This would then become in effect a 6-month seasonal charge for these accounts.

Motion by Brittany Hoversland, second by Mike Loutzenhiser to approve a policy to activate these account meters on a seasonal basis beginning April 1st through October 1st of each year. Motion Carried. All Aye.

Aggregate material quotes for SID #36 were received from Wyrick Construction for \$84,000.00 and Griffith Excavating for \$107,000.00. Shannon recommended accepting the low quote from Wyrick Construction.

Motion by Mike Loutzenhiser, second by Pat Ehret to accept the aggregate quote from Wyrick Construction. Motion Carried. All Aye.

Fabric quotes for SID #36 were received from Core & Main from Missoula, MT for \$27,965.00 and Northwest Pipe Fittings Inc. from Billings, MT for \$25,434.36.

Motion by Brittany Hoversland, second by Mike Loutzenhiser to approve the quote from Northwest Pipe Fittings. Motion Carried. All Aye.

Shannon updated on the progress of the Water Tank Project. Diamond J is approximately 95% completed with the project and will begin to fill the west tank soon. Pay Application #5 reflects completion of approximately 50%. Shannon recommended to approve Pay Application as presented.

Motion by Mike Loutzenhiser, second by Brittany Hoversland to approve the pay application for Diamond J Construction in the amount of \$118,376.65. Motion Carried. All Aye.

Shannon presented an updated budget for SID #36. Estimate for the total project cost is \$5,027,877.28 with the estimated amount to be assessed at \$3,408,100.12.

Mayor Zachmann reported that the Fallon County Commission has agreed to apply \$1,500,00.00 to SID #36 and 6th Street Watermain Projects as follows: on behalf of Baker Rural Fire District, \$150,000.00 for a watermain, \$260,000.00 for the county SID assessment and the remainder applied to the SID construction. The estimate of square feet assessment is now .24 cents per square foot. The reduction in the assessment includes \$485,000.00 from the city's State Local Fiscal Recovery Funds.

Steve thanked the SID Committee as well as the County Commissioners for their participation in working through the process to get to this stage of the SID #36 Project.

Continued discussion on Resolution #744; what would be the process to donate 40' of the property to the city for right of way?

Rich stated that he would need to research this, but this is not included her petition for which she is requesting action. Since property shows on a plat with the 40' it would most likely require an amended plat which the cost of that is unknown.

Motion by Mike Loutzenhiser, second by Pat Ehret to approve Resolution #744, a Resolution of Intent to exclude land regarding the Petition of Patricia Rost. All Nay, Motion Failed.

PLANNING INPUT:

Mary stated that she is not getting any responses for recruitment for Zoning or Planning Board members from advertisements. She is planning to mail recruitment requests to 25 citizens in hopes of gaining some interest in serving on these boards.

PUBLIC WORKS INPUT:

Rod reported that they have been cleaning sewer mains and milling potholes to begin patching.

POLICE DEPT. INPUT:

Justin stated that in response to Jody Strand on enforcement of the Fireworks Ordinance, there was an individual who was charged with an offense on the incident she was speaking of last year. The charges were not under the fireworks ordinance however.

CLERK TREASURER INPUT:

The April 2023 Financial Report was available for review.

Kevin stated that since the SID #36 budget is finalized, he will get information from the Bond Counsel who will begin to prepare the documents for the bond sale. Nathan Bilyeu, Bond Counsel, has offered to attend our next meeting at which time the bond resolution will be prepared for action. The county assessment deadline for SID #36 Assessment will be October 3, 2023. Work on the updates to the assessment list is ongoing.

MAYOR INPUT:

Steve reported that one applicant for the open position in the Public Work's Dept. withdrew his application.

J K Construction is scheduled for a pre-construction meeting on May 22nd and hopes to begin construction by mid-June on the 6th Street Watermain Replacement Project.

Steve reported that he attended the Montana Housing Conference in Helena earlier this week. The Legislature made several changes to limit local zoning codes regarding housing density due to housing and homeless issues facing mainly the largest 8 cities in Montana. The affordability of housing, however, has not really been addressed unfortunately.

CITY ATTORNEY INPUT:

Rich attended the Municipal Attorney Conference in Bozeman. The 9th Circuit Court has ruled that cities cannot restrict the occupation of public spaces unless there is a shelter available for those who are homeless. This may affect our local codes. There was also information on code changes to allow 3rd class cities to combine Planning and Zoning Boards which may help with recruitment issues for these boards.

Rich attended the State Bar Association Conference in Seely Lake recently as well where he represents counties in Eastern Montana.

COUNCIL INPUT:

Ehret – None

Hoversland – Thanked Justin for the department's patrol near the schools especially during this time of year.

Loutzenhiser – Stated he enjoyed his recent vacation in California.

The following payroll was approved:

PERD vendor liability \$2,321.24, MPERA vendor liability \$3,723.79, Nationwide Retirement emp w/h \$600.00, Dept. of Treasury emp w/h \$7,467.41, MT Dept. of Treasury emp w/h \$1,419.96, MT State Fund vendor liability \$3,679.71, ACH Deposits: Brenda Dietz \$1,606.08, Larry Donnelly \$1,448.32, Kevin Dukart \$1,722.15, Blayne Higgins \$2,057.98, Justin LaCroix \$2,081.38, Jaramie McLean \$1,437.45, Rodney Morris \$1,919.69, Bryan Nevers \$1,373.21, Kyle Rogge \$1,902.66, Ashley Rost \$888.48, Cody Strandbakke \$1,995.26, Tyler Travis \$1,560.89, Sheena Veazey \$2,015.10.

Total payroll: \$41,220.76

There having been no further business to come before the Baker City Council, Motion by Mike Loutzenhiser, second by Pat Ehret to adjourn at 8:37 p.m. Motion Carried. All Aye.

_____ Mayor _____ Clerk Treasurer