

PUBLIC HEARINGS: opened 7:15pm for ORDINANCE 2012-08: There was no discussion. The hearing closed at 7:19 p.m.

COUNCIL MEETING: The Regular Council Meeting for January 2, 2013 was called to order at 7:30 p.m. with Mayor Koebbe presiding:

Upon roll call the following Aldermen were present: Carla Colstad, Darren Zent Kenny Kepp, Jeremy Krebs, Randy Angevine and Jerry Wemple.

Also present: City Clerk Rochelle Angevine, City Attorney Bob Snively, Finance Officer Michelle Dyckman, retiring Public Works Superintendent Larry Vandersloot, future Public Works Superintendent Tony Maxwell, future Asst. PWS Rock Massine and several members of the public.

MINUTES OF PREVIOUS MEETING: Wemple made the motion to approve the minutes as written from the December 18, 2012 meeting. Motion seconded by Angevine. On a voice vote, the motion was unanimously approved. 6/0

PUBLIC COMMENT: Laurie Tschetter spoke to council about concerns over the Housing Authority and the Housing Study.

MAYOR: Koebbe announced the Housing Committee and their first organizational meeting on January 14 at 5pm.

STAFF REPORTS

Public Works

Larry Vandersloot recommended approval of the following:

Award Bid – Asphalt Plus SID 120 approaches, sidewalks, handicap ramps (\$238,018.05) Krebs moved to approve. Motion seconded by Angevine. On a voice vote, the motion was unanimously approved.

Springline tarp proposal (\$20,500): Angevine moved to approve. Motion seconded by Wemple. On a voice vote, the motion was unanimously approved.

Approve Tony Maxwell to sign Purchase Orders as Vandersloot did: Wemple moved to approve. Motion seconded by Kepp. On a voice vote, the motion was unanimously approved.

- **Finance:**

Dyckman reported the Annual Report has been sent off.

Dyckman requested approval of Draw Request #6 for the Water System

Improvement Project (\$264,399.92): Krebs moved to approve. Motion seconded by Kepp. On a voice vote, the motion was unanimously approved.

Dyckman update the Council on the grant received and City co-pay for analysis of the Underground storage tank grant. This will need to be a budget amendment.

There is Joint Power Trust (JPT) meeting in Columbus on January 8 and Dyckman has decided to attend.

- **Legal:**

Snively asked the Council to authorize the Public Works Superintendent or Mayor to sign the Municipal Facilities Exclusion – Yerger Subdivision: Kepp moved to approve. Motion seconded by Angevine. On a voice vote, the motion was unanimously approved.

- **Economic Development:** McDowell asked the Mayor to proceed with approving the TRA board appointees. Koebbe asked the Council to approve James Botwright's appointment to the TRA board. Krebs moved to approve. Motion seconded by Colstad. On a voice vote, the motion was unanimously approved. And Cliff Schollmeyer's appointment to the TRA board. Krebs moved to approve. Motion seconded by Colstad. On a voice vote, the motion was unanimously approved.

OLD BUSINESS: N/A

NEW BUSINESS: N/A

COMMITTEE REPORTS:

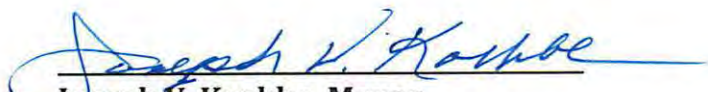
- **Landfill:** N/A
- **Streets & Alleys:** Krebs reported that City crews are sanding streets and beginning on the Parker Lane project.
- **Sewer & Water:** The Pay Estimate is being revised for Dick Anderson – and removed from agenda by Vandersloot. In a meeting the City had with Great West Engineering there were several mistakes made.
- **Finance:** Angevine moved to approve the minutes from the Finance Committee meeting from December 18, 2012. Motion seconded by Krebs. On a voice vote, the motion was unanimously approved.
 - Angevine made the motion to approve claims as presented: 15820-15868. With Special Claims being 15854, 15855, 15857. Seconded by Krebs. On a voice vote, the motion was unanimously approved.
 - Angevine made a motion to approve a raise in wages for; Tony Maxwell to \$30/hr, Rock Massine to \$25/hr and Dan Pederson to \$23/hr. This is reflection of Vandersloot retiring and these individuals being moved into different positions. Seconded by Kepp. On a voice vote, the motion was unanimously approved.
- **Parks & Playgrounds:** Colstad asked about painting the ice rink to help prevent the ice from melting so quickly. Wemple said he was still checking into the tarp used to cover the grain as a possible liner for the rink. It was decide to revisit this issue in the fall.

RESOLUTIONS & ORDINANCES:

SECOND READING: Ordinance 2012-08 - Title 6 /Chapter 2 Regarding Dogs and Cats (Tether)

Angevine moved to approve. Motion seconded by Kepp. On a voice vote, the motion was unanimously approved.

There being no further business, the meeting was adjourned at 8:07 p.m. Upon motion by Wemple and second by Angevine.


Joseph V. Koebbe, Mayor

ATTEST:


Rochelle Angevine, City Clerk



COUNCIL MEETING: The Regular Council Meeting for January 15, 2012 was called to order at 7:30 p.m. with Mayor Koebbe presiding:

Upon roll call the following Aldermen were present: Carla Colstad, Darren Zent, Kenny Kepp, Jeremy Krebs, Randy Angevine and Jerry Wemple.

Also present: City Clerk Rochelle Angevine, City Attorney Bob Snively, Finance Officer Michelle Dyckman, Public Works Superintendent Tony Maxwell and several members of the public.

MINUTES OF PREVIOUS MEETING: Kepp made the motion to approve the minutes as written from the January 2, 2013 meeting. Motion seconded by Krebs.

MAYOR: Koebbe announced that the next Housing Committee organizational meeting has not yet been scheduled but is in the works.

PUBLIC COMMENT: Wemple announced the 103rd Birthday of the Hardin Volunteer Fire Department. The HVFD was established January 14, 1910.

STAFF REPORTS

- **Public Works:** Maxwell requested approval of Change order #1 Dick Anderson (\$10,764.00). Kepp moved to approve. Motion seconded by Krebs. On a voice vote, the motion was unanimously approved.
- **Finance:** Dyckman presented a packet to the Council to help explain the Capital Improvement Plan (CIP)
- **Legal:** Snively requested the Council approve Tony Maxwell to sign Daily Monitoring Reports from the Waste Water Treatment Plant (DMR) reports. Kepp moved to approve. Motion seconded by Krebs. On a voice vote, the motion was unanimously approved.
Snively then informed that a new Liquor License will be issued to Hardin Express if no objection by the Council. None were voiced.
- **Economic Development:** McDowell reported that the Detention Center will accept the Big Horn County's proposal and the title transfer is being prepared. New downtown business, Aarons, Grand Opening is January 18.

OLD BUSINESS: N/A

NEW BUSINESS: Snively reported that everything request has been done and all is in order with the submission of New World Energy's final plat and recommends that
Resolution 2001 – Adopting Final Plat – New World Energy be approved: Kepp moved to approve. Motion seconded by Krebs. On a voice vote, the motion was unanimously approved.

COMMITTEE REPORTS:

- **Landfill:** N/A
(Law Enforcement-Wemple reported that the City is currently negotiating)
- **Streets & Alleys:** Krebs reported that SID 120 is still on winter shutdown. Enforcement of the Snow removal is in full swing. And reminds that businesses need to be shoveled by 11am.
- **Sewer & Water:** Kepp reported that removing of the Tarp by the 6th Street Lift Station has begun.

- **Finance:** Angevine moved to approve the minutes from the Finance meeting from January 2, 2013. Motion seconded by Kepp. On a voice vote, the motion was unanimously approved.
- Angevine made the motion to approve claims as presented: 15869-15923 and Special Claims as presented. Seconded by Krebs. On a voice vote, the motion was unanimously approved.
- **Parks & Playgrounds:** N/A

RESOLUTIONS & ORDINANCES:

Resolution 1999 – Adopting the Pre-disaster Mitigation Plan

Angevine moved to approve. Motion seconded by Krebs. On a voice vote, the motion was unanimously approved.

Resolution 2000 – Establishing Wages for Certain City Employees

Angevine moved to approve. Motion seconded by Kepp. On a voice vote, the motion was unanimously approved.

FIRST READING: Ordinance 2013-01- Regarding Building Art and Murals.


Krebs moved to approve. Motion seconded by Angevine. On a voice vote, the motion was unanimously approved.

Public Hearing will be February 5, 2013 at 7pm.

There being no further business, the meeting was adjourned at 8:00 p.m. Upon motion by Wemple and second by Angevine.


Joseph V. Koebbe, Mayor

ATTEST:


Rochelle Angevine, City Clerk



PUBLIC HEARINGS: opened 7:00pm for Ordinance 2013-01- Regarding Building Art and Murals.

Karen Stanton, Cory Kenney, Betty Christman, Rick Baughman, Nola Vandersloot from the Jailhouse Gallery, Mark Sargent, Katie Miller, Claudine Farrar, Rose Mercier, Randy Malensek, Mike Martin spoke against the ordinance as written.

The hearing closed at 7:33 p.m.

COUNCIL MEETING: The Regular Council Meeting for February 5, 2013 was called to order at 7:35 p.m. with Mayor Koebbe presiding:

Upon roll call the following Aldermen were present: Carla Colstad, Darren Zent Kenny Kepp, Jeremy Krebs, Randy Angevine and Jerry Wemple.

Also present: City Clerk Rochelle Angevine, City Attorney Bob Snively, Finance Officer Michelle Dyckman, Public Works Superintendent Tony Maxwell, and several members of the public.

MINUTES OF PREVIOUS MEETING: Angevine made the motion to approve the minutes as written from the January 17, 2013 meeting. Motion seconded by Krebs. On a voice vote, the motion was unanimously approved. 6/0

PUBLIC COMMENT: N/A

MAYOR: Koebbe announced a change in the Agenda to address **SECOND READING:** Ordinance 2013-01- Regarding Building Art and Murals; Koebbe asked the Council for input on the Public Hearing. Krebs asked Snively if there were a line they wanted to delete could they do so at this time. Snively stated that they could move to approve with any correction the Council felt necessary or the Council could modify at a later date. Krebs stated that he felt it was important to pass this type of Ordinance, and part of that was to maintain any art painted on the buildings. Angevine stated that he was chair of the Resolution and Ordinance Committee and it seemed evident that the Council believes this ordinance is necessary yet with the public comments, it might be necessary to meet half way, he asked the audience if anyone would meet to discuss that. Several members voiced negatively, Angevine stated ok he got his answer. Kepp stated he liked the "art" currently on the windows and on the Liquor store, but was afraid if nothing is done that it will open the door for more "art" on the buildings downtown. Krebs restated that he felt the City needed this type of ordinance and therefore, moved to approve the **SECOND READING:** Ordinance 2013-01- Regarding Building Art and Murals. Motion seconded by Angevine. By raise of hands the Ordinance was defeated: With Krebs and Angevine voting Yes; Zent, Kepp and Wemple voting "No" and Colstad abstained. Mayor Koebbe then announced all those that wish to leave the Council meeting at this time could do so.

STAFF REPORTS

- **Public Works** Maxwell asked the Council to approve the following items:
 - ◆ Pay Estimate #4 CMG for SID 120 (\$177,158.00) Angevine made the motion to approve. Motion seconded by Kepp. On a voice vote, the motion was unanimously approved.
 - ◆ Pay Estimate #4 Dick Anderson for WTP improvement project (\$231,585.71) Kepp made the motion to approve. Motion seconded by Angevine. On a voice vote, the motion was unanimously approved.
 - ◆ The actually cost of 8 inch tie-in (\$4,465.00) by Dick Anderson –Originally approved by a special phone vote of the Council 1/17/13- Angevine made the motion to approve. Motion seconded by Kepp. On a voice vote, the motion was unanimously approved.
 - ◆ Fence bid for Lift Station #3 on Park Road (I-90 Park) Grand Fence Company low bidder. Krebs made the motion to approve. Motion seconded by Angevine. On a voice vote, the motion was unanimously approved.

- ◆ Adding a stop sign at W 1st & Heimat heading west. Angevine made the motion to approve. Motion seconded by Colstad. On a voice vote, the motion was unanimously approved.
- **Finance:** Dyckman requested Council's approval on Draw # 7 on the WTP improvement project. Kepp made the motion to approve. Motion seconded by Colstad. On a voice vote, the motion was unanimously approved.
- **Legal:** Snively asked the Council to authorize the Mayor to sign the necessary paperwork allowing Bill Fox a temporary Conditional Variance on carport at 926 N Crow.
- **Economic Development:** McDowell reported that he was working with Lee Hale regarding property documentation related to New World Energy and BNSF rail spur; also investigating potential grant funding source for rail spur rehabilitation. He received a commercial business inquiry and was advised by Mike Harling to expect documentation re: Detention Facility buy-sell agreement between Bondholders and Big Horn County.

OLD BUSINESS: N/A

NEW BUSINESS: Merle Redger from Paramount Storage submitted 2 options to landscaping their property on the corner of Center Ave and 11th Street. Kepp made the motion to approve option #2 which Redger would form up and pour a sidewalk from the corner of Center Ave. along 11th Street to property line, including cutting the curb and pouring an approach in line with the new gate. The balance of approx 5' 6" space between the sidewalk and the fence would get landscaping fabric & landscaping rock with maybe a few larger rocks or pieces of antique equipment to make it look good. Then along Center Ave, Redger plans to install and grade topsoil, plant grass and keep it mowed. Motion seconded by Colstad. On a voice vote, the motion was unanimously approved.

COMMITTEE REPORTS:

- **Landfill:** N/A
- **Streets & Alleys:** N/A
- **Sewer & Water:** The Sewer Project is currently on hold.
- **Finance:** Angevine moved to approve the minutes from the Finance Committee meeting from January 17, 2013. Motion seconded by Krebs. On a voice vote, the motion was unanimously approved. Angevine made the motion to approve claims as presented: 15924-15989. With Special Claims as presented. Seconded by Wemple. On a voice vote, the motion was unanimously approved.
- **Parks & Playgrounds:** Colstad announced a P&P Committee meeting for March 5 at 7pm.

RESOLUTIONS & ORDINANCES:

There being no further business, the meeting was adjourned at 8:32 p.m. Upon motion by Wemple and second by Kepp.



 Joseph V. Koebbe, Mayor

ATTEST:



 Rochelle Angevine, City Clerk



COUNCIL MEETING: The Regular Council Meeting for February 19, 2013 was called to order at 7:30 p.m. with Mayor Koebbe presiding:

Upon roll call the following Aldermen were present: Carla Colstad, Darren Zent, Kenny Kepp, and Jerry Wemple. Jeremy Krebs was absent due to vacation, Randy Angevine was absent due to work.

Also present: City Clerk Rochelle Angevine, City Attorney Bob Snively, and Finance Officer Michelle Dyckman. Public Works Superintendent Tony Maxwell was absent due to Water Conference

MINUTES OF PREVIOUS MEETING: Wemple made the motion to approve the minutes as written from the February 5, 2013 meeting. Motion seconded by Kepp.

PUBLIC COMMENT: Bill Hodges from the Big Horn Community Memorial Hospital spoke to the Council about a Service Survey the hospital is required to do and the hospital would like Elected Official represented in the Focus group. More information can be obtained by contacting Hodges.

Hodges then reported as Vice-Chairman of the Chamber of Commerce to announce April 12 is the annual C of C dinner at the Fairgrounds and finally he asked the City for help in finding a storage place for their large "Events" tent.

MAYOR: Koebbe announced that he spoke with Chris Mehus from the Beartooth RC&D about helping the City with future Coal Board grants and Koebbe was pleased with the input received from Mehus.

STAFF REPORTS

- **Public Works:** Snively, in Maxwell's absence, requested approval of 2 Submersible Dry Pit Pumps for the WWTP. Kepp moved to approve. Motion seconded by Zent. On a voice vote, the motion was unanimously approved.
Snively then requested approval to purchasing 300/350 new trash cans. Wemple moved to approve. Motion seconded by Kepp. On a voice vote, the motion was unanimously approved.
- **Finance:** Dyckman presented Council an Update on EMBS to review at their leisure.
- **Legal:** N/A
- **Economic Development:** McDowell reported that Lee Hale had been working on the East bound curve, which is requiring some research on the land necessary for a 7-1/2° curve versus a possible 9-1/2 ° curve. Detention Center buy/sell agreement is currently in the hands of the lawyers.

OLD BUSINESS: N/A

NEW BUSINESS: N/A

COMMITTEE REPORTS:

- **Landfill:** N/A
- **Law Enforcement-**Wemple reported that the City negotiated a 2 year contract with Big Horn County.
- **Streets & Alleys:** N/A
- **Sewer & Water:** Kepp reported that removing of the Tarp by the 6th Street Lift Station has begun. CORRECTED 3/5/2013: *Kepp moved to approve minutes from Committee meeting. Motion seconded by Zent On a voice vote, the motion was unanimously approved*

- **Finance:** Kepp, in Angevine's absence, made the motion to approve claims as presented by Dyckman: 15989-16016 to include Special Claims as presented. Seconded by Colstad. On a voice vote, the motion was unanimously approved.
- Colstad moved to approve the minutes from the Finance meeting from January 2, 2013. Motion seconded by Kepp. On a voice vote, the motion was unanimously approved.
- **Parks & Playgrounds:** Colstad announced a Committee meeting March 5, 2013 at 7pm.

There being no further business, the meeting was adjourned at 7:56p.m. Upon motion by Wemple and second by Kepp.


Joseph V. Koebbe, Mayor

ATTEST:


Rochelle Angevine, City Clerk



COUNCIL MEETING: The Regular Council Meeting for March 5, 2013 was called to order at 7:30 p.m. with Mayor Koebbe presiding:

Upon roll call the following Aldermen were present: Carla Colstad, Darren Zent Kenny Kepp, Jeremy Krebs, Randy Angevine and Jerry Wemple.

Also present: City Clerk Rochelle Angevine, City Attorney Bob Snively, Finance Officer Michelle Dyckman, Public Works Superintendent Tony Maxwell, and several members of the public.

MINUTES OF PREVIOUS MEETING: Wemple made the motion to approve the minutes from the February 19, 2013 meeting with Corrections as follows:

Sewer & Water: 2nd sentence should read: *Kepp moved to approve minutes from Committee meeting. Motion seconded by Zent on a voice vote, the motion was unanimously approved.*

Motion seconded by Kepp. On a voice vote, the motion was unanimously approved. 6/0

PUBLIC COMMENT: N/A

Undersheriff M. Fuss submitted a report on amount of calls responded to in the City of Hardin. Fuss also reported that the Sheriff's Department has three new officers. Fuss informed the Council that he is making personal visits to businesses (from a list given to him by Rochelle) around town to get correct and current information for the new CAD system and Fuss then asked if his report could be handed out to new businesses as they come to the City to get a business license. Council agreed.

MAYOR: Announced the Local Government Agency is hosting Elected Officials Workshop, on May 8-10.

Koebbe then asked for approval to have the Election 2013 be held via Mail-In ballot.

Angevine moved to approve Mail in ballots. Motion seconded by Krebs. On a voice vote, the motion was unanimously approved.

STAFF REPORTS

- **Public Works:** Maxwell requested the Council approve Pay Estimate # 5 to Dick Anderson for The Water Treatment Improvement Project in the amount of \$118,834.06.
- **Finance:** Dyckman requested approval on Draw # 8 for the Water Treatment Plant Improvement project. (TSER/RSF/A&B Loans) \$149,571.88. Kepp Moved to approve. Motion seconded by Angevine. On a voice vote, the motion was unanimously approved.
Dyckman informed the Council that they were invited to participate in the Health Screening on March 13, and reported that there was a Legislative Update regarding MPERA for Council to review at their leisure.
- **Legal:** N/A
- **Economic Development:** McDowell offered to write a Coal Board Grant for Lee Hale and the Rail Spur east of Town, the Council TABLED this request.

OLD BUSINESS: Wemple asked if any discussion had been had regarding storing the Tent for the Chamber of Commerce. Koebbe stated they had discussed it with Maxwell. But nothing has been determined.

NEW BUSINESS: N/A

COMMITTEE REPORTS:

- **Landfill/Law Enforcement:** Wemple announced a Landfill committee meeting on March 19.
- **Streets & Alleys:** Krebs reported that the City crews are doing a great job at keeping the streets clean and clear.

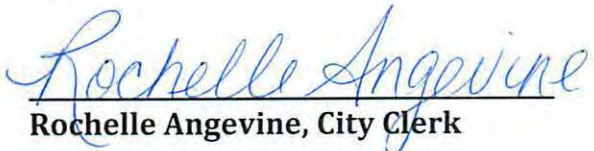
- **Sewer & Water:** Kepp moved to approve the S&W Committee recommendation to allow the existing bid for the Waste Water Treatment Plant expire due to re-evaluating the project.. Motion seconded by Krebs. On a voice vote, the motion was unanimously approved.
- **Finance:** Angevine made the motion to approve claims as presented, with Special Claims as presented. Seconded by Wemple. On a voice vote, the motion was unanimously approved.
- **Parks & Playgrounds:** Colstad announced a P&P Committee meeting for April 2.

RESOLUTIONS & ORDINANCES:

There being no further business, the meeting was adjourned at 8:32 p.m. Upon motion by Wemple and second by Kepp.


Joseph V. Koebbe, Mayor

ATTEST:


Rochelle Angevine, City Clerk



COUNCIL MEETING: The Regular Council Meeting for March 19, 2013 was called to order at 7:30 p.m. with Mayor Koebbe presiding:

Upon roll call the following Aldermen were present: Carla Colstad, Darren Zent, Kenny Kepp, Jeremy Krebs, Randy Angevine and Jerry Wemple. Also present: City Clerk Rochelle Angevine, City Attorney Bob Snively, Public Works Superintendent Tony Maxwell and Finance Officer Michelle Dyckman.

MINUTES OF PREVIOUS MEETING: Angevine made the motion to approve the minutes as written from the March 5, 2013 meeting. Motion seconded by Wemple. On a voice vote, the motion was unanimously approved.

MAYOR: Asked to open up public Comment regarding the New Business agenda item.

CCPB recommendations, #1 Conditional Use Application: Snively spoke to the Zoning for the area in question as being a R1; which allows for Private schools with a curriculum similar to public schools, plus nursery, prekindergarten, kindergarten, and other private or special schools. The Request by the Bryants did not need to go to the City County Planning Board and there is nothing for the City to approve. It is already approved by ordinance **11-1-2-3: DISTRICT USES PERMITTED**. When asked about a refund for the application fee paid by the Bryants to the CCPB. Snively replied that they are due a \$150 Conditional Use Application Fee refund. After some discussion and comments made by the audience, Mayor Koebbe stated that it was really irrelevant because there was no decision to be made by the City or the City Council.

CCPB recommendations, #2 Expansion of Hardin City-County Planning Jurisdictional Area and Extra-Territorial Zoning: Snively stated that this procedure requires the City and The County Commissioners to jointly request this. Koebbe indicated that no such request has been made known by the County so there was no need to deal with the zoning option outside the City boundaries.

Koebbe then excused all those who wanted to leave the meeting at this time.

Koebbe then announced that the Water Restrictions implemented in October of 2012 have been "officially" lifted.

PUBLIC COMMENT: Tschetter asked about a committee meeting being held on Monday March 18 and why was it closed to public. Wemple explained that it was posted but due to the discussion turning toward personnel issues, he ordered the meeting to go into Executive Session. A sign was posted on the door stating this.

STAFF REPORTS

Public Works: N/A

Finance: Dyckman updated the Council on the Landfill Bonds and the Waste-Water Bonds, closing date is set for April 18, 2013. Dyckman then asked the Council for direction on pursuing the use of Pay.Gov Credit card services. Dyckman stated there is not a huge need for the service but it will be zero cost to the City as any user fees will be passed onto the customer. Colstad made the motion to proceed with the credit card machine/service. Motion seconded by Zent. On a voice vote, the motion was unanimously approved

Legal: Snively reported two businesses in Hardin (**Dollies** has a new owner and Red Eagle new name is **Good2Go Store**) and the State notifies the City that a liquor license is being transferred. If the City has any objections they need to let Snively know by April 3.

Otherwise no action will allow the transfer to be approved thru the State.

Colstad asked Snively if Stockton Oil ever received their Beer & Wine license. Snively and Rochelle both indicated that nothing has been received by the state. Colstad stated that they are selling beer. Snively said he would have Joe the ACE Officer look in to it.

Snively then reported that the City has received a formal petition from Town Pump and Leroy Melville requesting the Closure of 10th Street between Crawford and Mitchell. This requires a public hearing, set for April 16 at 7:00pm.

Economic Development: McDowell reported that the Detention Center buy/sell agreement is currently in the hands of the lawyers. McDowell assisted Under-sheriff Fuss with inventory of all fire arms located at the detention Center. McDowell stated he has phone calls in to Fed-Ex and Mag Pul.

OLD BUSINESS: N/A

NEW BUSINESS: YCI fence proposal City Ordinance states that the entire property should be fenced. This is approximately 32 acres, and not financial possible. The State currently requires that the area storing cars before they are to be crushed be fenced which is a 250 foot by 250 foot area. Wemple moved to approve this variance. Motion seconded by Krebs. On a voice vote, the motion was unanimously approved.

COMMITTEE REPORTS:

Landfill: Wemple reported that on the recommendation of the Landfill Committee He moves to approve the Amendment 13 to the Landfill Contract with Barry Damschen. The Committee feels that he is doing a great job for the Landfill and the City. Motion seconded by Krebs. On a voice vote, the motion was unanimously approved. Wemple also on the Committee recommendation to Council moves to approve the City Clerk to send a letter to the residents in Watson Drive informing them that trash service will be provided by the City beginning in April for the nominal fee of \$85 a year. Motion seconded by Colstad. On a voice vote, the motion was unanimously approved.

Streets & Alleys: The alley between the Ping Building and City shop will be closed for Sewer repair. City crews continue to sweep the streets and blade the alleys. Alley Clean up will be announced soon.

Sewer & Water: Kepp Moved to approve minutes from S&W meeting on March 5, 2013. Krebs Motion seconded by Colstad. On a voice vote, the motion was unanimously approved. Kepp then on the recommendation of the Committee moved to approve the City purchasing a lift station and to proceed with remainder of project thru Interstate Engineering. The current Lift Stations are great and there is no reason why the City could not do the Lift Station proposed for the WTP project. Motion seconded by Krebs. On a voice vote, the motion was unanimously approved.

Finance: Angevine moved to approve claims as presented to include special claims. Motion seconded by Kepp. On a voice vote, the motion was unanimously approved. Angevine then based on the Finance Committee's recommendations move to pay TRA the requested funds (\$12,500) for the first quarter of FYE2013. Then No further funding with be granted to TRA by the City. Motion seconded by Kepp. On a voice vote, the motion was unanimously approved

Parks & Playgrounds: Colstad moved to approve the minutes from the Parks & Playgrounds meeting from March 5, 2013. Motion seconded by Zent. On a voice vote, the motion was unanimously approved. Colstad announced a Committee meeting April 2, 2013 at 7pm. Colstad requested the City write a letter to MDoT asking about the improvements promised for HWY 47.

RESOLUTIONS & ORDINANCES:

Wemple moved to approve Resolution 2003 -Landfill Agreement: Motion seconded by Kepp. On a voice vote, the motion was unanimously approved

There being no further business, the meeting was adjourned at 7:56p.m. Upon motion by Wemple and second by Angevine.


Joseph V. Koebbe, Mayor

ATTEST:


Rochelle Angevine, City Clerk



COUNCIL MEETING: The Regular Council Meeting for April 2, 2013 was called to order at 7:30 p.m. with Mayor Koebbe presiding:

Upon roll call the following Aldermen were present: Carla Colstad, Darren Zent Kenny Kepp, Jeremy Krebs, Randy Angevine and Jerry Wemple.

Also present: City Clerk Rochelle Angevine, City Attorney Bob Snively, Finance Officer Michelle Dyckman, Public Works Superintendent Tony Maxwell.

MINUTES OF PREVIOUS MEETING: Wemple made the motion to approve the minutes as written from the March 19, 2013 meeting. Motion seconded by Angevine. On a voice vote, the motion was unanimously approved. 6/0

PUBLIC COMMENT: Rochelle congratulated Michelle on receiving her Certified Municipal Clerk's Designation received that morning.

MAYOR: Koebbe reported that a letter was received by TSEP on the audit done on the WTP Improvement project praising the help he received from the City Staff.

STAFF REPORTS

- **Public Works**

Maxwell requested approval of Change Order #5 on SID 120 for CMG for an addition of \$27,160.00 and to add 9 days. Krebs moved to approve Motion seconded by Wemple. On a voice vote, the motion was unanimously approved.

Maxwell recommend approval on Change order #6 to CMG for SID 120 for a deduction of \$23,534.10- Kepp moved to approve Motion seconded by Angevine. On a voice vote, the motion was unanimously approved.

- **Finance:**

Dyckman reported the Crow Avenue Project (final) Streets & Alley Committee reviewed the option and recommend (option 1) Establishing tax base to include shared cost – Interest start June 1, 2012. Krebs moved to approve Motion seconded by Kepp. On a voice vote, the motion was unanimously approved.

- **Legal:** John Pieschel spoke to the Council on behalf of the Family Dollar and the request for approval on a variance for a 10th Street Approach. Kepp moved to approve. Motion seconded by Krebs. On a voice vote, the motion was unanimously approved.

- **Economic Development:** McDowell reported that the Detention Center's Buy/Sell agreement was at Lance Pederson's office.

OLD BUSINESS: N/A

NEW BUSINESS: N/A

COMMITTEE REPORTS:

- **Landfill:** Wemple moved to approve Landfill Minutes from March 19. Motion seconded by Krebs. On a voice vote, the motion was unanimously approved.

- **Streets & Alleys:** Krebs moved to approve S & A Minutes from March 19. With the correction of second header should read **SID 120** not **Lift station**. Motion seconded by Kepp. On a voice vote, the motion was unanimously approved.

- **Sewer & Water:** Kepp moved to approve S & W Minutes from March 19. Motion seconded by Zent. On a voice vote, the motion was unanimously approved.

- **Finance:** Angevine moved to approve the minutes from the Finance Committee meeting from March 19, 2013. Motion seconded by Krebs. On a voice vote, the motion was unanimously approved. Angevine made the motion to approve claims as presented 16146-16232 to include Special Claims as presented. Seconded by Wemple. On a voice vote, the motion was unanimously approved.

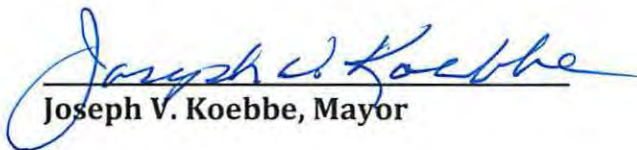
- **Parks & Playgrounds:** Colstad reported that the City is planning on planting a lot of trees, repairing and replacing picnic tables and benches, and to work on fixing the Sewer in Custer Park.

RESOLUTIONS & ORDINANCES:

- Resolution 2004 – Sewer Bonds; Kepp moved to approve. Motion seconded by Krebs. On a voice vote, the motion was unanimously approved.
- Resolution 2005 – Landfill Bonds; Kepp moved to approve. Motion seconded by Krebs. On a voice vote, the motion was unanimously approved.
- Resolution 2006 - New Water Service Permits & Pricing. Colstad moved to approve. Motion seconded by Wemple. On a voice vote, the motion was unanimously approved.

COMMUNICATIONS: Angevine asked Snively for an update on the Lawsuit against the City. Snively reported that currently they are in “discovery” and should be deposited within the next couple of weeks.

There being no further business, the meeting was adjourned at 8.14p.m. Upon motion by Wemple and second by Angevine.


Joseph V. Koebbe, Mayor

ATTEST:


Rochelle Angevine, City Clerk



PUBLIC HEARING: Petition to close Tenth Street

Present at the hearing:

Mayor Joseph Koebbe Aldermen: Carla Colstad, Darren Zent, Kenny Kepp, Randy Angevine, Jeremy Krebs and Jerry Wemple. City staff: City Attorney Bob Snively, City Clerk Rochelle Angevine, Public Works Superintendent Tony Maxwell, and Finance Officer Michelle Dyckman and about 15 members of the public.

The Hearing was called to order by Mayor Koebbe at 7:00 p.m. He asked the public for a show of hands in favor of closing Tenth Street. (A couple hands went up) The Mayor then asked for a show of hands against (Several hands responded).

James Torske, on behalf of Town Pump, spoke in favor of the petition to close Tenth Street citing public safety and that it did not adversely affect the interests of the public.

Dan Sampson, representing Town Pump, noted that Town Pump was investing in the location to better serve customers.

Zent asked where traffic would be diverted to and Sampson replied further south on Crawford. Zent noted this would cause more traffic by the school (Eight Street West). An option to extend Ninth Street was mentioned.

Colstad asked the Town Pump representative why this (Tenth Street) closure was not considered before expansion, also remarking that lots available in the Industrial Park. Torske said that Town Pump has a Buy/Sell agreement on the lots to the south of the current sit. Zent asked 100% is how many owners? Torske's response was Town Pump and LLM LLC (Melville).

Cory Kenny stated that Tenth Street is a mid-town access that was finally developed a few years ago. Harry Kautzman noted that none of the proposed alternate streets are able to carry heavy traffic like Tenth Street. Steve Hopes added the mortuary is now using Tenth Street on its route to the cemetery. Kenny said that if the City expands, it would go west. Fire trucks and emergency vehicles use it to more quickly access other parts of town. Laurie Tschetter said it would add noise to the area. Colstad added the new Master Plan has Tenth Street as a main artery. Wemple said that city employees use it a lot.

The hearing was adjourned at 7:30 p.m.

**THE COMMON COUNCIL
CITY OF HARDIN, MONTANA**

COUNCIL MEETING: The Regular Council Meeting for April 16, 2013 was called to order at 7:30 p.m. with Mayor Koebbe presiding:

The following Aldermen were present: Carla Colstad, Darren Zent, Kenny Kepp, Jeremy Krebs, Randy Angevine and Jerry Wemple.

Also present: City Attorney Bob Snively, City Clerk Rochelle Angevine, Public Works Superintendent Tony Maxwell, and Finance Officer Michelle Dyckman and several members of the public.

MINUTES OF THE PREVIOUS MEETING: Kepp made the motion to approve the minutes as written from the April 2, 2013 meeting. Motion seconded by Krebs. On a voice vote, the motion was unanimously approved.

TENTH STREET PETITION: The Mayor asked for a motion to vacate Tenth Street. There was no motion. James Torske pointed out that statute requires a vote. Krebs made a motion denying the closure of Tenth Street. Kepp seconded. On a voice vote, the motion was unanimously approved.

PUBLIC COMMENT: Cory Kenney asked if the doors could be open fifteen minutes before a meeting for the public.

STAFF REPORTS

Public Works:

Maxwell recommended awarding the bid to Western Municipal Construction for \$270,000 for the Whitman Coulee Box Culvert project. Kepp made the motion to approve, seconded by Krebs. On a voice vote, the motion was unanimously approved.

Maxwell recommended awarding the bid to Dick Anderson Construction for \$67,400 for the Lift Station Improvements at the Wastewater Treatment Plant. Kepp made the motion to approve, seconded by Krebs. On a voice vote, the motion was unanimously approved.

Maxwell recommended approval of Change Order #2 for \$34,602.79 and an additional 29 days for Dick Anderson Construction on the Water Treatment Plant project. Kepp made the motion to approve, seconded by Krebs. On a voice vote, the motion was unanimously approved.

Finance:

Dyckman presented the JPT Renewal Agreement for medical insurance. Kepp recommended that they check with the employees before making a decision.

Dyckman then presented the Agreement with Dorsey-Whitney for Bond Counsel services on refinancing the wastewater and landfill bonds. Kepp made the motion to approve, seconded by Angevine. On a voice vote, the motion was unanimously approved.

Dyckman reviewed the MMIA newsletter.

For Budget meetings, Council determined they would start June 5th and 6th at 6:30 p.m.

The Audit for FYE2012 is underway. Council will be notified when the exit interview will be, probably next week.

Legal:

Snively presented a sign encroachment request from Jimmies. This would replace the current signage. Colstad made the motion to approve, seconded by Zent. On a voice vote, the motion was unanimously approved.

Economic Development:

Jeff McDowell is wrapping up research with Lee Hale regarding the railroad spur. He also noted that Bob Smith Ford is now in town.

OLD BUSINESS:

Colstad asked about the Street Outreach Shelter. She has questions regarding the business license, agreement, residential and overnight usage and daytime activities.

The Liquor License at Stockton Oil for the City needs to be determined.

NEW BUSINESS: N/A

COMMITTEE REPORTS

Landfill/Law Enforcement

Wemple presented an Organizational Chart that puts the Public Works Superintendent in charge of staff as it was before Larry Vandersloot retired. Wemple made the motion to approve the Organizational Chart as presented. Snively noted that the Mayor is in charge of personnel with hiring and firing authority. Looking at the proposed chart, Snively noted that in December of 2011, the Mayor took over supervision of the Court clerks, and that all employees report to the Mayor. Randy Angevine seconded the motion of approval of the Organizational Chart as presented.

The Mayor asked if Council would want to table the vote until it can be sorted out.

Wemple moved to amend his motion to take out the line between the Public Works Superintendent and the Council and reroute it through the Mayor as it is otherwise shown (on the Organizational Chart). Angevine seconded.

Kepp asked for clarification of the Judge being a separate entity when she is appointed by the Mayor. Rochelle Angevine read from a handbook that the judge and court staff are part of a separate branch of government.

Snively advised Council that if they didn't want his advice, to stop and seek advice from another attorney before approving an Organizational Chart. He noted the reorganization happened when Larry retired. Wemple noted they did not vote on it. Snively said that it was reviewed by committee and explained to Council.

He asked if there was a meeting. Wemple indicated there was a Law Enforcement one about a month ago and talked with other Council members.

Mayor Koebbe asked for more research and see where the lines go. Zent agreed that another legal opinion would not hurt.

Angevine withdrew his second.

Streets and Alleys

Krebs said that Heth Road is ready for the culvert. He made a motion to approve the Streets and Alleys Committee meeting minutes from April 2, 2013. Wemple seconded. On a voice vote, the motion was unanimously approved.

Finance

Angevine made a motion to approve the claims as presented:

March, 2013	16142	\$	(383.28)
	16234 - 16244		
	16246 - 16252	\$	25,760.42
April, 2013	16245		
	16253 - 16255	\$	51,300.71

Claims Total \$ **76,677.85**

Krebs seconded. On a voice vote, the motion was unanimously approved.

Parks and Playgrounds

Colstad said that fertilizer was being put down.

COMMUNICATIONS

Marlene Whiting, HEP Club, sent a thank you for the \$300.00 donation from the City.


Wemple asked if Joe Connelly worked with HEP Club. The Mayor answered yes. Laurie Tschetter asked about applying for grants like PETCO. The Mayor responded that HEP Club could also be eligible.

RESOLUTIONS and ORDINANCES

Resolution 2007 "Resolution to Approve Assessments being placed on the Real Property Tax Rolls for Special Improvement District 121" Kepp made the motion to approve, seconded by Colstad. On a voice vote, the motion was unanimously approved.


Wemple indicated he would like to go into Executive Session with the Mayor and Council. (about 8:15 p.m.)

Executive Session concluded at 9:15 p.m.


Joseph V. Koebbe, Mayor



ATTEST:


Michelle Dickman, CMC
Acting City Clerk

**THE COMMON COUNCIL
CITY OF HARDIN, MONTANA**

SPECIAL COUNCIL MEETING: The Special Council Meeting for April 23, 2013 was called to order at 5:34 p.m. with Mayor Koebbe presiding:

The following Aldermen were present: Carla Colstad, Kenton Kepp, Randy Angevine and Jerry Wemple.

Also present: City Attorney Bob Snively, Finance Officer Michelle Dyckman, Two Rivers Authority Executive Director Jeff McDowell and Auditor Sharon Tripp of Tripp and Associates.

Tripp reviewed audit findings from last year regarding Two Rivers Authority noting that the one for pledged securities is now in compliance. The other findings will be repeated. A finding for accounts payable will be added. The financial statements were revised since the AFR was submitted in December and when she began the audit.

The City will have two findings:

Cash was understated and accounts receivable was overstated. The City Court needs to be reported as a fiduciary fund.

An internal control issue was noted with allowing public access to storage areas where sensitive documents are maintained.

It is recommended to break down inventory into short term and long term, especially in the proprietary funds.

The records overall were in excellent condition.

Snively and Tripp left to review the Ping building. This concluded the meeting at approximately 6:12 p.m.


Joseph V. Koebbe, Mayor



ATTEST:


Michelle Dyckman, CMC
Acting City Clerk

**THE COMMON COUNCIL
CITY OF HARDIN, MONTANA**

COUNCIL MEETING: The Regular Council Meeting for May 7, 2013 was called to order at 7:30 p.m. with Mayor Koebbe presiding:

The following Aldermen were present: Carla Colstad, Darren Zent, Kenny Kepp, Jeremy Krebs, Randy Angevine and Jerry Wemple.

Also present: City Attorney Bob Snively, and Finance Officer Michelle Dyckman and several members of the public. Public Works Superintendent Tony Maxwell arrived at about 8:00 p.m.

MINUTES OF THE PREVIOUS MEETINGS: Wemple made the motion to approve the minutes as written from the April 16, 2013 meeting. Motion seconded by Colstad. On a voice vote, the motion was unanimously approved.

Wemple made the motion to approve the minutes as written from the April 23, 2013 meeting. Motion seconded by Colstad. On a voice vote, the motion was unanimously approved.

PUBLIC COMMENT: Laurie Tschetter asked about having the minutes available at the meeting for review instead of having to go to City Hall.

MAYOR: Mayor Koebbe indicated he would reserve his comments until the end of the meeting.

STAFF REPORTS

Public Works:

On behalf of Maxwell, Dyckman recommended approval of Pay Estimate #5 for SID 120 to CMG Inc. in the amount of \$415,046.58. Krebs made the motion to approve, seconded by Kepp. On a voice vote, the motion was unanimously approved.

Dyckman recommended approval of Change Order #3 for the Water Treatment Plant project. This is the final reconciliation for a decrease of \$300.00. Kepp made the motion to approve, seconded by Krebs. On a voice vote, the motion was unanimously approved.

Dyckman recommended approval of Pay Estimate #6 for \$136,976.18 for Dick Anderson Construction on the Water Treatment Plant project. This is the final pay estimate and does pay out the retainage. Kepp made the motion to approve, seconded by Krebs. On a voice vote, the motion was unanimously approved.

Mark Betts requested a variance for a 1,200 square foot garage he wants to build on his oversized lot (15,400 square feet). The current allowance is 1,100 square feet or 30% of the rear yard. Betts noted that the garage would occupy 12% of his backyard. Kepp made a motion to let Mark Betts have a 1200 square foot garage, seconded by Krebs. On a voice vote, the motion was unanimously approved.

Finance:

Dyckman presented changes in pledging as requested by Little Horn State Bank. Per their request, the pledging will exceed the 50% requirement set in state law. Colstad made the motion to approve, seconded by Kepp. On a voice vote, the motion was unanimously approved.

Dyckman then presented information about the CTEP program closing down. Colstad presented ideas on ways it could be used. This will be discussed further in committees.

Dyckman recommended approval for Draw Request #9 for Water Treatment Plant project for \$190,674.38. Kepp made the motion to approve, seconded by Krebs. On a voice vote, the motion was unanimously approved. Close-out reports for the Coal Board, RRGL and TSEP were reviewed.

The Landfill requirements for Closure and Post-closure were reviewed. It was recommended to include funding for the trustee fees for the Post-closure period when the annual required transfer of Closure and Post-closure costs are made in the amount

of \$68,389.46. Colstad made the motion to approve, seconded by Krebs. On a voice vote, the motion was unanimously approved.

Dyckman presented the JPT Renewal Agreement for medical insurance. Kepp talked to some of the employees about the insurance. He then made the motion to approve going with Option 4 (extending contract one year with an 8% increase this year), seconded by Colstad. On a voice vote, the motion was unanimously approved.

Legal: *(start time approximately 7:45 p.m.)*

Snively responded to activities regarding the City, and him and his position within the City. He was not asked at meetings to invoke his right to privacy and is waiving his right to privacy now. He raised the issue of closed meetings over the last several weeks (March 18 committee meeting, April 16 at the Council meeting, and April 23 at 6:30 when they met with Judge Winburn and without the Mayor.)

He noted that he made a Freedom of Information request for information from the City Court, which had not been met by meeting time.

Snively said that he didn't think it is fair Council meets in closed session and expect him to respond.

On April 15 Jerry Wemple and Randy Angevine asked Tony to open the safe to look at personnel file. He noted his personnel file contains Social Security Numbers and private banking information. Angevine noted that they did not ask for it to look at it. They wanted it copied and sealed for future reference. Snively continued that the Landfill committee consists of three members, two who were present that night, making a quorum. The meeting was not noticed.

Snively cited an instance where C.J. Yokum came in on a Friday afternoon requesting to be added to the agenda. Rochelle Angevine, City Clerk, refused because it was past the deadline. Yet she added to the agenda on Tuesday afternoon (April 16), an item (the organizational chart) that benefitted her cause and her councilmen's' cause.

Snively then read some of the preamble to the Montana Code of Judicial Conduct citing positions that require "men and women of integrity" and "maintain the dignity of the office at all times." *(about 8:00 p.m. - entrance of Tony Maxwell, PWS)*
He then cited standards for prosecutors, noting their duty is to seek justice not merely convict.

From one of the documents he handed out (Snively's EMPLOYEE CHANGE OF STATUS form from his hiring in August, 2009) he noted that he began as a regular employee. No action has ever been taken for appointing him and he is not under contract. His work hours are noted as N/A and is signed by Ron Adams.

Snively then reviewed the justice system in the City, noting that the contract is with Big Horn County for law enforcement. He reviewed "split-time" scheduling which helps minimize the overtime paid by the Big Horn County Sheriff's office for officers called to testify. Starting in March 2013, everyone is subpoenaed and has to sit in court from 10:30 on.

The April 17, 2013 letter from Kody Kaiser (Council members verified receiving it) was brought up. Snively reviewed his work schedule with Court-related time. Later in his presentation, Snively expounded on Kaiser's time, noting time reported to the County, Court times, work shifts, and refusals to testify.

Snively reviewed cases under inquiry and responded as well as he could:

CASE	CASE
1 Marcus Red Thunder	19 Freedom Bends
2 Alec Wood	20 Clint Pretty On Top
3 Justin Hugs	21 Freeman Bends
4 Gilbert Robinson	22 Leland Rock
5 William Sanders (2008 case)	23 Aaron Old Elk
6 Ricky Birdin Ground (2008 case)	24 Stephen Caplett
7 William Sanders	25 Juvenile - "baby" DUI
8 Joseph Murdock	26 Jeremy Deputy (2008 case)
9 Matthew McConnell	27 Lachelle Perry
10 Scott Hobbs	28 Donnie Harjo
11 Frank Lion Shows	29 Nolan Real Bird (2008 case)
12 Marvin Enzminger	30 Michael Jefferson
13 Thomas Driftwood	31 Danelle Old Horn
14 Phillip Morris	32 Jessica Williams
15 Gilbert Wolfe	33 Nicky Teefertiller
16 Faron Pease	34 Ricky Birdin Ground (2008 case)
17 Walter Whistling Elk	35 Francis Rock
18 Brandon Clampitt	

Each case was individually reviewed with a response from Snively as to whether there was enough information to prosecute, questionable law enforcement tactics in the case, case still pending, dismissed to allow a federal case to proceed, plea agreement, deferred prosecution, deferred sentence, or more serious offense addressed. There were instances where Snively noted that the defendant's attorney did a good job given the time constraints they all work under. He was uncertain why the 2008 cases were included as those were before his time. He also noted that each attorney has their own style in presenting briefs. Some may choose to "cut and paste" cases for examples to extend a brief to ten pages. In some instances, it requires agreement by him and the defense attorney, defendant and Judge as to how a case is resolved. There are also instances where he is not involved in discussions at the bench.

Snively reminded Council of the judicial standards of impartial, fair, and avoiding the appearance of impropriety. He indicated that recordings at night show Judge Winburn to be alert when a call is placed; because she is called ahead of time to tell her what was going on.

He also indicated Wemple could not ask to close a meeting because he (*Wemple*) was upset with him (*Snively*). He went on to say that a Special Meeting could only be called by the Mayor. Angevine talked to him about closed meetings after a school he attended. The ambush on the April 16 meeting was an illegal meeting.

In a letter received by the Mayor from the insurance carrier, Snively maintained that the City could lose its insurance coverage if the Mayor is not the chief personnel officer. Council is responsible for controlling the public's money, and insurance coverage is part of that. He also maintained that the Judge and the City Clerk cannot go through the chain of command, because they go to Council members.

Snively noted that it was OK for him to negotiate with Big Horn County on the Law Enforcement agreement. He also successfully negotiated a settlement with COP Construction to get reimbursed for the blue tarp in the sewer line. He wants to know

what action will be taken against him. He is waiving his right to privacy and wants it done at an open meeting.

Angevine asked when the relationship changed with the Sheriff's Office. Snively responded that it was good at the time of negotiation of the Law Enforcement Agreement. That no longer exists and it changed in the last two months.

Snively indicated there was a night meeting at the Judge's office after a personnel action. The Judge was telling them what to do and how to proceed. It is hard to deal with the rottenness in the City. They should not put the Public Works Director in the middle something he has no business being in the middle of. This has created toxicity in the City offices.
(Response ended at 9:45 p.m.)

Economic Development:

Jeff McDowell is doing some property research with Lee Hale regarding the railroad spur. The Mayor asked if Lee Hale has financing. McDowell replied that Hale says he does and Koyama is assured he does too.

OLD BUSINESS: N/A

NEW BUSINESS:

Terry Jeffers, Jailhouse Gallery, thanked Council for previous support during Little Big Horn Days and asked if Council would again waive Business License fees and let them use the Plaza. Colstad made the motion to approve, seconded by Krebs. On a voice vote, the motion was unanimously approved.

COMMITTEE REPORTS

Landfill/Law Enforcement N/A

Streets and Alleys

Krebs said that CMG will be back to finish up SID 120 after the concrete work is done. Operation Sparkle is Friday.

Finance

Angevine made a motion to approve the Finance Committee minutes from April 16, 2013. Wemple seconded. On a voice vote, the motion was unanimously approved.

Angevine made a motion to approve the claims as presented:

	CLAIM No.		Monthly Total
March, 2013	16256 & 16286	\$	759.75
April, 2013	16257 - 16285 16287 - 16327		\$657,262.67
May, 2013	16328 - 16354		\$4,015.00
Claims Total		\$	662,037.42
April, 2013 Payroll		\$	112,948.61
<u>TOTAL Submitted</u>		<u>\$</u>	<u>774,986.03</u>

Wemple seconded. On a voice vote, the motion was unanimously approved.

Parks and Playgrounds

Colstad said six new trees were planted.

SPECIAL COMMITTEES


Hardin Housing Authority

Colstad presented the minutes from the April 8 meeting, noting the next meeting is on May 13.

MAYOR: Mayor Koebbe announced he would be resigning. It will be at least until the end of this month before he formally resigns.


He then asked what the Council wanted to do about the City Attorney. Colstad expressed her appreciation for all he's done and the legal representation he has given the City. Kepp agreed. It will be discussed further at the next meeting.

Kepp made a motion to adjourn the meeting. Colstad seconded. The meeting was adjourned at 9:58 p.m.



Joseph V. Koebbe, Mayor

ATTEST:



Michelle Suckman, CMC
Acting City Clerk



**THE COMMON COUNCIL
CITY of HARDIN, MONTANA**

COUNCIL MEETING: The Regular Council Meeting for May 21, 2013 was called to order at 7:30 p.m. with Mayor Koebbe presiding:

The following Aldermen were present: Carla Colstad, Darren Zent, Kenny Kepp, Jeremy Krebs, Randy Angevine and Jerry Wemple.

Also present: City Attorney Bob Snively, Finance Officer Michelle Dyckman and several members of the public.

MINUTES OF THE PREVIOUS MEETINGS: Krebs made the motion to approve the minutes as written from the May 7, 2013 meeting. Motion seconded by Colstad. On a voice vote, the motion was unanimously approved.

PUBLIC COMMENT: Laurie Tschetter spoke about how she felt she was being targeted by the City for community decay. Local businesses were being told they could not talk about City business and they did not follow parliamentary procedure. She didn't like the City's policy of having to sign up the Friday before to be put on the agenda. The City demanded for things to be done at the busiest time of the year. She relayed an incident where her dog disappeared and was found dead a couple days later under a trailer. She felt this was a threat by the City. She also blamed Mr. Snively for causing her family more than enough problems.

MAYOR: Mayor Koebbe announced that this would be his last meeting to preside at, although he would continue his other duties into June.

Mayor Koebbe then asked to appoint Cyndy Maxwell to the City County Planning Board. Colstad made the motion to approve, seconded by Angevine. On a voice vote, the motion was unanimously approved.

STAFF REPORTS

Public Works:

On behalf of Maxwell, Dyckman recommended approval of Change Order #7 for SID 120 to CMG Inc. This is the final reconciliation for a increase of \$16,827.10. Krebs made the motion to approve, seconded by Zent. On a voice vote, the motion was unanimously approved.

Dyckman recommended approval of Pay Estimate #6 for SID 120 to CMG Inc. in the amount of \$39,148.25. Krebs made the motion to approve, seconded by Wemple. On a voice vote, the motion was unanimously approved.

No one appeared to talk about the tent for Little Big Horn Days.

The opening for Public Works Superintendent closes on May 22 (tomorrow) at 5:00 p.m.

Finance:

Dyckman reported that the 1% increase to PERS (retirement) will cost the City approximately \$11,000 and the Unemployment Insurance increase will cost approximately \$1,100.

Dyckman then reported on the meeting in Billings by the Montana League of Cities and Towns on the updates affecting cities from the legislative session.

OLD BUSINESS:

Angevine said that because of the accusations brought forth, he proposed hiring a third party investigator. He talked to the Local Government Center and called Carson Taylor, an attorney in Bozeman. His rates are \$150 per hour plus expenses. He made a motion to hire Taylor.

Dyckman indicated that she talked with an attorney whose name she received from MMIA: Amy Christensen, a Helena attorney. She also thought it would be worth coordinating an attorney's services with Associated Employers from Billings.

Wemple seconded Angevine's motion. The motion passed on a 5/1 vote (Kepp dissent.)

Angevine and the Mayor will set up a meeting to talk with Taylor.

NEW BUSINESS:

Glenn Schuman is having a fund raiser for the Tim Anderson family, who lost their home in a fire. He will sell food and beer; have an auction, and a live band. He asked the Council to waive the \$50 Public Beer & Wine Permit fee. Colstad made the motion to approve, seconded by Krebs. On a voice vote, the motion was unanimously approved.

Mojoe-N-4-A-Cure had the same request. Kepp made the motion to approve, seconded by Krebs. On a voice vote, the motion was unanimously approved.

The Street Dance for Little Big Horn Days will be on June 22 until early June 23. Jeff McDowell asked to have the hours extended from 10 a.m. on the 22nd to 2 a.m. on the 23rd, limiting the area to the 200 and 300 blocks of Center Avenue to the alleys. After discussion ensuring the use of cans or plastic (NO glass) and more patrols and better signage, Kepp made a motion to approve the hours of noon until 2 a.m. and waive the \$50 Permit fee, seconded by Angevine. On a voice vote, the motion was unanimously approved.

Shirley Margheim of the All-Class Reunion committee asked to have the 200 block of Center closed for the Reunion on July 5, 6 and 7. The businesses along the street did not raise any objections. Jeff Dresch from the 4 Aces will have a beer garden that requires wrist bands. Kepp requested that beer be limited to the 200 block. Krebs made the motion to approve closing the 200 block of Center on July 5, 6 and 7, seconded by Colstad. On a voice vote, the motion was unanimously approved.

COMMITTEE REPORTS

Landfil/Law Enforcement N/A

Streets and Alleys

Krebs reported that work is continuing on SID 120, street sweeping will start and oil will need to be purchased to start patching the streets. Operation Sparkle is done.

Sewer and Water

Kepp noted that fire hydrants are being repaired and they are working out the bugs at the Water Treatment Plant after the upgrades.

Finance

Angevine made a motion to approve the claims as presented:

	CLAIM No.		Monthly Total
April, 2013	16356 – 16371	\$	32,476.96
May, 2013	16355 16372 – 16381		\$78,525.75
Claims Total		\$	111,002.71

Colstad seconded. On a voice vote, the motion was unanimously approved.

Angevine made a motion to approve the Finance Committee minutes from May 7, 2013. Krebs seconded. On a voice vote, the motion was unanimously approved.

Parks and Playgrounds

Colstad said the parks looked great!

SPECIAL COMMITTEES

City County Planning Board

The City County Planning Board recommended approval of a conditional use application submitted by Merle Redger for a four-plex on the corner of Sixth and Crawford. Colstad made a motion to approve the conditional use for the construction of a four-plex on the corner of Sixth and Crawford. Krebs seconded. On a voice vote, the motion was unanimously approved.

RESOLUTION 2008: Wages for Seasonal City Employees

Angevine made a motion to approve Resolution 2008, Wemple seconded. On a voice vote, the motion was unanimously approved

ANNOUNCEMENT: Budget meetings will be June 5 and 6 at 6:30 p.m. continuing as needed.

Wemple made a motion to adjourn the meeting. Colstad seconded. The motion passed on a 5/1 vote (Kepp dissent). The meeting was adjourned at 8:14 p.m.



Joseph V. Koebbe, Mayor

ATTEST:



Acting City Clerk



**THE COMMON COUNCIL
CITY of HARDIN, MONTANA**

COUNCIL MEETING: The Regular Council Meeting for June 4, 2013 was called to order at 7:30 p.m. with Mayor Joseph V. Koebbe presiding:

The following Aldermen were present: Carla Colstad, Darren Zent, Kenny Kepp, Jeremy Krebs, Randy Angevine and Jerry Wemple.

Also present: City Attorney Bob Snively, Finance Officer Michelle Dyckman and several members of the public.

MINUTES OF THE PREVIOUS MEETINGS: Wemple made the motion to approve the minutes as written from the May 21, 2013 meeting. Motion seconded by Krebs. On a voice vote, the motion was unanimously approved.

PUBLIC COMMENT:

Al Sargent did not like that he had to fill out a form to request information about the applicants for the Public Works Superintendent position. Dyckman indicated they were not in a format that could be released yet.

Laurie Tschetter asked why she had to go to City Hall to review minutes of meetings. She also requested the name of the insurance company that hosted the Extreme Days a while back. Snively indicated that she had a response to that incident a year and a half ago.

Rose Mercier said she had been attending Council meetings since January and that a board member had asked why and what she was doing there. She felt she should be able to come to meetings without having questions asked. Colstad admitted she had visited with Dave Larson about it.

MAYOR: Mayor Koebbe indicated that at the end of June he would step down. He thought it would be a good idea if Council put an ad in the paper asking people to sign up. Snively said that Council would have 30 days from the date of resignation to appoint a Mayor.

STAFF REPORTS

Public Works:

On behalf of Maxwell, Dyckman recommended approval of Pay Estimate #1 for SID 120 to Asphalt Plus Inc. in the amount of \$62,387.53. Krebs made the motion to approve, seconded by Colstad. On a voice vote, the motion was unanimously approved.

Finance:

Dyckman reviewed the proposed amendments, asking for advice from Council on how to account for an easement from Jeff and Diane Hooker, the report done for the underground storage tank, and increased loans for SID 120 and 121. There will be a Public Hearing and Resolution for them on June 18.

Dyckman then presented the Morrison-Maierle contract for renewal for IT services for an estimated \$817 per month. Colstad made the motion to approve, seconded by Zent. On a voice vote, the motion was unanimously approved.

Legal:

Snively referred to a claim submitted by Kodi Kaiser for expert witness testimony. There was no agreement and Kaiser had to travel for work that day. Colstad made the motion to deny the claim, seconded by Kepp. On a voice vote, the motion was unanimously approved.

OLD BUSINESS:

Dyckman presented information about Associated Employers from Billings for membership and Human Resource partnering. Zent made a motion approve, and it was seconded by Colstad. On a voice vote, the motion was unanimously approved.

NEW BUSINESS:

Glenn Schuman is having a fund raiser for the Tim Anderson family, who lost their home in a fire. He will sell food and beer; have an auction, and a live band. He asked the Council to waive the \$15 Permit to Sell Beer. Krebs made the motion to approve, seconded by Colstad. On a voice vote, the motion was unanimously approved.

Snively requested guidance from the Council on how to approach weeds in outlying areas. Krebs indicated that those that are haying could continue. Wemple asked if others would be forewarned. Those that were recently annexed in should be notified at least once. Angevine asked how we would know when someone was haying. The Mayor said that communication between the City and owners would need to happen.

Kepp inquired about spraying weeds in the parks, noting that it had not been done in a couple of years.

COMMITTEE REPORTS

Solid Waste

Wemple reported that 100 gallons canisters will need to be purchased.

Streets and Alleys

Krebs reported that Asphalt Plus is working on SID 120, and oil will need to be purchased to start patching the streets.

Sewer and Water

Kepp noted that the Lift Station did a lot better this year with all the rain. He felt that it helped to have so many people route their sump pumps out of the sewer system. He appreciated the extra work the men did because of the rain.

Finance

Angevine made a motion to approve the claims as presented:

	CLAIM No.		Monthly Total
April, 2013	16386	\$	203.68
May, 2013	16382 - 16385		
	16387 - 16429		
	16457 - 16467	\$	178,617.61
June, 2013	16430 - 16456	\$	4,015.00
Claims Total		\$	182,836.29
May, 2013 Payroll		\$	112,589.14
TOTAL Submitted		\$	295,425.43

Krebs seconded. On a voice vote, the motion was unanimously approved.

SPECIAL COMMITTEES

Housing Authority

Minutes were presented for review. Colstad announced their next meeting will be June 10 at 5 p.m.

Colstad made a motion to approve the Housing Study. Zent and Krebs asked for more time to review the study.

ANNOUNCEMENTS:

Budget meetings will be June 5 and 6 at 6:30 p.m. continuing as needed.

Packets are available at City Hall and the Courthouse for elected positions. The Mayor and each Ward will be up for election. Filing will have to be done at the Courthouse.

The Mayor and Council members will interview for the Public Works Superintendent beginning at 5:30 p.m. on June 13.

There will be a Public Hearing on June 18 at 7:00 p.m. for the proposed Budget Amendments.

Colstad made a motion to adjourn the meeting. Wemple seconded. On a voice vote, the motion was unanimously approved. The meeting was adjourned at 8:16 p.m.


Joseph V. Koebbe, Mayor

ATTEST:


Acting City Clerk



SPECIAL COUNCIL MEETING:

The Special Council Meeting for June 13, 2013 was called to order at 5:30 p.m.

Mayor Joseph Koebbe and the following Aldermen were present: Carla Colstad, Kenny Kepp, Randy Angevine, Jeremy Krebs, and Jerry Wemple.

Also present: Public Works Superintendent Tony Maxwell

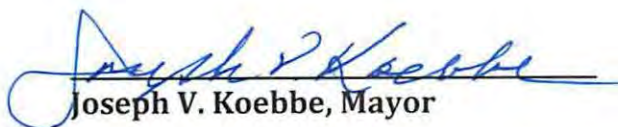
The following candidates were interviewed for the position of Public Works Superintendent:

Malana Stichman

Jon Timmons

Ronald Koan

The meeting was adjourned at approximately 7:00 p.m.


Joseph V. Koebbe, Mayor

ATTEST:


Acting City Clerk



**PUBLIC HEARING:
Budget Amendments**

The Public Hearing for Proposed Budget Amendments was opened at 7:00 p.m. by Council President Kenny Kepp.

Present at the hearing were:

Council Members: Carla Colstad, Darren Zent, Kenny Kepp, Jeremy Krebs, Randy Angevine and Jerry Wemple. Mayor Joseph Koebbe was also present.

City Staff: City Attorney Bob Snively, Finance Officer Michelle Dyckman, City Judge Debbie Winburn, Public Works Superintendent Tony Maxwell, and City Court Clerk Brandy Doner.

Public: Al Sargent, Carson Taylor, Andrew Turck, and Larry Kiefer.

Dyckman presented updates to the proposed budget amendments.

The hearing was closed at 7:02 p.m.

**THE COMMON COUNCIL
CITY of HARDIN, MONTANA**

COUNCIL MEETING: The Regular Council Meeting for June 18, 2013 was called to order at 7:30 p.m. with Council President Kenny Kepp presiding:

The following Aldermen were present: Carla Colstad, Darren Zent, Kenny Kepp, Jeremy Krebs, Randy Angevine and Jerry Wemple. Mayor Joseph Koebbe was also present.

Also present: City Attorney Bob Snively, Finance Officer Michelle Dyckman, City Judge Debbie Winburn and several members of the public.

MINUTES OF THE PREVIOUS MEETINGS: Krebs made the motion to approve the minutes as written from the June 4, 2013 meeting. Motion seconded by Wemple. On a voice vote, the motion was unanimously approved.

PUBLIC COMMENT:

City Judge Deb Winburn asked about being present at budget meetings when payroll is discussed. It was noted that Council has asked to look at raises equivalent to the current CPI of 2.1%.

Carson Taylor introduced himself as the attorney who is viewing conflict points within the City and will be making recommendations for resolving those. He disclosed that Snively had previously taken a class he taught. When asked if Council wanted him to continue, the response was affirmative.

OLD BUSINESS:

Colstad made a motion to approve the 2012 Housing Study as prepared by the City-county Planning Board. Krebs asked if approving the study would enact anything. Snively clarified that these are recommendations, and Council would need to do Resolutions to enact certain parts. Zent seconded the motion. On a voice vote, the motion was unanimously approved.

NEW BUSINESS:

Jailhouse Gallery no one present

Jeff McDowell requested a fee waiver for Little Big Horn Days for the Permit to Sell Beer. Wemple made the motion to approve, seconded by Colstad. On a voice vote, the motion was unanimously approved.

McDowell then explained that the Re-enactment Committee would need to buy water this year for the horses and watering the road at the re-enactment site. He wondered if

Council would be willing to donate a matching amount back. Krebs made the motion to approve, seconded by Colstad. On a voice vote, the motion was unanimously approved.

McDowell noted that the All Class Reunion will want to attend the July 2 meeting with a question on the tent location.

Maddox no one present

Lee Hale of New World Energy asked about moving forward with his project. They are set to close next month. His concern is having someone to work with if the Two Rivers Authority gets disbanded. He is also working with the Governor's office and needs help getting the required permits. This is a \$500 million dollar project, estimated to bring in more than 250 jobs with an annual payroll of \$25-30 million per year.

He is also working the BNSF to upgrade the one-line rail spur into a heavier two-line spur. The gasification process pulls Carbon dioxide out. This along with the sulfur and ash are by-products that are sold as well as the diesel that is produced from the Montana-mined coal. Once the closing is done, it is anticipated that it will take 18 months to 2 years to build the infrastructure and plant. Hale noted that this process is a pain to go through but essential to the development. He was assured that the City would have someone here to work with.

COMMITTEE REPORTS

Streets and Alleys

Krebs reported that the sidewalk portion of SID 120 should be finished in three weeks, and the crews finished installing a storm drain on Lessard Avenue.

Sewer and Water

Kepp stated that the Water Treatment portion of the project at the river is done.

Resolution and Ordinances

Angevine made a motion to approve the minutes of the June 4 meeting of the Resolution and Ordinance committee meeting. Zent seconded the motion. On a voice vote, the motion was unanimously approved.

Finance

Angevine made a motion to approve the claims as presented:

	CLAIM No.		Monthly Total
May, 2013	16468 - 16488		
	16490	\$	38,977.23
June, 2013	16489		
	16491 - 16503	\$	377,186.00
TOTAL Submitted		\$	416,163.23

Colstad seconded. On a voice vote, the motion was unanimously approved.

Parks and Playgrounds

Colstad announced the firemen will be having a Fun Day at Wilson Park this Saturday.

OTHER

Law Enforcement

This report will be rescheduled.

RESOLUTION 2009: Amending the Budget for Fiscal Year 2012-2013

Angevine made a motion to approve Resolution 2009, Wemple seconded. On a voice vote, the motion was unanimously approved.

RESOLUTION 2010: Change the Amount of Deposit Required for Water Service

Angevine made a motion to approve Resolution 2010, Colstad seconded. On a voice vote, the motion was unanimously approved

RESOLUTION 2011: Regarding funding for Two Rivers Trade Port Authority

Colstad asked about reconsidering this proposal for the short term in light of Lee Hale's earlier comments. Snively noted that Council can still designate funding. This clears up commitments to an organization that may cease existence. Colstad made a motion to approve Resolution 2011, Krebs seconded. On a voice vote, the motion was unanimously approved

RESOLUTION 2012: Sewer and Water Plant Investment Fees (Amend Resolution 1763)

Angevine made a motion to approve Resolution 2012, Krebs seconded. On a voice vote, the motion was unanimously approved

ANNOUNCEMENTS:

Packets are available at City Hall and the Courthouse for elected positions. The Mayor and each Ward will be up for election. Filing will have to be done at the Courthouse.

A letter of interest will need be to be submitted by noon on July 12 for anyone interested in completing the current term.

Colstad made a motion to adjourn the meeting. Wemple seconded. On a voice vote, the motion was unanimously approved. The meeting was adjourned at 8:15 p.m.



Joseph V. Koebbe, Mayor

ATTEST:



Acting City Clerk



**THE COMMON COUNCIL
CITY of HARDIN, MONTANA**

COUNCIL MEETING: The Regular Council Meeting for July 2, 2013 was called to order at 7:30 p.m. with Council President Kenny Kepp presiding:

The following Aldermen were present: Carla Colstad, Kenny Kepp, Jeremy Krebs, Randy Angevine and Jerry Wemple. Mayor Joseph Koebbe and Alderman Darren Zent were absent.

Also present: City Attorney Bob Snively, Finance Officer Michelle Dyckman, and several members of the public.

MINUTES OF THE PREVIOUS MEETINGS: Krebs made the motion to approve the minutes as written from the June 18, 2013 meeting. Motion seconded by Colstad. On a voice vote, the motion was unanimously approved.

Angevine made the motion to approve the minutes as written from the Special Meeting on June 13, 2013. Motion seconded by Wemple. On a voice vote, the motion was unanimously approved.

PUBLIC COMMENT: N/A

MAYOR: Kepp announced that the position of Public Works Superintendent had been offered to a candidate contingent upon him meeting all the pre-employment requirements. Hopefully he could start on August 5th.

Angevine requested a clarification on the status of Mayor. Snively responded that Koebbe was still carrying out the duties of Mayor. Once he submits something in writing, then there could be a resignation for Council to consider. Colstad noted that there would be a Special Meeting on July 15 to consider letters from interested individuals.

STAFF REPORTS

Public Works:

On behalf of Tony Maxwell, Dyckman recommended approval of Change Order #1 for SID 120 to Asphalt Plus Inc. in the amount of \$360.00. Krebs made the motion to approve, seconded by Colstad. On a voice vote, the motion was unanimously approved.

Pay Estimate #2 for SID 120 to Asphalt Plus in the amount of \$72,021.91 was submitted for approval. Kepp indicated this pay estimate could be approved, but urged caution when the final pay estimate is submitted to be sure the mess is cleared up. Krebs made the motion to approve, seconded by Wemple. On a voice vote, the motion was unanimously approved.

Sidewalks, curbs and gutters were discussed for the 100 block of North Choteau. The entire east side of the street is in need of repairs except for one residence which has the boulevard style sidewalks instead of the Hollywood style. Desiring to see consistency, Wemple made the motion to do the entire block on North Choteau and West Second to the alley. It was seconded by Colstad. On a voice vote, the motion was unanimously approved.

The curb and gutter at the Alex Uffelman property on 502 West Second was discussed. He disputes responsibility for the curb and gutter. The other issue is the chip-seal repairs done to the driveway, sidewalk, curb and gutter create uneven surfaces and a hazard. Snively said that it was up to Council to order replacement. The Superintendent of Public Works could decide if repairs need to continue around the corner. Colstad made the motion to replace the curb, gutter and sidewalk back to the alley if needed. It was seconded by Wemple. On a voice vote, the motion was unanimously approved.

Pay Estimate #1 for the Whitman Coulee Box Culvert to Western Municipal in the amount of \$253,935.00 was submitted for approval. Colstad made the motion to approve, seconded by Krebs. On a voice vote, the motion was unanimously approved. There is a punch-list to complete before the project would be finished.

Finance:

Dyckman reviewed the Auditor's letter and noted that the Audit report had been distributed. A credit card machine was recently installed and several customers were using it.

She disclosed that an outside attorney would be selected for issues the City Attorney recused himself from. Snively suggested Council should have an attorney also. Angevine asked if this would deal with the findings in Carson Taylor's report. Kepp indicated that if it takes two attorneys, that is what it takes.

Law Enforcement:

Colstad requested monthly reports like what were submitted previously.

OLD BUSINESS:

N/A

NEW BUSINESS:

Janice Heath, Co-chair for the All Class Reunion asked that the 200 block of North Center and around the corner to the alley by the 4 Aces be closed for the weekend festivities. Krebs made the motion to approve, seconded by Colstad. On a voice vote, the motion was unanimously approved.

Shirley Margheim, Co-chair, asked for help Saturday and Sunday mornings by the City crews. Kepp said he would ask, but can't commit the City crews without the Superintendent of Public Works.

A waiver for the Event permit for the All Class Reunion was requested. Wemple made the motion to approve, seconded by Colstad. The events will be taking place on both Friday and Saturday nights. Wemple amended his motion to include both nights, seconded by Colstad. On a voice vote, the motion was unanimously approved.

A waiver for an Event permit at Wilson Park was requested by Veronica Hernandez for a family picnic. Council decided that they could do waivers for organizations or fundraisers, but not events like family picnics.

Terry Jeffers of the Jailhouse Gallery thanked the City for its support during various events like Little Big Horn Days and the Duck Derby. She requested continued support during the budget process.

COMMITTEE REPORTS

Streets and Alleys

Krebs indicated that potholes needed to be repaired.

Finance

Angevine made a motion to approve the minutes from Finance meetings for the budget held on June 5, 6, 11, 12 and 17, 2013. It was seconded by Krebs. On a voice vote, the motion was unanimously approved.

Angevine made a motion to approve the claims as presented:

	CLAIM No.	Monthly Total
June, 2013	16504 - 16548	
	16576 - 16577	\$ 374,869.48
July, 2013	16549 - 16575	\$ 4,015.00
<u>TOTAL Submitted</u>		<u>\$ 378,884.48</u>

Krebs seconded. On a voice vote, the motion was unanimously approved.

Parks and Playgrounds

Colstad said meters were being installed in the parks. The swings and the barbeques had also been installed. Krebs noted that some of the property for the disc golf course had been sold and three holes will need to be removed.

OTHER

Housing Authority

Minutes were presented for review. Colstad announced the next meeting is scheduled for July 8, 2013 at 5:00 p.m.

Resolution and Ordinances:

Angevine asked if committee members had a chance to read information on Peddling Ordinances. A Committee meeting will be held July 16, 2013 at 7:00 p.m.

ANNOUNCEMENTS:

July 15, 2013 at 6:00 p.m. there will be a Special Meeting to review letters of interest from individuals interested in completing the current term for Mayor.

July 15, 2013 after the Special Meeting, will be a Finance meeting for budgets.

Colstad made a motion to adjourn the meeting. Wemple seconded. On a voice vote, the motion was unanimously approved. The meeting was adjourned at 8:27 p.m.



Joseph V. Koebbe, Mayor

ATTEST:



Acting City Clerk





**THE COMMON COUNCIL
CITY of HARDIN, MONTANA**

COUNCIL MEETING: The Special Council Meeting for July 15, 2013 was called to order at 6:00 p.m. with Mayor Joseph Koebbe presiding:

The following Aldermen were present: Carla Colstad, Kenny Kepp, Randy Angevine and Jerry Wemple. Aldermen Darren Zent and Jeremy Krebs were absent.

Also present: Finance Officer Michelle Dyckman, Superintendent of Public Works Tony Maxwell and several members of the public. City Judge Debbie Winburn arrived at 6:12 p.m.

Letters of Interest for the unexpired term of Mayor were reviewed by Council. Those submitting letters include: Bill Joseph, Jack Lane, and Roy Michael Martinsen.

Mayor Koebbe provided his official letter of resignation determining his last day would be July 31, 2013.

Bill Joseph was offered an opportunity to address Council, but declined, noting that the others were not present.

It was decided to have another Special Meeting to interview all the candidates and make a decision.

The meeting was adjourned at 6:16 p.m.



Jack Lane, Mayor

ATTEST:



Acting City Clerk



**THE COMMON COUNCIL
CITY of HARDIN, MONTANA**

COUNCIL MEETING: The Regular Council Meeting for July 16, 2013 was called to order at 7:30 p.m. with Mayor Joseph Koebbe presiding:

The following Aldermen were present: Carla Colstad, Kenny Kepp, Jeremy Krebs, and Randy Angevine. Darren Zent and Jerry Wemple were absent.

Also present: City Attorney Bob Snively, Finance Officer Michelle Dyckman, Superintendent Tony Maxwell, City Judge Debbie Winburn, and several members of the public.

MINUTES OF THE PREVIOUS MEETINGS: Angevine made the motion to approve the minutes as written from the July 2, 2013 meeting. Motion seconded by Krebs. On a voice vote, the motion was unanimously approved.

PUBLIC COMMENT:

Joe Zeiler of 431 West 8th Street spoke about his sewer backing up in the basement. Maxwell noted that it is a clay tile line that needs to be TVed. Snively said he could submit a claim.

Laurie Tschetter asked about the report with the results between Law Enforcement and the City Attorney. Citing right to privacy issues, the Mayor noted that there was nothing to be released.

STAFF REPORTS

Public Works:

Maxwell recommended approval of Work Change Directive #1 for SID 120 to Asphalt Plus Inc. in the amount of \$1,928.50 including a seven day increase. Kepp made the motion to approve, seconded by Krebs. On a voice vote, the motion was unanimously approved.

Finance:

The Independent Auditor Report within the Audit was revised.

OLD BUSINESS:

N/A

NEW BUSINESS:

A Special Meeting will be held on July 23, 2013 at 7:00 p.m. to interview candidates for the unexpired term of the Mayor, who is retiring on July 31, 2013.

Kepp made a motion to delete the current Mayor, Joe Koebbe, as an authorized signer on all bank accounts as of July 31, 2013. Motion seconded by Krebs. On a voice vote, the motion was unanimously approved.

Mayor Koebbe requested the Council to honor the appointment he made to Michelle Dyckman as Office Manager.

Colstad made a motion to approve the hiring of Ron Koan as Superintendent of Public Works contingent upon the successful completion of testing. Motion seconded by Kepp. On a voice vote, the motion was unanimously approved.

Debbey Warren, Hardin Chamber of Commerce, requested use of the City's Plaza on Saturday, September 14 for a Crazy Dayz/Community Garage Sale Event. Kepp made the motion to approve, seconded by Angevine. On a voice vote, the motion was unanimously approved.

Dick Morissette owns two lots where the work for SID 120 is being done. The one lot is platted and assessed as five lots. He stated that he calculated this as an extra \$20,000 because of five townhouses. Snively noted that it was divided in 1987 (*Each townhouse sits on its own lot*). The method the City chose was to do a primary cost based on the front foot and a secondary flat cost to each lot for shared costs. Mayor Koebbe indicated he would review this with Snively and Dyckman.

Family Dollar is having a Grand Opening the first part of August.

Krebs stated that the Hardin Volunteer Fire Department would be holding its Extreme Days on August 10, 2013. He requested a waiver of fees for the Special Event Permit and the Permit to Sell Beer &/or Liquor Fee. Colstad made the motion to approve, seconded by Angevine. On a voice vote, the motion was unanimously approved.

Koebbe reported that there was nothing to report at this time in regards to the independent attorney who has been retained. Laurie Tschetter asked if there was any action at all. Koebbe stated that it is being worked on.

COMMITTEE REPORTS

Streets and Alleys

Krebs noted that the completion date for SID 120 is July 25. As of yesterday, the patching machine was out working and sweeping is being done.

Sewer and Water

Kepp stated there was a pre-construction meeting on July 15 for the Wastewater Treatment Plant. Construction will begin on July 29. The Vac-con is in need of repairs and will only be used in emergency situations.

Finance

Angevine made a motion to approve the claims as presented:

	CLAIM No.		Monthly Total
June, 2013	16578 - 16604	\$	42,844.01
July, 2013	16605 - 16608	\$	8,803.60
TOTAL Submitted		\$	51,647.61

Krebs seconded. On a voice vote, the motion was unanimously approved.

OTHER

RESOLUTION 2013: Establishing Hourly Rates and Wages for City Employees for FY 2013-2013

Koebbe mentioned that there were still some unnamed issues to be discussed. Tschetter asked for more information. Koebbe said that there would be a 2.1% increase, last year it was 3%. Kepp made a motion to approve Resolution 2013, Colstad seconded. On a voice vote, the motion was unanimously approved

Kepp made a motion to adjourn the meeting. Krebs seconded. On a voice vote, the motion was unanimously approved. The meeting was adjourned at 8:07 p.m.

Jack Lane
 Jack Lane, Mayor

ATTEST:

Michelle Dyckman, CMC
 Acting City Clerk



**THE COMMON COUNCIL
CITY of HARDIN, MONTANA**

COUNCIL MEETING: The Special Council Meeting for July 23, 2013 was called to order at 7:00 p.m. with Mayor Joseph Koebbe presiding:

The following Aldermen were present: Carla Colstad, Darren Zent, Kenny Kepp, Randy Angevine and Jeremy Krebs. Alderman Jerry Wemple was absent.

Also present: Finance Officer Michelle Dyckman and City Attorney Bob Snively.

The following candidates for the unexpired term of Mayor were interviewed by Council: Bill Joseph, Jack Lane, and Roy Michael Martinsen.

After the interviews, a brief discussion was held on the attributes of the candidates. Colstad disclosed that she had worked with Lane on committees. Kepp made the motion to appoint Jack Lane as Mayor effective August 1, 2013 for the unexpired term. Motion seconded by Colstad. On a voice vote, the motion passed 4/1 (Angevine dissent).

Council was informed that Ron Koan had turned down the position of Superintendent of Public Works. The job description and time-line for re-opening the position were reviewed.

Kepp made a motion to adjourn the meeting. Angevine seconded. The meeting was adjourned at 9:06 p.m.

Jack Lane

Jack Lane, Mayor

ATTEST:

Michelle Dyckman, CMC

Acting City Clerk



**THE COMMON COUNCIL
CITY of HARDIN, MONTANA**

COUNCIL MEETING: The Regular Council Meeting for August 6, 2013 was called to order at 7:30 p.m. with Mayor Jack Lane presiding:

The following Aldermen were present: Carla Colstad, Darren Zent, Kenny Kepp, Jeremy Krebs, and Jerry Wemple. Randy Angevine. was absent.

Also present: City Attorney Bob Snively, Finance Officer Michelle Dyckman, Superintendent Tony Maxwell, City Judge Debbie Winburn, and several members of the public.

MINUTES OF THE PREVIOUS MEETINGS: Krebs made the motion to approve the minutes as written for the July 16, 2013 meeting. Motion seconded by Colstad. On a voice vote, the motion was unanimously approved.

Kepp made the motion to approve the minutes as written for the Special Meeting on July 15, 2013. Motion seconded by Colstad. On a voice vote, the motion was unanimously approved.

Kepp made the motion to approve the minutes as written for the Special Meeting on July 23, 2013. Motion seconded by Zent. On a voice vote, the motion was unanimously approved.

PUBLIC COMMENT:

Laurie Tschetter asked about the report on the City Attorney. The Mayor indicated it is a personnel issue and is confidential.

STAFF REPORTS

Public Works:

Maxwell recommended approval of Change Order #2 for SID 120 to Asphalt Plus Inc. for an eleven day increase with no additional cost. Colstad made the motion to approve, seconded by Kepp. On a voice vote, the motion was unanimously approved.

Finance:

Krebs made a motion to approve Mayor Jack Lane as an authorized signer on all bank accounts. Motion seconded by Zent. On a voice vote, the motion was unanimously approved.

Dyckman recommended approval of the Street Maintenance levies the same as last year. Krebs made the motion to approve, seconded by Kepp. On a voice vote, the motion was unanimously approved.

Because Council is not willing to raise mill levies, Dyckman noted that there is a saving to taxpayers of \$37,568.

Jail House Gallery submitted a report for the Cultural Trust grant which the City acts as the pass-through entity.

Information has been requested on extending the contract for the auditor for two – three years.

City Court:

Citation Reports with Year to Date totals for 2012 and 2013 were provided.

OLD BUSINESS:

Dick Morissette's request to recalculate the secondary floor rate for his properties in SID 120 was considered. Krebs indicated that the Street and Alleys committee recommended to keeping the schedules "as is." Kepp made a motion to leave it the way it is. Motion seconded by Wemple. On a voice vote, the motion passed 4/1 (Colstad dissent).

Colstad did some research on signs and costs for a potential CTEP project. Dyckman will research competitive bidding and budget requirements.

NEW BUSINESS:

N/A

COMMITTEE REPORTS

Streets and Alleys

Krebs noted that the patching machine has been out for a couple of weeks. He made a motion to approve the minutes for the committee meeting on July 16, 2013. Motion seconded by Kepp. On a voice vote, the motion was unanimously approved.

Sewer and Water

Kepp stated the screens at the river were being washed and the backup pump was being used during this process. Also, the sewer line by Joe Zeiler's home was TVed (*see Public Comment at July 16 meeting*). The problem was not on the City's side, and is being addressed by the homeowner.

Kenney's Subdivision request was addressed at the Sewer and Water committee meeting. The recommendation to the City-County Planning Board will be to not pass. There is an existing agreement for one service, one tap, one building that is not being adhered to. Colstad asked if others using the water will be shut off. Kepp responded yes. Colstad asked if there needs to be further investigations for others that may be happening between here and the water tower. Kepp replied everyone should live by agreements. Colstad made a motion to further investigate. Motion seconded by Kepp. On a voice vote, the motion was unanimously approved.

Finance

Krebs made a motion to approve the claims as presented:

	CLAIM No.		Monthly Total
July, 2013	16609 - 16666		
	16694 - 16699	\$	130,870.73
August, 2013	16667 - 16693	\$	4,015.00
June Payroll		\$	162,686.67
July Payroll		\$	73,632.65
TOTAL Submitted		\$	371,205.05

Kepp seconded. On a voice vote, the motion was unanimously approved.

Kepp made a motion to approve the Finance Meeting minutes for July 15, 2013. Motion seconded by Colstad. On a voice vote, the motion was unanimously approved.

Resolution and Ordinances

Colstad made the motion to approve the minutes for the July 16, 2013 meeting. Motion seconded by Kepp. On a voice vote, the motion was unanimously approved.

Parks and Playgrounds

Colstad indicated that weed control was bid by Dick Salyer.

SPECIAL COMMITTEES:

The City-County Planning Board will hold a meeting Monday, August 12 at 7:00 p.m.

The Hardin Housing Authority will have a meeting Monday, August 12 at 5:00 p.m.

ANNOUNCEMENTS:

Screening applicants for the Public Works Superintendent position will be done by the Mayor and Council on Tuesday, August 20 at 6:00 p.m.

Interviews will be on August 26.

There will be a Budget meeting on August 27.

Family Dollar will be having their Grand Opening on Saturday, August 24 at 8:30 a.m. Everyone is invited to attend this event. This will be the first Family Dollar Store in the state.

OTHER:

Krebs made a motion to close the meeting to discuss a personnel matter. Motion seconded by Colstad. On a voice vote, the motion was unanimously approved. (8:15p.m.)

(8:33 p.m.) The public was invited back in.

Colstad made a motion to move forward and have Andy Forsythe draft a two year contract for the position of City Attorney. Motion seconded by Zent. On a voice vote, the motion was unanimously approved.

Kepp made a motion to adjourn the meeting. Zent seconded. On a voice vote, the motion was unanimously approved. The meeting was adjourned at 8:35 p.m.



Jack Lane, Mayor

ATTEST:



Acting City Clerk



**THE COMMON COUNCIL
CITY of HARDIN, MONTANA**

COUNCIL MEETING: The Special Council Meeting for August 20, 2013 was called to order at 6:00 p.m. with Mayor Jack Lane presiding:

The following Aldermen were present: Carla Colstad, Kenny Kepp, Randy Angevine, Jerry Wemple, Darren Zent, and Jeremy Krebs.

Also present: Finance Officer Michelle Dyckman and Superintendent of Public Works Tony Maxwell.

22 applicants submitted applications and/or resumes for the position of Superintendent of Public Works. After reviewing the information, votes were taken on which applicants to interview. It was decided to interview the following five applicants on Tuesday, September 10, 2013 beginning at 6:00 p.m:

Thomas Arnbrister
Randall Blewer
Ralph Brodin
Dana Burns
Russell Dill

The same questions will be used as last time. Applicants will pay their own expenses to the interview.

The meeting was adjourned about 7:10 p.m.



Jack Lane, Mayor

ATTEST:



Acting City Clerk



**THE COMMON COUNCIL
CITY of HARDIN, MONTANA**

COUNCIL MEETING: The Regular Council Meeting for August 20, 2013 was called to order at 7:30 p.m. with Mayor Jack Lane presiding:

The following Aldermen were present: Carla Colstad, Darren Zent, Kenny Kepp, Jeremy Krebs, Randy Angevine and Jerry Wemple.

Also present: City Attorney Bob Snively, Finance Officer Michelle Dyckman, Superintendent Tony Maxwell, City Judge Debbie Winburn, and several members of the public.

MINUTES OF THE PREVIOUS MEETINGS: Kepp made the motion to approve the minutes as written for the August 6, 2013 meeting. Motion seconded by Colstad. On a voice vote, the motion was unanimously approved.

Kepp made the motion to approve the minutes as written for the following Committee Meetings held on August 6, 2013: Finance, Streets and Alleys, and Water and Sewer. Motion seconded by Krebs. On a voice vote, the motion was unanimously approved.

PUBLIC COMMENT:

Al Sargent noted that it had been erroneously reported that his building had sold and the Jailhouse Gallery would need to be relocated. He has not sold his building.

STAFF REPORTS

Public Works:

Maxwell recommended approval of Pay Estimate #2 for the Whitman Coulee project to Western Municipal Construction Inc. in the amount of \$13,365.00. Kepp made the motion to approve, seconded by Krebs. On a voice vote, the motion was unanimously approved.

Finance:

A list of checks that have not been redeemed has been posted. These will be submitted to the State of Montana as unclaimed property if not claimed by September 20, 2013.

The proposal by Tripp and Associates for audit services for three years was reviewed. Kepp asked if they would like to keep her. The consensus was she was thorough and should be retained, but they would like to see the proposal be less. Kepp made a motion to table. Motion seconded by Krebs. On a voice vote, the motion was unanimously approved.

Repayment schedules for the loan from the Water Fund to the General Fund were reviewed. Kepp made the motion to approve the three year repayment schedule, seconded by Krebs. On a voice vote, the motion was unanimously approved.

Melville submitted a proposal for \$17,246.00 for sidewalks along 1st Street West in Heimat Park. Colstad added that for three signs at \$6,000 each, these two projects are eligible for CTEP funding. More bids were requested for the sidewalk project. Colstad made a motion to expand the sidewalk project for access to a future bathroom in the park. Krebs did not want to see sidewalks into the park at this time. The motion died for lack of a second. Krebs made a motion to do sidewalks along West First with no sidewalks in the middle. Kepp seconded. Angevine called for the question. On a voice vote, the motion was unanimously approved.

Dyckman submitted Requests for Records Disposal. Kepp made the motion to approve, seconded by Zent. On a voice vote, the motion was unanimously approved.

OLD BUSINESS:

N/A

NEW BUSINESS:

Kevin Kenney reviewed the history on how the Kenney home place (out of City limits) came to have a water tap, and that engineering revealed that developing this subdivision would better utilize the service. He proposed exchanging gravel for water taps. City Attorney, Bob Snively, stated that according to the 1974 agreement there was to only be

one tap. Kepp maintained that the City needs to live with the 1974 agreement or we could open ourselves up to too much liability.

After discussion between Snively and Kevin Kenney, it was determined there were five taps. Cory Kenney indicated that the shop where he has a tap is 500-600 feet from the house that has the original tap. Cory Kenney has an agreement where his father purchased an additional tap. Snively would need to see the agreement and advise the City.

Colstad added that the Watson Drive area is within City limits, has sewer, but not water. Snively continued that the City is liable for water and the state could come back on the City. Kepp made the motion to live with the original (1974) agreement. Colstad seconded. Eric Castro asked if going with the agreement would mean the water would be shut off to his house. Kevin Kenney responded "yes."

Voting yes on the motion were Kepp, Colstad, and Krebs. Voting no on the motion were Wemple, Angevine, and Zent. Citing the liability issues, Mayor Lane voted yes on the motion.

Kevin Kenney asked for a letter and thirty days to get into compliance.

COMMITTEE REPORTS

Streets and Alleys

Krebs noted that railing was being installed by the ditches in SID 120.

Sewer and Water

Kepp stated the project at the Wastewater Treatment Plant went well and tested out.

Finance

Angevine made a motion to approve the claims as presented:

	CLAIM No.	Monthly Total
June, 2013	16702 - 16703	
	16730 - 16732	\$ 44,110.52
July, 2013	16704 - 16712	
	16718 - 16721	\$ 36,172.47
	Cancelled: 16621 & 16609	\$ (375.00)
August, 2013	16713 - 16717	
	16722 - 16729	
	16733	\$ 28,356.15
TOTAL Submitted		\$ 108,264.14

Colstad seconded. On a voice vote, the motion was unanimously approved.

RESOLUTION 2014: Replacement of Curbs, Gutters, and Sidewalks at 501 North Crawford

Angevine made the motion to approve Resolution 2014. Colstad seconded. On a voice vote, the motion was unanimously approved.

RESOLUTION 2015: This will be presented at another meeting.

Parks and Playgrounds

Colstad noted weeds had been sprayed and tables painted.

SPECIAL COMMITTEES:

The Hardin Housing Authority minutes were for information.

OTHER:

Mayor Lane announced it was time to go into closed session for a personnel matter. Al Sargent objected under the open meeting law and wanted a chance to speak to his attorney. Mayor Lane announced the session would be closed. (8:29 p.m.)

(9:15 p.m.) The public was invited back in.

Mayor Lane announced the Council wanted to continue. This will be done at a Special Meeting on Monday, August 26th at 6:00 p.m. Cory Kenney asked "Why the rush?" Colstad responded that a decision needs to be made by September 1.

ANNOUNCEMENTS:

The Budget meeting has been moved to August 26th after the Special Meeting.

There will be a Special Meeting on September 10, 2013 at 6:00 p.m. to interview five candidates for Public Works Superintendent.

Family Dollar will be having their Grand Opening on Saturday, August 24 at 8:30 a.m. Everyone is invited to attend this event. This will be the first Family Dollar Store in Montana.

Kepp made a motion to adjourn the meeting. Colstad seconded. The meeting was adjourned at 9:20 p.m.

Jack Lane

Jack Lane, Mayor

ATTEST:

Michelle Dyckman, cmc

Acting City Clerk



September 3, 2013

PUBLIC HEARING:

The Public Hearing for Final adoption of the budget for the 2013-2014 fiscal year, setting levies and assessments was opened at 7:08 p.m. by Mayor Lane.

Present at the hearing were:

Council Members: Carla Colstad, Darren Zent, Kenney Kepp, Jeremy Krebs, Randy Angevine, and Jerry Wemple. Mayor Jack Lane was also present.

City Staff: City Attorney Bob Snively, City Judge Debbie Winburn, City Court Clerk Brandy Doner, and Utility Clerk Kristi Wedel and about 11 members of the public.

Laurie Tschetter asked about the Permissive Medical Levy. Bob Snively explained that part of the taxes is used to help pay for the employee's health insurance. Mike Martinson asked about the budget line, Facilities (Civic Center). Jeremy Krebs explained that 25% of the Impact Fees are given to the Swimming Pool. Mike Martinson also asked if the City is funding the TRA. City Attorney Bob Snively response was no.

The Hearing was adjourned at 7:37 p.m.

**THE COMMON COUNCIL
CITY OF HARDIN MONTANA**

The regular Council session, for September 3, 2013 was called to order at 7:38 P.M. with Mayor Jack Lane presiding.

ROLL CALL: Upon roll call the following Alderpersons were present: Carla Colstad, Darren Zent, Kenny Kepp, Jeremy Krebs, Randy Angevine, and Jerry Wemple.

MINUTES OF PREVIOUS MEETINGS: Kenny Kepp made the motion to accept the minutes of the regular meeting and the special meeting held August 20, 2013; motion was seconded by Jerry Wemple. On a voice vote, the motion was unanimously approved.

Randy Angevine made the motion to accept the minutes of the Finance Meeting held on August 26, 2013; motion was seconded by Kenny Kepp. On a voice vote, the motion was unanimously approved.

PUBLIC COMMENT: Laurie Tschetter and Cory Kenny both asked to have extra minutes on hand for the public and also asked to have a PA system installed.

MAYOR: Mayor Lane announced that the City had settled its Lawsuit. The City had held an illegal closed door meeting. The documents from the meeting will be released.

STAFF REPORTS:

Public Works: Mayor Lane announced Tony Maxwell will be retiring on December 2, 2013. Mayor Lane also mentioned that the Public Works Superintendent interviews will be held on September 10, 2013 and it will be open to the public.

Finance: Carla Colstad made the motion to accept Feller Construction bid on the Heimat Park sidewalk project. Motion seconded by Kenny Kepp. Darren Zent asked if both bids included the handicap access. Both bids did. Mayor Lane called for the vote. On a voice vote, the motion was unanimously approved.

Legal: City Attorney Snively had nothing at this time.

Economic Development: N/A

OLD BUSINESS:

Cory Kenney presented a letter and spoke to the council about his side of the situation concerning the water taps west of Hardin. Cory Kenney after some discussion asked to have the sentence of, "A water service shall have but one user per service, and each service shall be on an individual water line", removed from the 1974 Water Service Contract of Robert Torske, and others.

Randy Angevine made the motion to table the discussion until all parties of the Kenney's area could meet and discuss options. Motion was seconded by Darren Zent. On a voice vote, the motion was unanimously approved. Cory Kenney asked to be informed on the meeting.

After some discussion about the different contract amounts in the Audit Contract Jeremy Krebs made motion to table the Audit Contract until the next meeting when Finance Officer Michelle Dyckman could answer questions. Motion was seconded by Randy Angevine. On a voice vote, the motion was unanimously approved.

Randy Angevine made motion to have an open meeting on September 24, 2013 at 7:00 p.m. to review the Carson Taylor report. Motion was seconded by Darren Zent. On a voice vote, the motion was unanimously approved. The meeting will be held at the Council Chamber with copies of the report on hand and the meeting is to be posted in the usually places and the newspaper.

Jeremy Krebs made motion to table the Attorney Contract until the Carson Taylor report meeting. Motion was seconded by Carla Colstad. On a voice vote, the motion was unanimously approved.

NEW BUSINESS:

Mayor Lane asked Laurie Tschetter about her water bill. Laurie's response was her lawyer advised her not to speak.

Jerry Wemple made motion to table the Independent Attorney discussion until The Carson Taylor report meeting. Motion was seconded by Carla Colstad. On a voice vote, the motion was unanimously approved.

SPECIAL COMMITTEES:

Landfill/Law Enforcement: Jerry Wemple reported on the Landfill Meeting. The Landfill needs a new 4000 gallon water truck. The current water truck has been in the shop for the last week for engine repairs, but also the tank has small leaks. The ash at the landfill is blowing onto surrounding lands and can also be a health hazard for the employee. A budget line of \$190,000.00 is included in the budget.

Streets and Alleys: Randy Angevine asked about new yield signs on Industrial Park Road. It was recommended the city crew investigate.

Sewer and Water:

Finance:

Randy Angevine made motion to approve the claims as presented:

August, 2013	16734-16772	\$53,201.51
September, 2013	16773-16798	\$3,965.00

Claims Total **\$57,166.51**

Motion was seconded by Jeremy Krebs. On a voice vote, the motion was unanimously approved.

September 3, 2013

Parks and Playgrounds: Carla Colstad heard it was going to be an early winter. So enjoy the parks while you can.

Resolutions and Ordinances:

Jerry Wemple made motion to approve

- Resolution #2016 Assessing Street Maintenance District #2
- Resolution #2017 Assessing Street Maintenance District #3
- Resolution #2018 Assessing Special Improvement Lighting District #33
- Resolution #2019 Assessing Special Improvement Lighting District #46
- Resolution #2020 Assessing Special Improvement Lighting District #54
- Resolution #2021 Assessing the Cost of Garbage Disposal
- Resolution #2022 Levying Taxes and Apportioning said Levy
- Resolution #2023 Adopting the Budget for 2013-2014


Motion seconded by Carla Colstad. On a voice vote, the motion was unanimously approved.

Kenny Kepp made motion to approve Resolution #2024 Approve Assessments being placed on the Real Estate Tax Rolls. Motion seconded by Jeremy Krebs. On a voice vote, the motion was unanimously approved.

Special Committees: N/A

Kenny Kepp made a motion to adjourn the meeting, Randy Angevine seconded. On a voice vote, the motion was unanimously approved. The meeting was adjourned at 9:53 p.m.

Mayor:



Jack Lane, Mayor

ATTEST:



Kristi Wedel, Utility Billing Clerk



**THE COMMON COUNCIL
CITY of HARDIN, MONTANA**

COUNCIL MEETING: The Regular Council Meeting for September 17, 2013 was called to order at 7:31 p.m. with Mayor Jack Lane presiding:

The following Aldermen were present: Carla Colstad, Darren Zent, Kenny Kepp, Jeremy Krebs, and Jerry Wemple. Randy Angevine was absent.

Also present: City Attorney Bob Snively, Finance Officer Michelle Dyckman, Superintendent of Public Works Tony Maxwell, City Judge Debbie Winburn, and several members of the public.

MINUTES OF THE PREVIOUS MEETINGS: Kepp made the motion to approve the minutes as written for the September 3, 2013 meeting. Motion seconded by Colstad. On a voice vote, the motion was unanimously approved.

Krebs made the motion to approve the minutes as written for the September 10, 2013 Special meeting. Motion seconded by Wemple. On a voice vote, the motion was unanimously approved.

Wemple made the motion to approve the minutes as written for the September 3, 2013 Landfill meeting. Motion seconded by Krebs. On a voice vote, the motion was unanimously approved.

PUBLIC COMMENT:

Cory Kenney said at the September 3 meeting he spoke for about 40 minutes. He felt the minutes did not provide enough detail. Mayor Lane noted that the City does not do the minutes verbatim, but invited Kenney to provide the City with a summary of what he thought should be added. Then Council could vote on whether to amend the minutes.

JoAnn Seder provided Council with pictures of rentals next to her residence. The one at 210 East 7th has a German shepherd that lives in a mess. The 423 North Crook rental has a sagging roof, poor foundation, and appears to be unlivable. Mayor Lane indicated he would have the Building Inspector look at the 423 North Crook home.

Laurie Tschetter presented Council with copies of letters addressing a billboard that was damaged two years ago. She is asking the City for \$20,000 to replace or repair the billboard. City Attorney, Bob Snively, noted that both Big Horn County Electric and the Fire Department sent letters to her denying any responsibility. The Mayor asked how old the sign was. Tschetter said about 25 years old. The Mayor noted that the billboard was not on city property and will not pay \$20,000.

STAFF REPORTS

Public Works:

Maxwell recommended approval of Pay Estimate #1 for the Lift Station project at the Wastewater Treatment Plant to Dick Anderson Construction Inc. for \$63,389.70. Kepp made the motion to approve, seconded by Krebs. On a voice vote, the motion was unanimously approved.

Krebs made a motion to approve Change Order #3 and Pay Estimate #3 subject to r the Streets and Alleys Committee on September 23 reviewing progress and determining if approval should be given for Change Order 3 for \$10,702.16 and Pay Estimate #3 for \$91,470.43 for SID 120 to Asphalt Plus Inc. Motion seconded by Kepp. On a voice vote, the motion was unanimously approved.

Administration:

Dyckman announced that ballots for the election will be mailed out October 10, 2013.

Economic Development:

Colstad noted that today is the 90th day since Lee Hale was here and said he would break ground.

OLD BUSINESS:

There will be a meeting on Thursday, September 26 at 3:00 with the Kenney Sub-division users. The 30 days is set to expire on Saturday for the motion made at the August 20,

2013 meeting to enforce the 1974 Agreement. It was noted it will stay on for now unless the pump that is working at over-capacity fails.

Zent made the motion to accept the Audit Contract Proposal submitted by Tripp and Associates. Motion seconded by Colstad. On a voice vote, the motion was unanimously approved.

The discussion about hiring a Public Works Superintendent was moved to the end of the meeting.

NEW BUSINESS:

Laurie Dust, Assistant Principal at Hardin High School asked about placing Stop signs at Sixth, Seventh and Eighth Streets where they intersect with Terry Avenue. Krebs said this could be discussed at a Streets and Alleys meeting.

Shirley Margheim of the E&R said they would like to plan a live Nativity walk-thru within the church property on Saturday, December 21 from 4-8 p.m. Zent made the motion to approve. Motion seconded by Colstad. On a voice vote, the motion was unanimously approved.

Margheim said that upcoming Chamber of Commerce events include a bingo night and a polka event.

Snively indicated he had just received a letter from an attorney about Bowmans horses. He would like to investigate further before discussing it.

COMMITTEE REPORTS

Landfill

Wemple said they will meet again to discuss the water truck going out to bid.

Streets and Alleys

The alleys are being bladed and patching will continue.

Finance

Krebs made a motion to approve the claims as presented:

	CLAIM No.		Monthly Total
August, 2013	16799 - 16813		
	16818 - 16820	\$	88,931.27
September, 2013	16814 - 16817		
	16821	\$	2,856.82
TOTAL Submitted		\$	91,788.09

Kepp seconded. On a voice vote, the motion was unanimously approved.

Parks and Playgrounds

The parks bathrooms and sprinklers will be closed about the middle of the month. Kepp mentioned that all the candidates for Public Works Superintendent mentioned how nice the parks are here.

RESOLUTION 2015: Replacement of Curbs, Gutters, and Sidewalks on the 100 block of North Chouteau and the East half of the 400 block of West Second

Kepp asked if the homeowners were okay with this. Snively noted the usual process is to send notice after the resolution is approved. The homeowners can get the work done on their own. Colstad made the motion to approve Resolution 2015. There was no second. Krebs indicated that the homeowners need to be talked to first.

RESOLUTION 2025: Replacement of Curbs, Gutters, and Sidewalks for 502 West Second

No motion made.

OTHER:

The meeting was closed at 8:30 p.m. to review background checks on the candidates for Public Works Superintendent.

(8:42 p.m.) The public was invited back in.

Kepp made a motion to hire Russell Dill contingent upon successful Drug and Alcohol testing. Colstad seconded. On a voice vote, the motion was unanimously approved.

ANNOUNCEMENTS:

There will be a Special Meeting on September 24, 2013 at 7:00 p.m. to deliberate the Taylor report recommendations.

Colstad made a motion to adjourn the meeting. Wemple seconded. The meeting was adjourned at 8:48 p.m.

Jack Lane
Jack Lane, Mayor



ATTEST:

Michelle Dyckman, CMC CPFA
Acting City Clerk

**THE COMMON COUNCIL
CITY of HARDIN, MONTANA**

COUNCIL MEETING: The Special Council Meeting for September 24, 2013 was called to order at 7:00 p.m. with Mayor Jack Lane presiding:

The following Aldermen were present: Carla Colstad, Kenny Kepp, Randy Angevine, Jerry Wemple, and Darren Zent. Jeremy Krebs arrived at 7:34 p.m.

Also present: Finance Officer Michelle Dyckman, City Attorney Bob Snively, City Judge Deb Winburn, and several members of the public.

Mayor Lane announced that the meeting set for Thursday, September 26, at 3:00 p.m. is postponed with Kenney Subdivision because they have legal representation.

PUBLIC COMMENT:

Cory Kenney questioned whether the City Attorney should be in the audience instead of with the Council. He also commented on the facts given to the City Council, the minutes not containing enough information, and the elected officials should be discussing the issues.

The Mayor indicated that Snively was fine where he was at and it is good to understand the public's concerns.

Mayor Lane briefly reviewed the Carson Taylor report indicating that two recommendations stand out:

1. The City needs to retain an outside attorney to mediate and negotiate conflicts and define the verbal contract from 2009 when Snively was hired.
2. Establish better communication between the Council, the Mayor and the people.

Mike Martinsen asked about the first part and what had been done.

Laurie Tschetter noted how things are done in Billings when an employee is investigated.

Al Sargent asked about page 10, first paragraph¹.

Mayor Lane asked to defer additional public comment for a while and let the Council proceed.

TAYLOR REPORT:

Zent read the responsibilities of the City Attorney as defined in 7-4-4604, MCA.

Council discussed how they got to where they are at now in determining the contract with the City Attorney with the Mayor noting that the original agreement prevails.

Zent made a motion to retain an attorney who could help the City develop the City Attorney's contract that meets the needs of the City. Colstad seconded.

Discussion determined a preference for an attorney in town or Billings and getting the whole Council involved in the selection process. It was noted that this third party attorney will help mediate² and negotiate^{3, 4} and guide through the process. On a voice vote, the motion was unanimously (6/0) approved.

Public comment from Sargent and Martinsen asked about Snively's employment relationship with the City. Kepp noted that Snively is still hired. The Mayor added that he has not been un-hired. Even if another City Attorney was hired, Bob would continue to be a City employee.

The Mayor responded to questions about the chain of command with "Bob is in charge of Vicky", noting that the chain of command will eventually firm up.

The meeting was adjourned about 8:10 p.m.

Jack Lane
Jack Lane, Mayor

ATTEST:

Margaret Dyckman, CMC, CPFA
Acting City Clerk



References to Carson Taylor Report dated 06/28/2013

¹ "As a starting point I suggest that the City Council have a discussion about what it would like in a City Attorney."

² Page 11 "Perhaps this negotiation should be mediated."

³ Page 6 "If the City Attorney is to be retained, I strongly recommend that a specific contract be negotiated with him."

⁴ Page 12 "I cannot stress enough for the Council to temporarily retain an independent attorney for these matters. I have given an outline of the law, but it is more complex than I am able to describe in this document, and independent counsel's advice should be followed in the actual negotiation that will inevitably ensue."

**THE COMMON COUNCIL
CITY of HARDIN, MONTANA**

COUNCIL MEETING: The Regular Council Meeting for October 1, 2013 was called to order at 7:31 p.m. with Mayor Jack Lane presiding:

The following Aldermen were present: Carla Colstad, Darren Zent, Kenny Kepp, Jeremy Krebs, Randy Angevine, and Jerry Wemple.

Also present: City Attorney Bob Snively, Finance Officer Michelle Dyckman, City Judge Debbie Winburn, and several members of the public.

MINUTES OF THE PREVIOUS MEETINGS: Kepp made the motion to approve the minutes as written for the September 17, 2013 meeting. Motion seconded by Colstad. On a voice vote, the motion was unanimously approved.

Kepp made the motion to approve the minutes as written for the September 24, 2013 Special meeting. Motion seconded by Colstad. On a voice vote, the motion was unanimously approved.

PUBLIC COMMENT:

STAFF REPORTS

Administration:

A Business Associate Agreement with Employee Benefit Management Services, Inc. (EBMS) was presented for approval. Kepp made the motion to approve, seconded by Colstad. On a voice vote, the motion was unanimously approved.

Templates for HIPAA Privacy and Security Policies and Procedures are also available from EBMS. Kepp made a motion to purchase both for \$400.00, seconded by Angevine. On a voice vote, the motion was unanimously approved.

Certain checks that have not been redeemed can be remitted to the State as unclaimed property. Kepp made the motion to submit those to the State, seconded by Wemple. On a voice vote, the motion was unanimously approved.

Dyckman said that an application had been submitted to CTEP for the sidewalk project at Heimat Park. The application for Welcome signs will need to be worked on over the winter.

Economic Development:

Colstad met the new owner, Layne Nichols, of Sal's Diner today. The tire shop will also be reopened with a new owner.

Communications:

Letters were received from Cory Kenney and Joe Koebbe. There are also a memorandum from MMIA about creating "Smart Parks" and comments about proposed Resolutions 2015 and 2015.

OLD BUSINESS:

NEW BUSINESS:

Connie Yerger requested changing the zoning in his subdivision from I-1 Heavy Industrial to Commercial. Colstad noted this is consistent with the Master Plan for the Industrial Park. Colstad made a motion to approve the zone change for the Yerger Subdivision from Heavy Industrial to Commercial. Motion seconded by Zent. On a voice vote, the motion was unanimously approved.

Ray Lehman spoke about changes he wants to make on his property, which is zoned Light Industrial. Snively noted that Lehman's home is in a Light Industrial zone and any remodeling to his home jeopardizes the grandfathered-in status of his home. (Residences are not allowed in Industrial zones.) Angevine made a motion to allow Lehman to remodel and update his residence within a two year period even though it is in an industrial zone without losing the status of the home. Motion seconded by Colstad. On a voice vote, the motion was unanimously approved.

Colstad said the library in Billings is auctioning off surplus property and would like the City to see if there is anything it needs.

COMMITTEE REPORTS

Landfill

Wemple made the motion to approve the minutes as written for the September 24, 2013 Landfill meeting. Motion seconded by Colstad. On a voice vote, the motion was unanimously approved.

Streets and Alleys

Alley clean-up will be October 7. The retainage held for CMG for work done in the SID 120 will be set up for release. Any road issues can be addressed next spring as warranty work. Asphalt Plus still has punch-list items to address within SID 120.

Krebs made a motion to install stop signs at the intersections of 6th and 7th Streets with Terry Avenue. Motion seconded by Zent. On a voice vote, the motion was unanimously approved.

Sewer and Water

Kepp said there is funding left in the Water Treatment Plant upgrade budget to automate the chlorine. He made the motion to approve InControl's \$23,356.28 proposal. Motion seconded by Krebs. On a voice vote, the motion was unanimously approved.

Finance

Angevine made a motion to approve the claims as presented:

	CLAIM No.		Monthly Total
June, 2013	16888	\$	1,200.00
July, 2013	16862 - 16863	\$	92,394.37
August, 2013	16822 16847 pending	\$	2,670.40
September, 2013	16823 - 16846 16848 - 16861, 16864 - 16887 16889 - 16896	\$	86,491.40
October, 2013	16897 - 16922	\$	3,965.00
Claims Total		\$	186,721.17

Wemple seconded. On a voice vote, the motion was unanimously approved.

Parks and Playgrounds

Colstad is open to suggestions on how to keep vehicles from driving in the parks. The parks are even posted to not do this. It was noted that violators could be charged with criminal mischief. She stated the restrooms will be closed on Friday, October 4.

ANNOUNCEMENTS:

Flu shots will be available to City employees and their families on October 17.

Kepp made a motion to adjourn the meeting. Wemple seconded. The meeting was adjourned at 8:17 p.m.

Jack Lane

Jack Lane, Mayor

ATTEST:

Michelle Dyckman, CMC, CPFA

Acting City Clerk



**THE COMMON COUNCIL
CITY of HARDIN, MONTANA**

COUNCIL MEETING: The Special Council Meeting for September 10, 2013 was called to order at 6:00 p.m. with Mayor Jack Lane presiding:

The following Aldermen were present: Carla Colstad, Kenny Kepp, Jerry Wemple, Darren Zent, and Jeremy Krebs. Randy Angevine was absent.

Also present: Finance Officer Michelle Dyckman, Superintendent of Public Works Tony Maxwell and City Attorney Bob Snively. Cory Kenney arrived after two applicants were interviewed.

The following applicants were interviewed for the position of Public Works Superintendent:

6:00 Dana Burns
6:26 Ralph Brodin
6:47 Russell Dill
7:08 Thomas Arnbrister

After the interviews, scores were tallied. It was decided to do background checks on Dana Burns, Russell Dill and Thomas Arnbrister before making a final decision. Hopefully, enough information will be available to make a decision at the Council meeting on September 17, 2013.

Wemple made a motion to adjourn the meeting. Zent seconded. The meeting was adjourned at 7:56 p.m.



Jack Lane, Mayor

ATTEST:



Acting City Clerk



**THE COMMON COUNCIL
CITY of HARDIN, MONTANA**

COUNCIL MEETING: The Regular Council Meeting for October 15, 2013 was called to order at 7:30 p.m. with Mayor Jack Lane presiding:

The following Aldermen were present: Carla Colstad, Darren Zent, Kenny Kepp, Randy Angevine, and Jerry Wemple. Jeremy Krebs was absent.

Also present: City Attorney Bob Snively, Finance Officer Michelle Dyckman, City Judge Debbie Winburn, Public Works Superintendent Tony Maxwell, and several members of the public.

MINUTES OF THE PREVIOUS MEETINGS: Colstad noted that at the last meeting under New Business, the zone change should have been referred to the City-County Planning Board and a public hearing held. Colstad made the motion to approve the Consent Agenda of Minutes from October 1, 2013 of the Council meeting, Water and Sewer Committee, and Streets and Alleys Committee. Motion seconded by Kepp. On a voice vote, the motion was unanimously approved.

PUBLIC COMMENT:

Richard Morissette passed pictures around of the drainage problem at his apartments on 13th Street West. Clayton Greer agreed, noting that grading of the existing driveway may help. Morissette stated he would be willing to designate an alley between the two lots. This will be referred to the Streets and Alleys committee.

Larry Kiefer requested that street signs on Third Street West be placed to mark the streets: Cody, Terry, Miles and Lewis.

Mike Martinsen asked for updates on the Public Works Director and Secretary openings. He also asked about any lawsuits the City is involved with. Russell Dill will be starting on November 4, and the Secretary position is interviewing this week. The Doner lawsuit goes to trial in December.

Cory Kenney asked about information on emails between officials and committee members, and notices and agendas. He also volunteered to take Joe Koebbe's place on the Hardin Housing Authority. Colstad stated that Koebbe did not resign from that board. They are hoping to have a Housing Fair in 3 – 4 weeks.

STAFF REPORTS

Communications:

OLD BUSINESS:

Wemple made a motion to accept the committee recommendation of enforcing the 1974 agreement for water services with the Kenney Lane users. Motion seconded by Kepp. On a voice vote, the motion was unanimously approved. Cory Kenney asked how long they had to get into compliance. Since the original deadline was extended, a new date will need to be set.

Mayor Lane presented Council with options for a mediator: local attorney Jim Seykora, a psychiatrist from Billings, or an attorney from Missoula. Colstad made a motion to enter an agreement with Seykora. There was no second.

Wemple suggested a committee to look for an attorney. Kepp made a motion for Council to select an attorney with Zent as chairman. Motion seconded by Angevine. On a voice vote, the motion was unanimously approved.

The Street Outreach Shelter "SOS" was discussed. When it started, it was intended to be a soup kitchen with professionals on staff. There was no allowance made for people to

sleep there nights, except for occasional severe winter weather. Citing zoning violations, Kepp made a motion to close the SOS. Motion seconded by Colstad. On a voice vote, the motion was unanimously approved.

NEW BUSINESS:

Shawn Nedens and Bruce Hammond submitted applications for new water services outside city limits. Kepp made a motion to accept the Water and Sewer committee recommendation for no new water service applications at this time. Motion seconded by Colstad. On a voice vote, the motion was unanimously approved.

Rick Mitchell of RSG Car Wash objected to the invoice he received for the Vac-con cleaning the sanitary sewer. It was noted that 4-D's car wash is not connected to the sanitary sewer and pumps their own. The Water and Sewer committee made a recommendation for Maxwell and Mitchell to meet and come back to Council.

Kepp asked to defer discussion until next month to see what develops with furloughed federal employees.

COMMITTEE REPORTS

Landfill

Wemple noted that the City is receiving bids for a tandem-axle water truck until October 23 at 3:00 p.m. He also commended Dan Pederson for doing a good job at the landfill as noted in letters from the DEQ for passing inspections with flying colors.

Streets and Alleys

The stop sign placement on the Terry Avenue intersections with 6th and 7th are proceeding.

Sewer and Water

See previous discussions earlier in the meeting.

Finance

Angevine made a motion to approve the claims as presented:

	CLAIM No.		Monthly Total
August, 2013	16847	\$	100.00
September, 2013	16923 - 16960		
	16964 - 16965	\$	28,116.37
October, 2013	16961 - 16963	\$	2,051.10
Claims Total		\$	30,267.47
September Payroll		\$	118,391.48
TOTAL Submitted		\$	148,658.95

Wemple seconded. On a voice vote, the motion was unanimously approved.

Parks and Playgrounds

Colstad commented on playground equipment being abused by older teenagers and recommended signs posting the usage are for children. She also wondered if deputies would help watch for abuse on their patrols.

RESOLUTIONS and ORDINANCES:

RESOLUTION 2015: Replacement of Curbs, Gutters, and Sidewalks at 103 North Chouteau

Kepp made a motion to approve the resolution. Motion seconded by Wemple. On a voice vote, the motion was unanimously approved.

RESOLUTION 2025: Replacement of Curbs, Gutters, and Sidewalks for 502 West Second

Alex Uffleman addressed the Council on his property. Kepp made a motion to approve the resolution for that portion that had been chip-sealed. Motion seconded by Colstad. On a voice vote, the motion was unanimously approved.

RESOLUTION 2026: Update the Water Service Area for the City of Hardin

Snively noted that the Water Service Area map had not been updated for several years and the City had made various annexations including the Industrial Park and Watson Drive. Colstad made a motion to approve the resolution. Motion seconded by Kepp. On a voice vote, the motion was unanimously approved.

ANNOUNCEMENTS:

The Mayor reminded everyone to go vote.

Zent made a motion to adjourn the meeting. Wemple seconded. The meeting was adjourned at 8:35 p.m.



Jack Lane, Mayor

ATTEST:



Acting City Clerk



**THE COMMON COUNCIL
CITY of HARDIN, MONTANA**

COUNCIL MEETING: The Special Council Meeting for October 29, 2013 was called to order at 7:00 p.m. with Mayor Jack Lane presiding:

The following Aldermen were present: Carla Colstad, Darren Zent, Kenny Kepp, Jeremy Krebs, Randy Angevine, and Jerry Wemple.

Also present: Finance Officer Michelle Dyckman, City Attorney Bob Snively, Secretary Arlee Schneider, and several members of the public.

NEGOTIATION/MEDIATION:

Zent compiled a list of 11 attorneys with a specialty in employment law. There was also a psychologist interested. After some discussion, it was decided to ask the following questions:

- Are you experienced with contracts and employment law?
- When would you be available?
- What would the basis of cost be?
- What do you think the estimated time to complete this would be?

The list was divided up between the aldermen and the Mayor to report back on November 5.

It was also determined to have a summary statement, using information from the Carson Taylor Report as an introduction to the prospective candidates.

Arlee Schneider was introduced as the new secretary for the City.

Wemple made a motion to adjourn the meeting. Colstad seconded. The meeting was adjourned at 7:18 p.m.

Jack Lane
Jack Lane, Mayor

ATTEST:

Michelle Dyckman, CMC, CPFA
Acting City Clerk



PUBLIC COMMENT: Mike Martinsen suggested that the city look into purchasing a sound system so the people in the audience could hear what was being said. He also recommended there should be a two year limit for elected officials. Cory Kenney requested that council emails be included in the council packet. Terry Jeffers requested that the Jail House Gallery to be added to the next meeting agenda to discuss funding.

COUNCIL MEETING: The Regular Council Meeting for November 5, 2013 was called to order at 7:30 p.m. with Mayor Lane presiding:

Upon roll call the following Aldermen were present: Carla Colstad, Darren Zent, Kenny Kepp, Jeremy Krebs, Randy Angevine and Jerry Wemple.

Also present: City Secretary Arlee Schneider, City Attorney Bob Snively, Finance Officer Michelle Dyckman, Public Works Superintendent Russell Dill, Retiring PWS Tony Maxwell, City Judge Debbie Winburn and several members of the public.

MINUTES OF PREVIOUS MEETING: Wemple made the motion to approve the minutes as written from the October 15, 2013 and October 29, 2013 meetings. Motion seconded by Colstad. On a voice vote, the motion was unanimously approved.

MAYOR: N/A

STAFF REPORTS

- **Public Works:** Dill recommended that the City pay CMG Construction for SID 120 Pay estimate 7 (retainage) for \$26,252.15. Krebs stated the asphalt is under warranty and repairs will be fixed next spring. Krebs moved to approve the Pay Estimate. Motion seconded by Colstad. On a voice vote, the motion was unanimously approved.
- **Finance:** N/A
- **Legal:** N/A
- **Economic Development:** Mayor Lane stated there are plans for development of the Industrial park in the future.

OLD BUSINESS:

Kenney Water: Wemple suggested a compliance date be set for terminating services in the Kenney Subdivision. Kepp motioned it be 30 days from today (November 5, 2013). The motion was seconded by Wemple. On a voice vote, the motion was unanimously approved. Snively stated that Kevin Kenney had filled out two applications for additional water service, and he filled out an application for Jessica and Eric Castro for water service. Kepp motioned to deny them. Motion seconded by Colstad. On a voice vote, the motion was unanimously approved.

Mediator Reports: After some discussion of the reports given about cost, time it would take, experience, availability and interest, Colstad motioned to contact Felt, Martin, Frazier and Weldon, P.C. to ask them to conduct the mediation and negotiation as laid out in the Carson Taylor Report. Angevine seconded the motion. On a voice vote, the motion was unanimously approved.

Set Free Ministries: Luke Vogel approached the Council with a proposal for the S.O.S (Street Outreach Shelter) building. He had many ideas on how to better the building and help people in the community. After a brief discussion, the Council decided they would need to see something in writing before making a decision.

NEW BUSINESS: N/A

COMMITTEE REPORTS:

- **Landfill:**

Water Truck: Wemple motioned for Tri State Truck and Equipment's 2015 Mack Truck. It is set up for the landfill needs. Angevine seconded the motion. On a voice vote, the motion was unanimously approved.

Northern Cheyenne Tribe Request: Wemple reported that the request to bring solid waste from outside Big Horn County to the Big Horn County landfill needed to be looked in to further and made sure it would not cause conflict with the county. It would be discussed more at a later date.

Operations and Maintenance Plan (O&M Plan): Wemple motioned for Dan Pederson to be authorized to approve the O&M Plan. Angevine seconded the motion. On a voice vote, the motion was unanimously approved.

- **Streets & Alleys:**

Drainage on 13th Street West: Krebs reported that the drainage issue on 13th Street West needed to be researched more.

Street Signs: Krebs motioned for the missing signs to be replaced on 3rd Street. Other Intersections with no signs would be a priority over intersections with one sign. Wemple seconded the motion. On a voice note, the motion was unanimously approved.

Kokomo Road: Krebs reported that Maxwell would look into details about how far the road needed to be built out and making it so Parker Road and Kokomo Road connect.

- **Sewer & Water:** N/A

- **Finance:** Angevine made the motion to approve claims 17018-17045, with special claims as presented. Colstad seconded the motion. On a voice vote, the claims motion was unanimously approved.

- **Parks & Playgrounds:** Colstad stated that at the next Parks and Playgrounds meeting she would like to discuss liners for the ice skating rink, new playground equipment, and a possible picnic pavilion at one of the parks. She would like to start the application process for available grants.

RESOLUTIONS & ORDINANCES: N/A

ANNOUNCEMENTS: Colstad reported that the Housing Fair will be November 26, 2013 at the Depot from 1 p.m. to 5 p.m.

There being no further business, the meeting was adjourned at 8:15 p.m. upon motion by Zent and second by Angevine.

Jack Lane
Jack Lane, Mayor

ATTEST:

Michelle Dyckman
Michelle Dyckman, Acting City Clerk



COUNCIL MEETING: The Regular Council Meeting for November 19, 2013 was called to order at 7:30 p.m. with Mayor Lane presiding:

Upon roll call the following Aldermen were present: Carla Colstad, Darren Zent, Kenny Kepp, Jeremy Krebs, Randy Angevine and Jerry Wemple.

Also present: City Secretary Arlee Schneider, City Attorney Bob Snively, Finance Officer Michelle Dyckman, Public Works Superintendent Russell Dill, City Judge Debbie Winburn and several members of the public.

MINUTES OF PREVIOUS MEETING: Wemple made the motion to approve the minutes as written from the November 5, 2013 meetings. Motion seconded was by Angevine. On a voice vote, the motion was unanimously approved.

PUBLIC COMMENT:

MAYOR: The Mayor received a letter from the board of the Big Horn Conservation District asking the Council to appoint Dan Kern and Missy Wacker as supervisors. Colstad made the motion to appoint Kern and Wacker. Angevine seconded the motion. On a voice vote, the motion was unanimously approved.

STAFF REPORTS

- **Public Works:** The Mayor requested to Council that Public Works Superintendent Russell Dill be authorized to sign purchase orders, Discharge Monitoring reports, and obtain a credit card. Angevine made the motion to approve the request. Kepp seconded the motion. On a voice vote, the motion was unanimously approved.

Russell Dill reported on SID 120. The City is going to review Interstate Engineering's contract proposal and the deficiencies report on Asphalt Plus' contract before making a recommendation.

- **Finance:** N/A
- **Legal:** N/A
- **Economic Development:** N/A

COMMUNICATIONS:

The Council reviewed a letter from Cory and Kevin Kenney's attorney, Kirby Kenney.

OLD BUSINESS: N/A

NEW BUSINESS:

Terry Jeffers from the Jail House Gallery approached Council and asked them to reconsider their decision to not fund the Jail House Gallery this year. After a short discussion and reviewing the budget, Krebs motioned to donate up to \$2,000. There was no second and the motion failed.

COMMITTEE REPORTS:

- **Landfill:**
Wemple reported that the letter regarding the Operations and Maintenance Plan was submitted to the DEQ by Barry Damschen Consulting.
- **Streets & Alleys:** N/A
- **Sewer & Water:** N/A

- **Finance:** Angevine made the motion to approve claims 17046-17084 (excluding claim 17060), with special claims as presented. Krebs seconded the motion. On a voice vote, the claims motion was unanimously approved.
- **Parks & Playgrounds:**
Colstad reported that the committee met earlier that evening and discussed putting restrooms and a picnic pavilion in Heimat Park.

RESOLUTIONS & ORDINANCES: N/A

ANNOUNCEMENTS: Colstad reminded everyone that the Housing Fair will be November 26, 2013 at the Depot from 1 p.m. to 5 p.m.

Mayor Lane stated there would be a meeting, open to the public, with Jeffery Weldon December 16, 2013 at 5:30 p.m.

There being no further business, the meeting was adjourned at 7:56 p.m. upon motion by Kepp and second by Wemple.



Jack Lane, Mayor

ATTEST:



Michelle Dyckman, Acting City Clerk



COUNCIL MEETING: The Regular Council Meeting for December 3, 2013 was called to order at 7:30 p.m. with Mayor Lane presiding:

Upon roll call the following Aldermen were present: Carla Colstad, Darren Zent, Kenny Kepp, Jeremy Krebs, Randy Angevine and Jerry Wemple.

Also present: Finance Officer Michelle Dyckman, City Secretary Arlee Schneider, City Attorney Bob Snively, Public Works Superintendent Russell Dill, City Judge Debbie Winburn, Landfill Superintendant Dan Pederson and several members of the public.

MINUTES OF PREVIOUS MEETING: Wemple made the motion to approve the minutes as written from the November 19, 2013 meetings. Motion seconded was by Angevine. On a voice vote, the motion was unanimously approved.

PUBLIC COMMENT: Mike Martinsen approached Council with a few suggestions. He would like a time for Public Comment at the end of Council Meetings. He also congratulated Russell Dill on his new position, and then asked if it would be possible to start clearing snow off the streets earlier than 8 a.m. His last concern was that the City needs a Welcome to Hardin sign. Al Sargent asked what Weldon was hired to do. Mayor Lane stated he was given the Carson Taylor Report and would use that to conduct the mediation and negotiation.

MAYOR:

STAFF REPORTS

• **Public Works:**

• **Finance:** Michelle Dyckman stated Resolution 2023 requires Council to accept and approve donations and related Expenditures for the Finance Officer to amend the Budget. Angevine made the motion to approve adding the donations for the Hardin Housing Authority Fair. Colstad seconded the motion. On a voice vote, the motion was unanimously approved.

• **Legal:**

• **Economic Development:**

COMMUNICATIONS:

A Letter from the Department of Environmental Quality was received on December 3, 2013 stating that Mr. Kevin Kenney was in violation of the Public Water Supply Law. There was also another letter received from Kirby Kenney. After a brief discussion, it was mentioned by Kepp a decision had already been made and the water would be shut off on Kenny Lane on December 5, 2013, unless the compliance requirements were met.

The City received a letter from the State stating that the corrective actions taken for the audit for the 2012 fiscal year were accepted.

OLD BUSINESS:

NEW BUSINESS:

Michelle Dyckman reported the City received the grant for the CTEP for sidewalks at Heimat Park. Colstad made the motion to adopt the agreement and authorize the Mayor to sign it on behalf of the City. Krebs seconded the motion. On a voice vote, the motion was unanimously approved.

COMMITTEE REPORTS:

- **Landfill:**
Wemple reported that the committee would meet on December 17, 2013 to further discuss the Northern Cheyenne Tribe Request.
- **Streets & Alleys:**
- **Sewer & Water:**
- **Finance:** Angevine made the motion to approve claims 17085-17146 and 17060, with special claims as presented. Krebs seconded the motion. On a voice vote, the claims motion was unanimously approved.
- **Parks & Playgrounds:**

RESOLUTIONS & ORDINANCES:

ANNOUNCEMENTS:

Mayor Lane reminded everyone that there would be a Special Council Meeting with Weldon December 16, 2013 at 5:30 p.m. He also announced the City-County Planning Board would hold a Public Hearing regarding Zone Changes on December 9, 2013 at 7:00 p.m., the Affordable Care act and Montana Governmental Plans Workshop Tuesday December 10, 2013 at the Billings Hotel and Convention Center; and the next Housing Authority meeting would be held on January 13, 2013 at 5:00 p.m.

There being no further business, the meeting was adjourned at 8:40 p.m. upon motion by Wemple and second by Kepp.

Jack Lane

Jack Lane, Mayor

ATTEST:

Michelle Dyckman

Michelle Dyckman, Acting City Clerk



City of Hardin

Special Council Meeting Jeffery Weldon

December 16, 2013

The Special Council meeting began at 5:30 p.m. In attendance were Mayor Jack Lane and Council members Carla Colstad, Darren Zent, Kenny Kepp, Jeremy Krebs, Randy Angevine, and Jerry Wemple. Staff members present were City Judge Debbie Winburn, Court Clerk Brandy Doner, City Attorney Bob Snively, and Secretary Arlee Schneider. Several members of the public were also present including Attorney Jeffery Weldon.

Mayor Lane asked the public if there were any questions or comments before introducing Jeffery Weldon. There was none at this time. Weldon took over the meeting and before anything was discussed set a few "rules" for everyone that included, the public respect the city employees, the discussion was to stay civil among people, and the council was to respect the public's right to participate. Weldon stated that he was familiar with the Carson Taylor report, has had communication with the Mayor, Bob Snively, and Carson Taylor, and he was not there to evaluate any person. He also said he was there to help facilitate a conversation among Council using the Carson Taylor Report, and get an idea of what Council wants in a City Attorney. He stated that to his understanding the City Attorney was hired in 2009 and there is an undefined employment agreement between the City Attorney and the City of Hardin. He expressed that it is important to have a written agreement so both sides can count on what is written, and that there needed to be common ground instead of more "brouhaha".

Weldon asked highlighted questions from the Carson Taylor report, what is expected of the City Attorney? Should he/she fulfill the duties in MCA-7-4-4606? Should these duties be divided between more than one City Attorney? Wemple, Angevine, and Krebs stated they would like to see the position be a full time City employee working 40 hours a week. Colstad, Zent and Kepp said they would like to see the position be an independent contractor. Weldon explained the difference between a fulltime employee and an independent contractor was that an independent contractor is given a task and completes the task on his own time with deadlines. A full time employee has a job description, a supervisor, a written out agreement of what is expected and completes the duties outlined in City Law. With the Council being a tie, Weldon asked the Mayor what he would like to see. The Mayor stated that he was leaning more toward independent contractor but also liked the idea of having the City Attorney "on hand" as a full time employee. Angevine mentioned that two of the present Council members were leaving and two new members would be joining Council at the beginning of the New Year. Weldon stated that they would not have to be brought in to the decision making process right now but they would have to once they are officially on the Council. He said that the issue of whether to have a full time employee or independent contractor needed to be resolved before any kind of agreement could be written. Krebs asked what the price difference would be with having a fulltime employee versus an independent contractor. Weldon explained it would depend on the type of work that needed to be done. Independent contractors would have an hourly rate or a flat fee, while full time employee would be based on hourly or salary rate. Colstad, Wemple, Angevine, and Kepp expressed they did not think it was necessary to divide the duties among more than one City Attorney. The Council expressed that they would expect the City Attorney to attend Committee and Council meetings, have knowledge of special improvement district laws, and Law enforcement agreement.

Weldon informed the Council that from their discussion he had gathered a few things he needed to help resolve the issues. He needed a job description, a written agreement of what was expected of a City Attorney, i.e. availability, duties expected of a City Attorney, and who would supervise the City Attorney.

Council recessed at 6:55 p.m. for a fifteen minute break. The meeting began again at 7:10 p.m.

Weldon stated that with Council being a tie between an independent contractor and a full time employee he did not want to waste the City's time and money writing one or the other before the first of the year when new Council was appointed because the decision could change

with the opinions of the new Council members. He then opened the meeting up for public comment, asking that the people approach the podium and state their name. Karen Molina was the first to ask, what would happen to the current Legal Assistant? Would the City Attorney have to employ or would they stay as a City Employee? Weldon answered all City Employees would stay City Employees. They would just have a set supervisor and duties. Karen then expressed that she would like to see the City Attorney be a full time employee. Clayton Greer stated he thought a full time employee was the best for the City; it would be more expensive to hire an independent contractor. With hearing what the upcoming Council members had to say, Weldon suggested that the next step would be to keep in contact with the Mayor, meet with Bob Snively, draft an employment agreement, and present to Council for approval. Weldon stated that if he was misunderstood he needed to know now; his main communication point would be Mayor Lane, unless anyone wanted otherwise, and he would work with Snively to draft an agreement that was in the best interest of the Council, if Council could not agree on it then it would be drafted with options to choose from. The Mayor will keep Council informed by way of open Council meetings.

The meeting adjourned at 8:00 p.m.

Jack Lane
Jack Lane, Mayor

ATTEST:
Michelle Dyckman
Michelle Dyckman, Acting City Clerk



COUNCIL MEETING: The Regular Council Meeting for December 17, 2013 was called to order at 7:30 p.m. with Mayor Lane presiding:

Upon roll call the following Aldermen were present: Carla Colstad, Darren Zent, Kenny Kepp, Jeremy Krebs, Randy Angevine and Jerry Wemple.

Also present: Finance Officer Michelle Dyckman, City Secretary Arlee Schneider, City Attorney Bob Snively, Public Works Superintendent Russell Dill, City Judge Debbie Winburn, Two Rivers Economic Development Director Jeff McDowell and several members of the public.

MINUTES OF PREVIOUS MEETING: Wemple made the motion to approve the minutes as written from the December 3, 2013 meetings. Motion seconded was by Kepp. On a voice vote, the motion was unanimously approved.

PUBLIC COMMENT: Larry Kiefer thanked the Council for replacing the missing street signs.

MAYOR: Mayor Lane reported that Russell Dills 2c Sewer Treatment License was accepted in Montana.

STAFF REPORTS

- **Public Works:** Russell Dill recommended approving the Pay Application #2-Final for the Wastewater Lift Station Improvements in the amount of \$3,336.30. Angevine made the motion to approve. Motion seconded by Kepp. On a voice vote, the motion was unanimously approved.
- **Finance:** Michelle Dyckman requested that council approve the liquor licenses already received, and authorize the Mayor and Finance Officer to approve the rest once received. Colstad motioned to approve the requests. Krebs seconded the motion. On a voice vote, the motion was unanimously approved.
Dyckman presented the estimated cost to get new computers for office personnel and asked for approval to purchase them. Kepp motioned to approve. Motion seconded by Angevine. On a voice vote, the motion was unanimously approved.
Dyckman updated the Council on the Annual Finance Report, which is due by the end of the year. Dyckman reported that she would submit it by the end of the year but would also submit an amended report next year.
- **Legal:** Bob Snively requested authorization for the City to file a lawsuit against Cory Kenney, Kevin Kenney, and Eric and Jessica Castro. Colstad made the motion to approve. Motion seconded by Kepp. On a voice vote, the motion was unanimously approved.
- **Economic Development:** Jeff McDowell presented a letter from Jon Darr Matovich to the Mayor. He stated there was renewed interest in the Detention Center and would like interim funding and the three options they would like were included in the letter. He stated the bondholders were asked for funding as well.

COMMUNICATIONS:

OLD BUSINESS:

Mayor Lane informed Council that he had met with Luke Vogel and Randy Nelson from Set Free Ministries. They requested letting people stay in the SOS building while being supervised during the extreme cold conditions last week, which the Mayor approved. The Mayor brought this to Council for guidance on how to handle a situation like this. Council agreed the only time people would be allowed to stay overnight would be extreme weather conditions and that Luke Vogel and Randy Nelson would need to provide Council with a written agreement as soon as possible.

NEW BUSINESS:

The City-County Planning Board sent the Mayor a letter requesting that he re-appoint Jim Eshleman. With the Mayors approval, Colstad made the motion to re-appoint Jim for the two year term. Angevine seconded the motion. On a voice vote, the motion unanimously approved. Another letter received from the City-County Planning Board asked Council to re-appoint Carla Colstad and Jeff McDowell to the board. Kepp made the motion to approve the request. Motion was seconded by Krebs. On a voice vote, the motion was unanimously approved.

The City-County Planning Board submitted the minutes from the public hearing held to receive public input concerning a proposal to allow zone changes in the Yerger Subdivision from General Industry (I1) to Highway Commercial (C2). The action passes and the CCPB asked Council to approve the zone change. Colstad made the motion to approve. Motion seconded by Kepp. On a voice vote, the motion was unanimously approved.

COMMITTEE REPORTS:

- **Landfill:**
Wemple reported that there was more work being done on the Northern Cheyenne Tribe request and the committee would meet again in January.
- **Streets & Alleys:**
Krebs reported Dill and Snively were researching the lighting districts and street maintenance districts to make them work better.
- **Sewer & Water:**
- **Finance:**
Angevine made the motion to approve claims 17147-17190, with special claims as presented. Wemple seconded the motion. On a voice vote, the claims motion was unanimously approved.
- **Parks & Playgrounds:**
Dill reported the Deadline for the Recreation Surveys for the grant is January 12, 2014. He stated the Environmental Analysis was complete and would be submitted with the surveys when completed.
Dill stated the skating rinks were flooded once but may have to be done again.

RESOLUTIONS & ORDINANCES:

ANNOUNCEMENTS:

Mayor Lane announced the swearing in of new Council members would be done at the January 6, 2014. He also announced the Mandatory Training that would be held at different times to accommodate everyone on January 16, 2014, and a MMIA training that would be held in Laurel, MT on February 6, 2014 for anyone interested.

Mayor Lane informed everyone that the City Offices and operations would close at noon on December 24, 2013.

There being no further business, the meeting was adjourned at 8:10 p.m. upon motion by Wemple.

Jack Lane
Jack Lane, Mayor

ATTEST:
Michelle Dyckman
Michelle Dyckman, Acting City Clerk

