

# City of Hardin

406 North Cheyenne  
Hardin MT 59034  
(406) 665-9292

## Committee Meeting AGENDA

March 20, 2018  
Council Chambers

**MEETING CALLED TO ORDER AT 6:30 P.M.**

**PUBLIC COMMENT:**

**OLD BUSINESS:**

- Little Horn Subdivision
  - Agreement Review
  - Additional Documents
  - Plat Review

*Meeting adjourned at \_\_\_\_\_ P.M*

**AGENDA**

*The City of Hardin  
406 N. Cheyenne Avenue  
Hardin, MT 59034*

**March 20, 2018**

**PUBLIC HEARING at 6:45 p.m.**

**Wastewater Project Meeting & Environmental Assessment Notice of Availability**

**MEETING CALLED TO ORDER AT 7:30 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:** Mayor: \_\_\_\_\_

Alderspersons: Karen Molina \_\_\_\_\_

Harry Kautzman \_\_\_\_\_

Clayton Greer \_\_\_\_\_

Jeremy Krebs \_\_\_\_\_

Kenny Kepp \_\_\_\_\_

Darren Zent \_\_\_\_\_

**MINUTES OF PREVIOUS MEETINGS:**

Council Meeting March 6

Landfill/Sewer & Water March 6

**PUBLIC COMMENT:**

**COMMUNICATIONS:**

- o Montana Municipal Interlocal Authority – coverage exclusions - inflatables
- o City-County Planning Board Minutes – March 12

**MAYOR:**

- o Terry Avenue Project Pre-bid meeting

**OLD BUSINESS:**

- o Jane Lamb – Clean Air Act and Set Back Rule
- o Fire Department – grant writing
- o Barry Damschen Consulting, LLC – Contract
- o Little Horn Subdivision – Agreement Approval
  - Additional Documents
  - Final Plat Approval

**NEW BUSINESS:**

- o Glick Conditional Use – Business sign

**STAFF REPORTS**

- **Public Works:**
- **Finance:** Tentative Schedule – RFP for Health Insurance April 2<sup>nd</sup> & 3<sup>rd</sup>, Selection April 17<sup>th</sup>
- **Legal:**
  - o Gypsum disposal – draft to Sibanye-Stillwater
- **Economic Development:**

**COMMITTEE REPORTS:**

- **Personnel Committee/City Policy:** Mayor
- **Sewer & Water:** Kepp
- **Law Enforcement:** Zent
- **Streets & Alleys:** Kautzman
- **Parks & Playgrounds:** Krebs
- **Finance/Landfill:** Greer
  - o Claims
- **Resolution and Ordinances:** Molina

**SPECIAL COMMITTEES:**

- o Beartooth RC&D Meeting held March 15, 2018

**RESOLUTIONS & ORDINANCES:**

Resolution NO. 2151- Establishing the Rate for Dumping Sewage

Ordinance NO. 2018-05, First Reading - Amending City Code Regarding Late Fees for Business Licenses

**ANNOUNCEMENTS:**

The Coal Board meeting is scheduled for March 22<sup>nd</sup> in Billings.

The Public Works position is open until filled. First review of applications March 29<sup>th</sup>.

Health Insurance Request for Proposals Interviews – April \_\_\_\_\_ at \_\_\_\_\_ p.m.

**CLOSED SESSION - Litigation**

**Meeting adjourned at \_\_\_\_\_ P.M.**

*Additions to the Agenda can be voted on by Council to add to the Agenda for the next Council meeting.  
Agenda items will need to be submitted by Thursday noon before a Tuesday Council meeting.*

**Montana Department of Commerce  
Treasure State Endowment Program  
Environmental Assessment**

**City of Hardin, Montana  
Wastewater Improvements**

**Proposed Action:** The proposed project will make improvements to the existing wastewater treatment system as discussed below:

- Construction of a new headworks including screening, grit removal, and grease removal;
- Construction of surge flow attenuation;
- Installation of backup power generation;
- Installation of new process controls and SCADA;
- Miscellaneous improvements including flow monitoring, facility water supply, biological treatment expansion/optimization, automated dissolved oxygen, foam control/mitigation, return activated sludge pump replacement, secondary clarification upgrades, a redundant aerobic digestion blower, backup disinfection, an effluent recycle system, a septage receiving station, and associated appurtenances.

**UNIFORM ENVIRONMENTAL CHECKLIST**

A completed environmental checklist as contained in the Uniform Application for Montana Public Facility Projects, 11th Edition, begins on the next page.

**As the engineer that prepared the preliminary engineering report, I, Greg Steckler, P.E. have reviewed the information presented in this checklist and believe that it accurately identifies the environmental resources in the area and the potential impacts that the project could have on those resources. In addition, the required state and federal agencies were provided with the required information about the project and requested to provide comments on the proposed public facility project. Their comments have been incorporated into and attached to the Preliminary Engineering Report.**

**Engineer's Signature** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Key Letter: N** – No Impact/Not Applicable    **B** – Potentially Beneficial    **A** – Potentially Adverse  
**P** – Approval/Permits Required    **M** – Mitigation Required

PHYSICAL ENVIRONMENT	
<u>Key</u> <b>N</b>	<p><b>1. Soil Suitability, Topographic and/or Geologic Constraints (e.g., soil slump, steep slopes, subsidence, seismic activity)</b></p> <p><i>Comments and Source of Information:</i></p> <p>Soils in the area are suitable for construction of the proposed facilities. The site currently contains similar structures which have functioned without issues. The project site is located in a low-risk seismic zone with peak anticipated accelerations of approximately 2 percent of gravity. Existing ground slopes allow for conventional design and sufficient bearing pressure exists for the structures. Import material may be required for pipe bedding.</p> <p style="text-align: right;">USGS topo maps, NRCS soil mapping studies, existing treatment system design drawings, and field inspections of proposed construction sites.</p>
<u>Key</u> <b>N</b>	<p><b>2. Hazardous Facilities (e.g., power lines, EPA hazardous waste sites, acceptable distance from explosive and flammable hazards including chemical/petrochemical storage tanks, underground fuel storage tanks, and related facilities such as natural gas storage facilities &amp; propane storage tanks)</b></p> <p><i>Comments and Source of Information:</i></p> <p>There are no known hazardous facilities near proposed construction areas. There are power lines and possibly underground utilities that will be called in for location during the design and construction phases.</p> <p style="text-align: right;">Field Observations, Stahly Engineering</p>

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<u>Key</u> <b>N</b>	<p><b>3. Effects of Project on Surrounding Air Quality or Any Kind of Effects of Existing Air Quality on Project (e.g., dust, odors, emissions)</b></p> <p><i>Comments and Source of Information:</i></p> <p>The construction activities will generate dust during the summer months. These effects can be mitigated with a spray truck when necessary. The wastewater treatment plant is located approximately one mile from high density residential areas, so the occasional odors have not been an issue.</p> <p style="text-align: right;">Facility maps, Stahly Engineering</p>
<u>Key</u> <b>N</b>	<p><b>4. Groundwater Resources &amp; Aquifers (e.g., quantity, quality, distribution, depth to groundwater, sole source aquifers)</b></p> <p><i>Comments and Source of Information:</i></p> <p>Seasonally high groundwater could be encountered during construction. Provisions for groundwater control will be included in the contract documents. A geotechnical study will be conducted prior to commencement of construction activities. The new system will have tank and piping depths similar to existing ones that have worked in the present location for many years.</p> <p style="text-align: right;">NRCS mapping data, Stahly Engineering, Montana DEQ, Hardin Public Works Department</p>

<p style="text-align: center;"><u>Key</u> <b>B</b></p>	<p><b>5. Surface Water/Water Quality, Quantity &amp; Distribution (e.g., streams, lakes, storm runoff, irrigation systems, canals)</b></p> <p><i>Comments and Source of Information:</i></p> <p>Treated effluent is discharged to the Bighorn River. Effluent disinfection will be made more reliable with the addition of bypass equipment. Grease and grit mitigation will also improve the quality of the treated effluent discharged to the Bighorn River. Surge flow attenuation will prevent the wastewater treatment facility from becoming overwhelmed during rain and snowmelt events; thus, improving the quality of effluent discharged to the Bighorn River. During construction, the contractor will be required to file an erosion control plan and prepare a storm water pollution prevention plan.</p> <p style="text-align: right;">EPA Statement of Basis, Montana Natural Heritage Program, Stahly Engineering, US Fish &amp; Wildlife Service</p>
<p style="text-align: center;"><u>Key</u> <b>N</b></p>	<p><b>6. Floodplains &amp; Floodplain Management (Identify any floodplains within one mile of the boundary of the project.)</b></p> <p><i>Comments and Source of Information:</i></p> <p>The City of Hardin has designated the City Building Inspector as the City Floodplain Administrator. The engineer contacted the Montana DNRC floodplain specialist (Sam Johnson, DNRC Floodplain Program Billings Regional Office) who had no comments or concerns about the proposed project. The section of the Bighorn River adjacent to the wastewater treatment plant is dam-controlled (Yellowtail Dam) and lies up-stream of the confluence with the Little Bighorn River. The project location is reflected in FIRM Panel 3001430375B Big Horn County, Montana, but is not included and has no designation as it lies within the Crow Indian Reservation. Circular DEQ 2 requires wastewater facilities to be protected from the 1% flood. The project will be designed to comply with all Circular DEQ-2 design standards.</p> <p style="text-align: right;">Montana DEQ Circular-2, Hardin Floodplain Administrator, Montana DNRC Floodplain Section.</p>

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<p style="text-align: center;"><u>Key</u> <b>N</b></p>	<p><b>7. Wetlands Protection (Identify any wetlands within one mile of the boundary of the project.)</b></p> <p><i>Comments and Source of Information:</i></p> <p>There are no known jurisdictional wetlands known to be present on the existing wastewater treatment plant site or within the specified project boundary. However, wetlands are located within 1 mile of the project site. All construction is to take place on the existing wastewater plant site and on adjacent City-owned property which also does not contain jurisdictional wetlands. Any disturbance of jurisdictional wetlands or placement of fill in state waters requires a Section 404 permit.</p> <p style="text-align: right;">US Fish &amp; Wildlife Service online mapping, Stahly Engineering, US Army Corps of Engineers.</p>
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<p style="text-align: center;"><u>Key</u> N <u>  </u></p>	<p><b>8. Agricultural Lands, Production, &amp; Farmland Protection (e.g., grazing, forestry, cropland, prime or unique agricultural lands) (Identify any prime or important farm ground or forest lands within one mile of the boundary of the project.)</b></p> <p><i>Comments and Source of Information:</i></p> <p>There are no areas of prime farmland located within the project boundary. All construction is at the existing wastewater plant site and on an existing City-owned parcel.</p> <p style="text-align: right;">PER, City of Hardin</p>
<p style="text-align: center;"><u>Key</u> N <u>  </u></p>	<p><b>9. Vegetation &amp; Wildlife Species &amp; Habitats, Including Fish (e.g., terrestrial, avian and aquatic life and habitats)</b></p> <p><i>Comments and Source of Information:</i></p> <p>The proposed construction occurs on existing City-owned property adjacent to existing wastewater treatment facilities. A summertime construction season will mean that any birds or animals entering the site are in their best condition and will be less susceptible to stress.</p> <p style="text-align: right;">Montana FWP, Montana Natural Heritage Program, Stahly Engineering</p>

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<p style="text-align: center;"><u>Key</u></p> <p style="text-align: center;"><u>N</u></p>	<p><b>10. Unique, Endangered, Fragile, or Limited Environmental Resources, Including Endangered Species (e.g., plants, fish or wildlife)</b></p> <p><i>Comments and Source of Information:</i></p> <p>The Montana Natural Heritage Program identified several species of concern, but does not identify any mitigation measures. The species of concern are listed below:</p> <ul style="list-style-type: none"> <li>○ 2 Amphibian species of concern (Great Plains Toad and Plains Spadefoot)</li> <li>○ 20 Bird species of concern (Northern Goshawk, Golden Eagle, Great Blue Heron, Burrowing Owl, Chestnut-collared Longspur, Veery, Greater Sage-Grouse, Yellow-billed Cuckoo, Black-billed Cuckoo, Bobolink, Peregrine Falcon, Pinyon Jay, Cassin's Finch, Loggerhead Shrike, Lewis's Woodpecker, Clark's Nutcracker, Long-billed Curlew, Sage Thrasher, Green-tailed Towhee, and Brewer's Sparrow)</li> <li>○ 2 Fish species of concern (Yellowstone Cutthroat Trout and Sauger)</li> <li>○ 1 Invertebrate species of concern (Pygmy Mountainsnail)</li> <li>○ 9 Mammal species of concern (Townsend's Big-eared Bat, Black-Tailed Prairie Dog, Spotted Bat, Hoary Bat, Black-footed Ferret, Little Brown Myotis, Fringed Myotis, Merriam's Shrew, and Preble's Shrew)</li> <li>○ 5 Reptile species of concern (Spiny Softshell, Snapping Turtle, Plains Hog-nosed Snake, Western Milksnake, and Greater Short-horned Lizard)</li> <li>○ 17 Dicot Flowering Plant Species of concern (Sweetwater Milkvetch, Barr's Milkvetch, Yellow Beeplant, Nine-anther Prairie Clover, Big Horn Fleabane, Spotted Joepyeweed, Spiny Hopsage, Bush Morning-glory, Nuttall Desert-parsley, Woolly Twinpod, Bur Oak, Persistent-sepal Yellow-cress, Desert Groundsel, Wyoming Sullivantia, Soft Aster, Slim-pod Venus'-looking-glass, and Nannyberry)</li> <li>○ 4 Monocot Flowering Plant Species of concern (Geyer's Onion, Heavy Sedge, Tall Dropseed, and Letterman's Needlegrass)</li> </ul> <p>The United States Fish and Wildlife Service (USFWS) provided a letter stating that they "do not expect adverse impacts to any (TEC) threatened, endangered, or candidate species. USFWS did ask project personnel to watch for nesting sites for migratory birds, Golden Eagles, and Bald Eagles while providing buffers as required. The USFWS also stated that provisions of both the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) be acknowledged and followed on the project. The Montana Department of Fish, Wildlife, and Parks provided an acknowledgement of "no comment" on the project. Our estimate is that here are no significant impacts for the following reasons:</p> <ul style="list-style-type: none"> <li>• Agency input above</li> <li>• Effluent quality is improved resulting in decreased impacts to fishes.</li> <li>• No construction in the river and no fill in wetlands or the Bighorn River</li> <li>• Summer construction is when animals are in their best condition and when ground animals have the most mobility.</li> <li>• Birds can fly and can easily avoid construction activities.</li> </ul> <p>Montana Natural Heritage Program, Montana FWP, US Fish &amp; Wildlife Service, Stahly Engineering</p>
<p style="text-align: center;"><u>Key</u></p> <p style="text-align: center;"><u>N</u></p>	<p><b>11. Unique Natural Features (e.g., geologic features)</b></p> <p><i>Comments and Source of Information:</i></p> <p>None known or thought to be present.</p> <p style="text-align: right;">Historical agency correspondence, Stahly Engineering site survey.</p>

<u>Key</u> <b>B</b>	<p><b>12. Access to, and Quality of, Recreational &amp; Wilderness Activities, Public Lands and Waterways (including Federally Designated Wild &amp; Scenic Rivers), and Public Open Space</b></p> <p><i>Comments and Source of Information:</i></p> <p>No impacts to access or quality of recreational and/or wilderness activities is expected. The quality of the Bighorn River will be improved providing a benefit to resident fishes, and river users such as irrigators and recreationalists.</p> <p style="text-align: right;">Stahly Engineering</p>
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**HUMAN POPULATION**

<u>Key</u> <b>N</b>	<p><b>1. Visual Quality – Coherence, Diversity, Compatibility of Use and Scale, Aesthetics</b></p> <p><i>Comments and Source of Information:</i></p> <p>The proposed project is in or directly adjacent to existing wastewater treatment areas. The existing wastewater outfall terminal structure may be visible to river floaters.</p> <p style="text-align: right;">Stahly Engineering</p>
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<u>Key</u> <b>N</b>	<p><b>2. Nuisances (e.g., glare, fumes)</b></p> <p><i>Comments and Source of Information:</i></p> <p>A properly operated wastewater facility does not produce nuisance conditions.</p> <p style="text-align: right;">Stahly Engineering</p>
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<u>Key</u> <b>N</b>	<p><b>3. Noise -- suitable separation between noise sensitive activities (such as residential areas) and major noise sources (aircraft, highways &amp; railroads)</b></p> <p><i>Comments and Source of Information:</i></p> <p>The proposed facilities should not be a significant source of noises. Some temporary increases should be expected during construction.</p> <p style="text-align: right;">Stahly Engineering</p>
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<u>Key</u> <b>N</b>	<p><b>4. Historic Properties, Cultural, and Archaeological Resources</b></p> <p><i>Comments and Source of Information:</i></p> <p>No impacts expected.</p> <p style="text-align: right;">Montana State Historic Preservation Office, Stahly Engineering</p>
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<u>Key</u> <b>B</b>	<p><b>5. Changes in Demographic (population) Characteristics (e.g., quantity, distribution, density)</b></p> <p><i>Comments and Source of Information:</i></p> <p>Implementation of the project will provide the wastewater treatment capacity needed by the community to grow as economic conditions require.</p> <p style="text-align: right;">Stahly Engineering</p>
<u>Key</u> <b>N</b>	<p><b>6. Environmental Justice – (Does the project avoid placing lower income households in areas where environmental degradation has occurred, such as adjacent to brown field sites?)</b></p> <p><i>Comments and Source of Information:</i></p> <p>The project does not locate or cause the location of any lower income households into unacceptable areas.</p> <p style="text-align: right;">Stahly Engineering</p>

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<u>Key</u> <b>B</b>	<p><b>7. General Housing Conditions - Quality, Quantity, Affordability</b></p> <p><i>Comments and Source of Information:</i></p> <p>The system upgrades will provide capacity to support the future growth and development of the community which in turn provides more economic opportunity for local residents.</p> <p style="text-align: right;">Stahly Engineering</p>
<u>Key</u> <b>N</b>	<p><b>8. Displacement or Relocation of Businesses or Residents</b></p> <p><i>Comments and Source of Information:</i></p> <p>No businesses or residences will be relocated.</p> <p style="text-align: right;">Stahly Engineering</p>
<u>Key</u> <b>B</b>	<p><b>9. Public Health and Safety</b></p> <p><i>Comments and Source of Information:</i></p> <p>Implementation of this project will improve the quality of discharged effluent to the Bighorn River.</p> <p style="text-align: right;">Stahly Engineering</p>

<u>Key</u> <b>N</b>	<p>10. <b>Lead Based Paint and/or Asbestos</b></p> <p><i>Comments and Source of Information:</i></p> <p>No impact expected. The City Public Works Department indicates no hazardous materials exist at the proposed construction site. The contractor will be required to take normal precautions when demolishing any old facilities.</p> <p style="text-align: right;">Public Works Department, Stahly Engineering</p>
<u>Key</u> <b>N</b>	<p>11. <b>Local Employment &amp; Income Patterns - Quantity and Distribution of Employment, Economic Impact</b></p> <p><i>Comments and Source of Information:</i></p> <p>The construction phase will provide numerous temporary positions.</p> <p style="text-align: right;">Stahly Engineering</p>

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<u>Key</u> <b>B</b>	<p>12. <b>Local &amp; State Tax Base &amp; Revenues</b></p> <p><i>Comments and Source of Information:</i></p> <p>Construction activities will increase the tax base temporarily</p> <p style="text-align: right;">Stahly Engineering</p>
<u>Key</u> <b>N</b>	<p>13. <b>Educational Facilities - Schools, Colleges, Universities</b></p> <p><i>Comments and Source of Information:</i></p> <p>No impacts expected.</p> <p style="text-align: right;">Stahly Engineering</p>
<u>Key</u> <b>N</b>	<p>14. <b>Commercial and Industrial Facilities - Production &amp; Activity, Growth or Decline</b></p> <p><i>Comments and Source of Information:</i></p> <p>No impacts expected.</p> <p style="text-align: right;">Stahly Engineering</p>
<u>Key</u> <b>N</b>	<p>15. <b>Health Care – Medical Services</b></p> <p><i>Comments and Source of Information:</i></p> <p>No impacts expected</p> <p style="text-align: right;">Stahly Engineering</p>

<u>Key</u>  <b>N</b> <hr/>	<p><b>16. Social Services – Governmental Services (e.g., demand on)</b></p> <p><i>Comments and Source of Information:</i> No impacts expected.</p> <p style="text-align: right;">Stahly Engineering</p>
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<u>Key</u>  <b>N</b> <hr/>	<p><b>17. Social Structures &amp; Mores (Standards of Social Conduct/Social Conventions)</b></p> <p><i>Comments and Source of Information:</i> No impacts expected.</p> <p style="text-align: right;">Stahly Engineering</p>
<u>Key</u>  <b>B</b> <hr/>	<p><b>18. Land Use Compatibility (e.g., growth, land use change, development activity, adjacent land uses and potential conflicts)</b></p> <p><i>Comments and Source of Information:</i> The proposed project will improve the quality of the effluent discharged to the Bighorn River.</p> <p style="text-align: right;">Stahly Engineering</p>
<u>Key</u>  <b>N</b> <hr/>	<p><b>19. Energy Resources - Consumption and Conservation</b></p> <p><i>Comments and Source of Information:</i> The proposed project may consume more electricity than the current system.</p> <p style="text-align: right;">Stahly Engineering</p>
<u>Key</u>  <b>N</b> <hr/>	<p><b>20. Solid Waste Management</b></p> <p><i>Comments and Source of Information:</i> There are no known impacts to the solid waste system other than increased biosolids and screened inorganics that will occur as a result of normal growth.</p> <p style="text-align: right;">Stahly Engineering</p>
<u>Key</u>  <b>B</b> <hr/>	<p><b>21. Wastewater Treatment - Sewage System</b></p> <p><i>Comments and Source of Information:</i> The proposed project upgrades a deteriorating wastewater treatment system and improves local water quality.</p> <p style="text-align: right;">Stahly Engineering</p>

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<p style="text-align: center;"><u>Key</u></p> <p style="text-align: center;"><u>N</u></p>	<p><b>22. Storm Water – Surface Drainage</b></p> <p><i>Comments and Source of Information:</i>  No impacts anticipated. The contractor will be required to obtain a storm water permit during construction.</p> <p style="text-align: right;">Stahly Engineering</p>
<p style="text-align: center;"><u>Key</u></p> <p style="text-align: center;"><u>B</u></p>	<p><b>23. Community Water Supply</b></p> <p><i>Comments and Source of Information:</i>  No impacts anticipated. Implementation of this project will improve the quality of effluent discharged to the Bighorn River.</p> <p style="text-align: right;">Stahly Engineering</p>
<p style="text-align: center;"><u>Key</u></p> <p style="text-align: center;"><u>N</u></p>	<p><b>24. Public Safety – Police</b></p> <p><i>Comments and Source of Information:</i>  No impacts anticipated.</p> <p style="text-align: right;">Stahly Engineering</p>
<p style="text-align: center;"><u>Key</u></p> <p style="text-align: center;"><u>N</u></p>	<p><b>25. Fire Protection – Hazards</b></p> <p><i>Comments and Source of Information:</i>  No impacts anticipated.</p> <p style="text-align: right;">Stahly Engineering</p>
<p style="text-align: center;"><u>Key</u></p> <p style="text-align: center;"><u>N</u></p>	<p><b>26. Emergency Medical Services</b></p> <p><i>Comments and Source of Information:</i>  No impacts anticipated.</p> <p style="text-align: right;">Stahly Engineering</p>
<p style="text-align: center;"><u>Key</u></p> <p style="text-align: center;"><u>N</u></p>	<p><b>27. Parks, Playgrounds, &amp; Open Space</b></p> <p><i>Comments and Source of Information:</i>  No impacts anticipated</p> <p style="text-align: right;">Stahly Engineering</p>

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<u>Key</u>  <b>N</b>	<p><b>28. Cultural Facilities, Cultural Uniqueness &amp; Diversity</b></p> <p><i>Comments and Source of Information:</i>  No impacts anticipated.</p> <p style="text-align: right;">Stahly Engineering</p>
<u>Key</u>  <b>N</b>	<p><b>29. Transportation Networks and Traffic Flow Conflicts (e.g., rail; auto including local traffic; airport runway clear zones - avoidance of incompatible land use in airport runway clear zones)</b></p> <p><i>Comments and Source of Information:</i>  No impacts anticipated.</p> <p style="text-align: right;">Stahly Engineering</p>
<u>Key</u>  <b>B</b>	<p><b>30. Consistency with Local Ordinances, Resolutions, or Plans (e.g., conformance with local comprehensive plans, zoning, or capital improvement plans)</b></p> <p><i>Comments and Source of Information:</i>  The proposed improvements are modifications to existing facilities all of which are compliant with local regulations and zoning (where zoning exists).</p> <p style="text-align: right;">Montana DEQ, City of Hardin</p>
<u>Key</u>  <b>N</b>	<p><b>31. Is There a Regulatory Action on Private Property Rights as a Result of this Project? (Consider options that reduce, minimize, or eliminate the regulation of private property rights.)</b></p> <p><i>Comments and Source of Information:</i>  No impacts anticipated.</p> <p style="text-align: right;">Stahly Engineering</p>

**See Additional Required Information Starting on the Next Page**

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

**COUNCIL MEETING:** The Regular Council Meeting for March 6, 2018 was called to order at 7:30 p.m. with Council President Kenny Kepp presiding by reciting the Pledge of Allegiance.

The following Aldermen were present: Karen Molina, Clayton Greer, Kenny Kepp, Harry Kautzman, Darren Zent, and Jeremy Krebs.

Also present: Finance Officer/City Clerk Michelle Dyckman, Deputy City Clerk Angela Zimmer, City Attorney Jordan Knudsen and several members of the public.

**MINUTES OF THE PREVIOUS MEETINGS:** Greer made the motion to approve Council and Committee minutes with corrections for the February 20th & 27th, 2018 meetings. Zent and Molina were not at the meeting of February 27<sup>th</sup>. Zent seconded. On a voice vote, the motion was unanimously approved.

**PUBLIC COMMENT:**

Cory Kenney asked if the City knew what the Little Horn Subdivision lot was going to be used for. Greer noted there were only rumors. Also, what prompted Ordinance 2018-04 for business licenses? Knudsen noted there were several issues with the code regarding zoning, legality, etc. Kenney asked if there was a conclusion of the interviews for the Superintendent position. Kepp reported the information will be provided during the Mayor's report. He then asked if there will be an exception for residents to park on the East side of the Primary School. Krebs noted there will be two parking spaces per residence.

**COMMUNICATIONS:**

Fundamentals of Montana Municipal Government based on the Montana Municipal Officials Handbook online course will begin March 14<sup>th</sup> and end April 24<sup>th</sup>.

**MAYOR:**

Kepp read the Mayor's report. Mayor Purcell met with the Plant Manager, Vice President of Operations, and a New York Associate for a tour of the power plant and was briefed on possible contract options. Two Rivers Authority reported the Bureau of Indian Affairs contract for the Detention Center is still pending. There was not an offer to any of the applicants for the Superintendent of Public Works position and the position will be re advertised. The meeting for Law Enforcement contract negotiations has been rescheduled for April 5<sup>th</sup> at 11:00 a.m. in the Commissioner's office. There are roof leaks at City Hall, repairs will be looked into this spring. There is a pre-bid meeting for the Terry Avenue Project scheduled for March 8<sup>th</sup> at 1:00 p.m. in the Mayor's Office.

**OLD BUSINESS:**

Knudsen reported he reviewed the plat for Little Horn Subdivision. The information was not provided in enough time for Public Notice for the City to approve. By state law, the City has twenty days to make a decision. This will give time for the plat information to be properly noticed. Conrad Yerger asked about the drainage. It was noted the information is included in the submitted documents.

Krebs reported the City is allowed to regulate 80 feet of the street for parking on the east side of the Primary School. Signs will be set up in the spring. There will be two hour parking only on the east side and violators will be towed. He suggested a fine of \$35.00. Greer suggested to give authority to code enforcement to write tickets for towing. Debbie Winburn asked if the two hour limit would only be Monday through Friday. Krebs confirmed 8 a.m. – 5 p.m. Monday through Friday. He will continue to work with the City Attorney on an amendment to Ordinance 10-3-7.

**NEW BUSINESS:**

Kautzman motioned to renew the contract with Barry Damschen Consulting, LLC in the amount of \$5500. Krebs seconded. Knudsen advised that the contract was not submitted

in time to be noticed to the public so Kautzman and Krebs withdrew their motion and the contract will be voted on at the next Council meeting.

Sandy Struck, with The 500 Club and Conrad Yerger requested street closure of North Crow Avenue and 2<sup>nd</sup> Street and North Crow Avenue and Railway Street on June 23<sup>rd</sup> from 9:00 a.m. to 10:30 a.m., and the 200 block for the Little Big Horn Days Parade June 23<sup>rd</sup>. They also request the intersections of Center Avenue and 3<sup>rd</sup> and 4<sup>th</sup> street to be closed for the Car Show June 23<sup>rd</sup> from 12:00 p.m. to 4:00 p.m. Krebs reported he is okay with closing City streets. Struck will have to contact the State for Center Avenue and 3<sup>rd</sup> Street. Greer motioned to approve the street closure as indicated with State approval. Zent seconded. On a voice vote, the motion was unanimously approved.

Kasey Koehler submitted a Home Occupation Request to Council for approval. Her business is online and customers do not come to her home. Molina motioned to approve the Home Occupation Request. Greer seconded. On a voice vote, the motion was unanimously approved.

Dyckman reviewed penalties for business licenses and asked Council what an appropriate time line would be for a new business beginning after February 1st to submit a business license application before penalties are applied. Kepp suggested thirty days for the first penalty and sixty days for the second penalty. Kautzman agreed. Knudsen will draft an amendment to the ordinance.

#### **STAFF REPORTS:**

##### **Public Works:**

Kepp reported the water leak on 2nd street in front of Lumberzacs has been fixed.

##### **Finance:**

Dyckman reported on an Event Notice and continuing disclosures regarding the Tax Increment Industrial Infrastructure Development Revenue Bonds.

##### **Legal:**

Knudsen reported he is in negotiations with Love's Travel Stop for an easement to access the storm drains on the south edge of their property. They are willing to give the easement, but the negotiations are about how wide it should be.

Knudsen reported the Sunset Park case is closed and was dismissed by court.

##### **Economic Development:**

Greer reported the Skate Board Club had land donated to them by Bighorn Valley Health Center (BVHC). The land is part of the future site of the health center, next to Shopko on Center Avenue. The skate club has asked if the City would be interested in maintaining a skate park. He added Montana Municipal Interlocal Authority (MMIA) will cover the structure if certain specifications are met. Kautzman felt that the City shouldn't maintain the park if it doesn't have to. Krebs voiced the City would like to look at a site plan before considering. Molina added maybe the school can, it is a school club. Knudsen noted the laws revision regarding skateboards on sidewalks may need revising.

#### **COMMITTEE REPORTS:**

##### **Personnel Policy/City Policy:**

##### **Sewer & Water:**

Greer motioned to raise the wastewater treatment plant dump fee to \$45.00 per truck. Zent seconded. On a voice vote, the motion was unanimously approved. The rate will be established by Resolution.

##### **Law Enforcement:**

The meeting for Law Enforcement contract negotiations is scheduled for April 5<sup>th</sup> at 11:00 a.m. in the County Commissioner's office.

##### **Streets & Alleys:**

Kautzman reported the City is working on drains and the roof leaks at City Hall

**Parks & Playgrounds:**

Krebs reported the Easter Egg Hunt will be held in the park.

**Finance/Landfill:**

Greer reported the committee is interested in accepting gypsum at the City landfill at the rate of \$15.00 per ton. A contract proposal will be submitted by Sibanye-Stillwater Mining Company.

Greer made a motion to approve the claims:

	CLAIM No.	Monthly Total
January, 2018	22903 – 22933, 22958	\$ 48,701.04
February, 2018	22934 - 22957 22959 - 22983	\$ 176,055.48
<b>Claims Total (Expenditures)</b>		<b>\$ 224,756.52</b>
February, 2018 Payroll		\$ 126,401.76
<b>TOTAL Submitted</b>		<b>\$ 351,158.28</b>

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

**Resolutions & Ordinances:**

**SPECIAL COMMITTEES:** N/A

**RESOLUTIONS & ORDINANCES:**

**Ordinance NO. 2018-04: Amending City Code Regarding the Issuance of Business Licenses.** Molina motioned to approve the second reading of the Ordinance. Krebs seconded. On a voice vote the motion was unanimously approved.

**ANNOUNCEMENTS:**

The Terry Avenue Project pre-bid meeting is scheduled for March 8<sup>th</sup> at 1:00 p.m. in the Mayor’s office. The deadline to submit sealed bids is March 20<sup>th</sup> at 11:00 a.m.

The Beartooth RC&D meeting is scheduled for March 15<sup>th</sup> at 1:00 p.m. at the Big Horn County Courthouse.

A Wastewater Project meeting for the Preliminary Engineering Report and Environmental Assessment Notice of Availability and Public Hearing is scheduled for March 20<sup>th</sup> at 6:45 p.m. in Council Chambers.

The Coal Board meeting will be held March 22<sup>nd</sup> in Billings.

The meeting for the Little Horn Subdivision is scheduled for March 20<sup>th</sup> at 6:30 p.m.

Greer motioned to adjourn the meeting. Krebs seconded. The meeting adjourned at 8:30 p.m.

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**Joe Purcell, Mayor**

**ATTEST:**

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**Michelle Dyckman, Finance Officer/City Clerk**



## **City of Hardin**

### **Joint Landfill / Sewer and Water Committee Meeting**

March 6, 2018

The Landfill / Sewer and Water Committee Meeting began at 6:45 p.m. In attendance were Committees members Clayton Greer, Karen Molina, Jeremy Krebs, Kenny Kepp, and Harry Kautzman. Council member Darren Zent was also present. City Staff members present were Finance Officer/City Clerk Michelle Dyckman, Deputy City Clerk Angela Zimmer, and City Attorney Jordan Knudsen, and several members of the public.

#### **Public Comment:**

Greer noted he had previously questioned the possibility of accepting grease from grease traps at the landfill. He researched the option and verified the landfill is not licensed to take grease. Currently the dumping fee at the wastewater treatment plant is \$20 per truck. Billings has a rate of \$45 for a 2000 gallon truck and most cities are at \$40 per load. Krebs voiced the fee should be increased to \$45, Molina felt the increase should not be more than double and Kautzman didn't want to see it increase more than \$45. Kepp asked Doug Hamlin if the increase would cause a hardship for his business. He responded that it would be passed along. Zent asked what the impact would be on revenue. Dyckman reviewed revenues and reported the Environmental Protection Agency (EPA) will require the City to move the waste every couple of years. Kepp added that will cost more money and the increase will help to pay for it. Consensus of the committee is to raise the fees to \$45 per truck.

Barry Damschen, engineering consultant, reported Sibanye-Stillwater Mining is building a landfill for gypsum and until the permits are in place they need a place to dispose of gypsum. He had spoken with Kevin Mitchum of Sibanye-Stillwater Mining Company of the possibility of taking the gypsum to the City of Hardin landfill. Mitchum explained the makeup of gypsum. There is an estimate of 13,000 tons that would be brought in per year. They will pay \$15 per ton for an estimated 2 years or until their landfill is permitted. Dyckman asked if City code 8-1-27 would need to be amended. Knudsen will look into it. The committee was in agreement to review a contract proposal. Mitchum reported Sibanye-Stillwater Mining Company will cover the cost for the Operating and Maintenance Plan (O&M Plan) for the City landfill to be updated.

Damschen, of Barry Damschen Consulting, LLC, provided details of his contract obligations for the City landfill and added the contract proposal for 2018 is \$5500.

The meeting adjourned at 7:25 p.m.

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Clayton Greer, Landfill Committee Chairman

Kenny Kepp, Sewer and Water Committee Chairman

ATTEST:

Angela Zimmer, Deputy City Clerk

DRAFT



MONTANA MUNICIPAL INTERLOCAL AUTHORITY  
PO Box 6669  
Helena MT 59604-6669

## RISK MANAGEMENT BULLETIN

Please distribute to all appropriate personnel and post in a conspicuous place.

**DATE:** March 14, 2018 **RM Bulletin #01-18**  
**TO:** MMIA Member Cities & Towns  
**RE:** Coverage Exclusion - Inflatable Bounce Houses or Similar Inflatable Apparatuses

With the changing of the weather comes preparation for upcoming seasonal activities in our communities. One popular activity that cities and towns should give thorough consideration is the use of bounce houses or similar inflatable apparatuses on city/town property.

As of October 1, 2017 inflatable bounce houses, or similar inflatable apparatus, are **excluded from coverage** under the MMIA's Liability Memorandum of Coverage. With this coverage change it is important for cities and towns to review whether or not they will allow such devices on city/town property.

If cities and towns elect to allow these apparatuses to continue to be used on city/town property, a thorough review of the current user agreements for city/town properties is strongly encouraged. User agreements allow the city/town to transfer the liability to the party utilizing the city/town property. Areas to consider in the user agreement include, but are not limited to, indemnification language and insurance requirements for the users. Sample language for these areas is included below; however members should consult with their city/town attorney regarding updates to the user agreements.

### ***Sample Indemnification Language***

Vendor shall agree to indemnify, protect, defend, save and hold harmless the City, its officers, employees, agents, and volunteers from and against any and all liability, claims, suits, and causes of action for death or injury to persons, or damage to property, resulting from intentional or negligent acts, errors, or omissions of Vendor arising out of the setup, use or operation of the Inflatable Structure, or resulting from any violation of any federal, state, or municipal law or ordinance, the extent caused, in whole or in part, by the willful misconduct, negligent acts, or omissions of Vendor, which occurs related to the setup, use or operation of the Inflatable Structure. The Vendor further agrees to waive all claims against the City on account of any loss, damage or injury from whatever cause which may occur to it and its property in the use and occupancy of said described premises, the giving of this waiver being one of the considerations upon which this Agreement is granted.



**MONTANA MUNICIPAL INTERLOCAL AUTHORITY**  
PO Box 6669  
Helena MT 59604-6669

## RISK MANAGEMENT BULLETIN

Please distribute to all appropriate personnel and post in a conspicuous place.

### *Sample Insurance Requirement Language*

The Vendor agrees to furnish the City a CERTIFICATE OF LIABILITY INSURANCE from their entity providing liability insurance coverage that also identifies the CITY as an ADDITIONAL INSURED on the CERTIFICATE OF LIABILITY INSURANCE and that the policy is primary and non-contributory. The CERTIFICATE OF LIABILITY INSURANCE coverage limits at a minimum shall provide liability insurance coverage in accordance to Montana State Statute, Section 2-9-108 MCA of \$750,000 for each claim and \$1.5 million for each occurrence. The CERTIFICATE OF INSURANCE shall also provide that the insurance coverage shall not be amended, altered, canceled, or reduced without providing at least ten (10) days advance written notice to both the insured as well as to the City.

For questions regarding this bulletin, please contact us at [riskmgmt@mmia.net](mailto:riskmgmt@mmia.net) or 800-635-3089.

# CITY-COUNTY PLANNING BOARD

**BIG HORN COUNTY**

**HARDIN, MONTANA**  
59034

Box 305

## **PUBLIC HEARING**

**March 12, 2018**

A public hearing was called to order by Chairman Jim Eshleman at 7:00 p.m. The purpose of the hearing is to receive public input concerning a proposal to allow construction of commercial sign on property located at 13 Watson Drive in the City of Hardin, in an area zoned R1. Those present for the hearing are identified on the signature roster attached to and made a part of these minutes.

Clara Glick presented the proposal, noting that the property was a burned house on the lot which was obtained by a tax deed sale. The structure on the property was demolished and a driveway placed through the lot to the Pink Hill business on the north. She noted that the proposed sign will be an unlit sign. As there were no questions or objections, the chairman closed the public hearing at 7:05 p.m.

## **REGULAR MEETING**

**March 12, 2018**

The regular meeting of the City-County Planning Board was called to order by Chairman Jim Eshleman at 7:07 p.m. Other board members present were Mike Martinsen, Debbey Warren, Linda Greenwalt, Karen Molina and Cyndy Maxwell. Also present were CCPB secretary Gloria Menke, CCPB planner Cal Cumin and Clara Glick with Pink Hill Inc.

Cyndy motioned, seconded by Debbey, to dispense with the reading of the minutes of the November 13, 2017 meeting and to approve the minutes as mailed. Motion carried – unanimous. It was noted there has not been a meeting since November 2017 because of a lack of agenda items.

Gloria presented the treasurer's report. The county account as of 2/28/18 has \$ 51,971.11. Two bills were presented: Big Horn County News - \$ 58.80 - legal advertising; and Cal Cumin - \$ 2,400 for planning services. Following discussion Linda motioned, seconded by Debbey, to approve the report and pay the bills presented. Motion carried – unanimous.

The outdated Hardin Growth Management Plan was discussed. Cal presented a draft Scope of Work which proposes that he work with another planner, Ken Kuhn, to update the plan within nine (9) months for a total cost not to exceed \$10,000. Following discussion Mike moved, seconded by Karen, to proceed with the update of the plan as proposed. Motion carried - unanimous. It was noted that the \$10,000 is for the expenses of planner Ken Kuhn, while Cal will continue to draw his usual planning services wage.

The proposal of Pink Hill to allow construction of a commercial sign at 13 Watson Drive was discussed. Cal mentioned that he answered one query about the proposal, but no one got back to him. Since no other input or objections have been received, Cal proposed that the CCPB recommend to the Hardin City Council that the proposed sign be approved. Following discussion Cyndy moved, seconded by Linda, that the CCPB recommend to the Hardin City Council that the proposed sign variance be approved. Motion carried - unanimous.

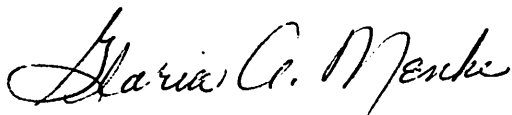
The re-appointment of Jim Eshleman by the Mayor and the re-appointment of Karen Molina by the City Council has been completed. Karen mentioned that the City does not intend to appoint a replacement for Russell Dill until another City Superintendent is hired.

Mike Martinsen's appointment by Big Horn County expires in June. He does not intend to seek re-appointment because he is trying to sell his home and intends to move from here.

Cal mentioned that the City is working on an annexation, but since it is annexation by petition, the CCPB is not involved.

As there was no response to a call for public comment, and no further business to come before the board, the chairman declared the meeting adjourned at 7:22 p.m.

Respectfully submitted,



Gloria A. Menke  
CCPB Secretary

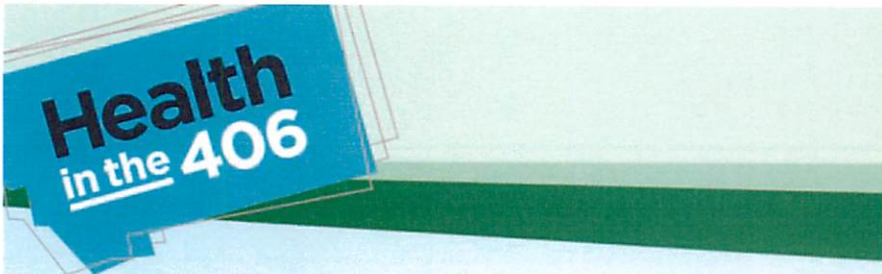
APPROVED:

**SOUTHEASTERN MONTANA**  
**TOBACCO USE PREVENTION PROGRAM**

Southeastern Montana Tobacco Use Prevention Program Newsletter

March 2018

Big Horn, Custer, Rosebud and Treasure County Newsletter



**Health in the 406 - A Success Story -**

**Montana Tobacco Free School of Excellence Initiative**

80% of Montana public school districts have adopted comprehensive tobacco free policy and are recognized as Montana Tobacco Free School Districts of Excellence.

Since the inception of the Montana Tobacco Free School Excellence Initiative in 2009, high school student smoking rates have decreased by 35%.

An alarming number of Montana high school students report currently using electronic cigarettes. Vaping is not harmless; know the risks.

**In This Issue:**

Health in the 406: A Success Story

Montana Immunization Program to focus MT TeenVax campaign on cancer prevention

BHVC Sugar Rush Run Fundraiser

Including E-cigarettes to the CIAA protocol - Free signage

OneHealth puts on a free Chronic Disease Workshop, March 15th at the Miles City Library

R.A.S.S class available

Contact Information

**Department of Public Health and Human Services**  
**[www.dphhs.mt.gov](http://www.dphhs.mt.gov)**

**Contact: Jon Ebelt, Public Information Officer, DPHHS, (406) 444-0936**  
**Chuck Council, Communications Specialist, DPHHS, (406) 444-4391**

**Montana Immunization Program to focus MT TeenVax campaign on cancer prevention**  
**Department of Public Health and Human Services officials said today that many people may be unaware that one of the most common causes of cervical cancer can be prevented with a vaccine.**

**The human papillomavirus (HPV) is the cause of nearly all cervical cancers. In addition, HPV causes 20,000 other cases of non-cervical cancer each year in the United States. To help protect against cervical and other HPV-related cancers, public health and private immunization providers are working together to increase HPV vaccination coverage rates.**

**According to the Centers for Disease Control and Prevention's (CDC) 2016 National Immunization Survey, only a little more than half of Montana parents/guardians are choosing to get the HPV vaccine for their children. The CDC recommends the HPV vaccine for adolescents as young as 11 years of age when they are scheduled to receive vaccines for pertussis or meningitis or during other medical visits. Teens or young adults that may have missed that window can still receive the vaccine and are encouraged to talk with their medical provider.**

**While the CDC survey showed room for improvement, Montana did show recent improvement in the percentage of young women starting the 2-dose series. However, the number of boys starting the series remained about the same. Although many of these teens and young adults are getting their first dose of HPV vaccine, not all are completing the vaccination series.**

**"While Montana continues to improve coverage levels for the HPV vaccine, we are still below the national average," said DPHHS Director, Sheila Hogan.**

**In 2018, the Montana Immunization Program's MT TeenVax campaign to promote teen vaccines will focus on HPV, the cancers it causes, and the HPV vaccine that helps to prevent them. The campaign will include providing resources and information to healthcare professionals, parents, and teens to increase awareness.**

**"It is important that Montana's children be protected against these cancers," Hogan said. "Now is a great time to check your child's immunization record and see if they have received all the "Improving and Protecting the Health, Well-Being and Self-Reliance of All Montanans." recommended vaccines. If you have questions about any of the vaccines, talk to your healthcare provider."**

**For more information about HPV and the other adolescent vaccines, go to [www.immunization.mt.gov](http://www.immunization.mt.gov).**



## Hardin Fundraiser



### Get ready to run, March 31, 2018

Bighorn Valley Health Center will be hosting a race called the Sugar Rush on March 31st, 2018! This will be a fundraiser to support BVHC diabetes programs and will be a great opportunity to get out and get some exercise. There will be a 5k (\$25) and a 1 mile run as well as a 1 mile walk (\$15 each), beginning at 10 AM at the Hardin Depot 10 E Railway St. in Hardin. Go to the link below to register and make a difference in your community.

Register on [runsignup.com](https://runsignup.com).

<https://runsignup.com/Race/MT/Hardin/SugarRushBVHC>

Prices increase March 16, sign up soon.

For more information please contact: Adam Renshaw Bighorn Valley Health Center 10 4th St. W Hardin, MT 59034 406.665.4103



In 2009 the Clean Indoor Air Act went into full implementation which did not include vaping products. According to the U.S. Surgeon General, e-cigarettes contain nicotine and ultrafine particles that can be toxic, cause cancer, and lead to heart and respiratory disease. E-cigarettes are not safe, people have been led to believe that the aerosol released by e-cigarettes is harmless water vapor.

Today 8 counties in Montana have included all vaping products to the CIAA protocol. No Smoking signs are free to all businesses and business vehicles. For signs that include e-cigarettes, contact your local Tobacco Prevention Specialist.

# Chronic Disease?

Feel better now.

**FREE**  
**Workshop**  
Register Early



If you have Arthritis, Asthma, Diabetes, Heart Disease, Lung Disease or any other chronic condition and are tired of feeling dull, depressed, even hopeless - the new “Living Life Well” program can help you get your drive, energy and life back.

LEARN LIFE-CHANGING SKILLS IN: Exercise, Medication Management, Nutrition and Communication in just six short classes. Get help with pain, fatigue, physical limitations, fear, frustration and worry.

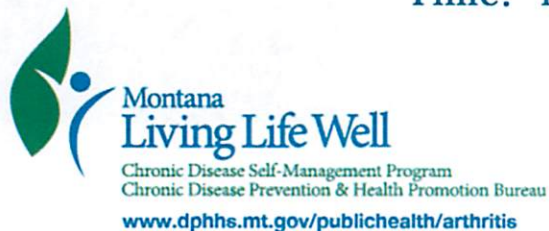
Caretakers for loved ones with chronic conditions will find this workshop beneficial. Your job is not easy and you will find ways to take care of yourself, as well as your loved one.

## Living Life Well with Chronic Conditions Workshop

Where: Miles City Public Library

When: Beginning Thursday, March 15, 2018

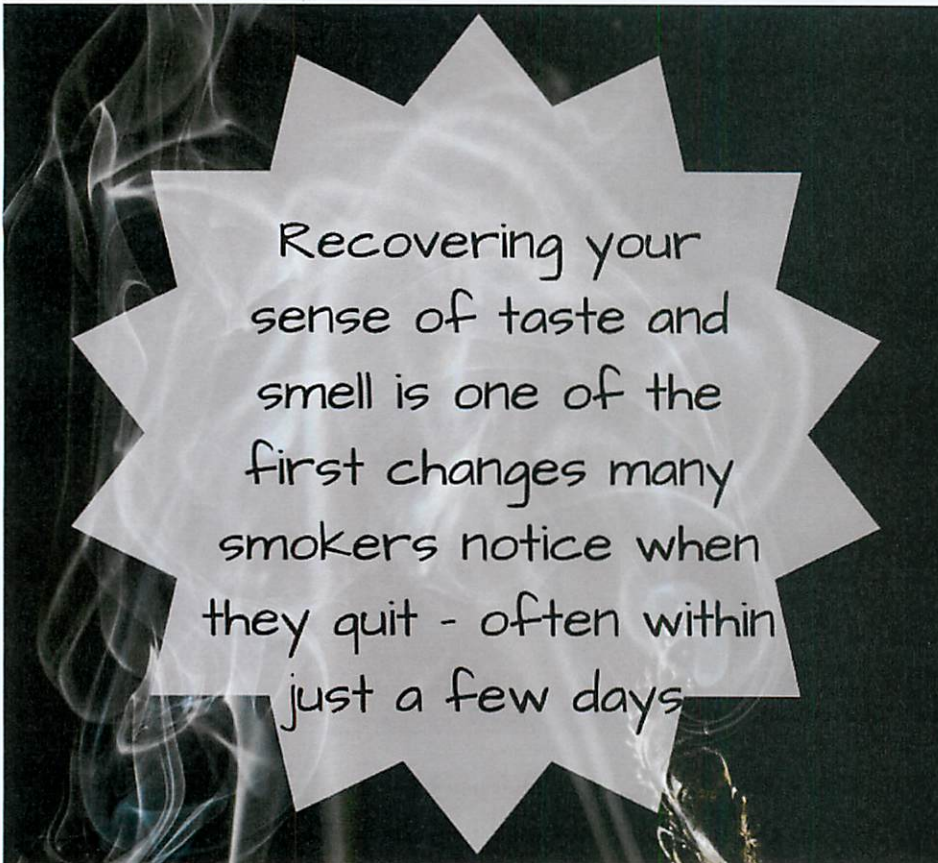
Time: 1:00 pm - 3:00 pm



Call 406-874-8700

[dphhs.mt.gov/publichealth/arthritis/selfmanagement](http://dphhs.mt.gov/publichealth/arthritis/selfmanagement)





Recovering your sense of taste and smell is one of the first changes many smokers notice when they quit - often within just a few days



R.A.S.S Available on weekends

Responsible alcohol sales and service training is mandatory in the state of Montana. Liquor license holders are required to ensure that all employees who serve or sell alcohol, their immediate supervisor and the licensee, if they serve or sell themselves, are trained through a state approved training provider.

Mallorey Vera is a State Licensed/Certified "Let's Control It" R.A.S.S. (Responsible Alcohol Sales and Service) Trainer Mallorey is available for classes on weekends. For inquiries, contact Mallorey at [mallorey.vera.ps@gmail.com](mailto:mallorey.vera.ps@gmail.com)



**Contact Us:**

QuitLine: 1-800-784-8669

Debra French RN

[fcph@rangeweb.net](mailto:fcph@rangeweb.net)

(406) 671-9102

Jane Lamb

Tobacco Prevention Specialist

[janem@rangeweb.net](mailto:janem@rangeweb.net)

(406) 351-2139

Tori Jonas

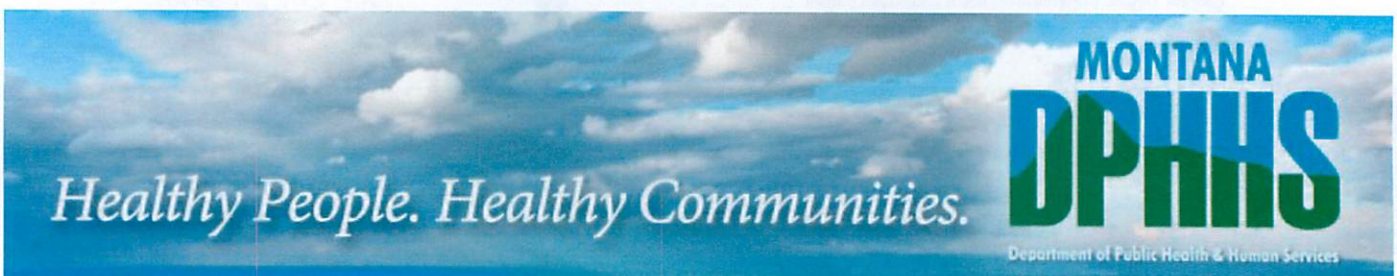
Tobacco Prevention

Youth Advocate

(406) 351-9143

Visit us on the web at [www.treasurecountyhealth.com](http://www.treasurecountyhealth.com)

Southeastern Montana  
Tobacco Use Prevention Program  
P.O. Box 201  
Hysham, MT 59038



## **-MONTANA CLEAN INDOOR AIR ACT IMPLEMENTATION PROTOCOL FOR BIG HORN COUNTY**

### **Section 1 – Intent, purpose, and scope**

- 1.1. Pursuant to MCA § 50-40-102 the Montana Legislature enacted the Montana Clean Indoor Air Act for the following purposes:
  - 1) to protect the public health and welfare by prohibiting smoking in public places and places of employment;
  - 2) to recognize the right of nonsmokers to breathe smoke-free air; and,
  - 3) to recognize that the need to breathe smoke-free air has priority over the desire to smoke or the act of smoking.
- 1.2. The declared purpose of Big Horn County Clean Indoor Air Act protocol is to prohibit smoking in enclosed public places to:
  - 1) reduce unwanted and unwelcome exposure to secondhand smoke; and,
  - 2) assure a cleaner more hygienic environment for Big Horn County, its residents, and visitors, including children and persons with existing respiratory conditions, while recognizing the threat of smoking to public health and the environment.
- 1.3. All provisions included are in addition to all state and federal laws.
- 1.4. Failure to comply with these regulations will subject individual smokers, business owners, and/or employers who violate the Big Horn County Clean Indoor Air Act to the penalty provisions of MCA § 50-40-115.
- 1.5. If any section, paragraph, sentence, clause, or phrase of this protocol should be declared invalid for any reason, such invalidity shall not affect the remaining portions of this protocol. The provisions of this protocol are hereby severable.

### **Section 2 – Effective date**

- 2.1. All provisions established under this protocol are effective as of **[DATE OF ADOPTION]**.

### **Section 3 – Definitions**

Whenever used in this protocol, the following terms shall be construed as follows:

- 3.1. "Department" means the department of public health and human services provided for in MCA § 2-15-2201.
- 3.2. "Enclosed public place" means an indoor area, room, or vehicle that the general public is allowed to enter or that serves as a place of work, including but not limited to the following:
  - a. restaurants;
  - b. stores;
  - c. public and private office buildings and offices, including all office buildings and offices of political subdivisions, as provided for in MCA § 50-40-201, and state government;
  - d. trains, buses, and other forms of public transportation;
  - e. health care facilities;

- f. auditoriums, arenas, and assembly facilities;
- g. meeting rooms open to the public;
- h. bars and casinos and similar facilities;
- i. community college facilities;
- j. facilities of the Montana university system;
- k. public schools, as provided for in MCA § 20-1-220 and 50-40-104;
- l. common use areas, including restrooms, lobbies, reception areas, hallways, and other similar places;
- m. lobbies, hallways, and similar common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple residential facilities;
- n. shopping malls including connecting walkways, enclosed parking areas and partially enclosed parking areas; and
- o. indoor sports arenas, including but not limited to sports pavilions, stadiums, organized sports fields, gymnasiums, health spas, boxing arenas, roller and ice rinks, bowling alleys, golf courses, and other similar places where members of the general public assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events.

3.3. "Bar" means an establishment with a license issued pursuant to Title 16, chapter 4, that is devoted to serving alcoholic beverages for consumption by guests or patrons on the premises and in which the serving of food is only incidental to the service of alcoholic beverages or gambling operations. The term includes but is not limited to taverns, night clubs, cocktail lounges, and casinos.

3.4. "Place of work" means an enclosed room where one or more individuals work.

3.5. "Enclosed room" means an area with a wall on all sides reaching from floor to ceiling, exclusive of windows and doors, and does not include an area completely or partially open to the outside air such as a roofed shelter.

3.6. "Establishment" means an enterprise under one roof that serves the public and for which a single person, agency, corporation, or legal entity is responsible.

3.7. "Private residence" means the personal living quarters of an individual, regardless of the legal status of the property, such as incorporation of a ranch, unless the residence is part of a structure, such as a health care facility, where smoking is specifically prohibited by MCA Title 50, chapter 40, part 1.

3.8. "Person" means an individual, partnership, corporation, association, political subdivision, or other entity.

3.9. The word "board" means the Big Horn County Board of Health and its designees.

3.10. "Designee" means, for purposes of determining who is designated by the department to act on its behalf in enforcement of the Montana Clean Indoor Air Act of 1979, is any entity with which the department has entered into an agreement outlining mutual responsibilities.

3.11. "Alternative smoking device" means any device, regardless of whether or not it contains nicotine, used to deliver nicotine or another substance in any form, including but not limited to aerosolized,

vaporized, and heated, to the person inhaling from the device, including but not limited to an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah.

3.12. "Smoke" means the gaseous products (which carry airborne toxic particles) of burning or heating tobacco or some other smokeable product, including any alternative smoking device, regardless of whether or not it contains nicotine, consumed during the use of a device that can be used to deliver nicotine or another substance in any form, including but not limited to aerosolized, vaporized, or heated, to the person inhaling from the device, including but not limited to an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah.

3.13. "Smoking" or "to smoke" includes inhaling, exhaling, burning, lighting, or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco or other smokeable product intended for inhalation, whether natural or synthetic, in any manner or in any form, including the use of marijuana for a debilitating medical condition as provided for in MCA Title 50, Chapter 46. "Smoking" includes the use of an alternative smoking device that creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking.

#### **Section 4 – Smoking in enclosed public places prohibited and places where prohibition inapplicable.**

##### **4.1. Smoking Where Smoking is Prohibited.**

Smoking in an enclosed public place is prohibited within Big Horn County, except as otherwise provided in this section.

##### **4.2. Smoking Distance.**

Smoking is not permitted within thirty (30) feet of an enclosed public place or an establishment such that smoke may not enter through its entrances, windows, ventilation systems, or other accesses and circulate to indoor, non-smoking areas.

##### **4.3. Signage.**

The proprietor or manager of an establishment containing enclosed public places shall post a sign in a conspicuous place at all public entrances to the establishment stating, in a manner that can be easily read and understood, that smoking in the enclosed public place is prohibited and that smoking is prohibited within thirty (30) feet of the enclosed public place such that smoke may not enter through its entrances, windows, ventilation systems, or other accesses and circulate to indoor, non-smoking areas.

##### **4.4. Exemptions.**

The prohibition of smoking and smoking distance provision do not apply to the following places, whether or not the public is allowed access to those places:

- a. a private residence unless it is used for any of the following purposes, in which case the prohibition of smoking applies:

1. a family day-care home or group day-care home, as defined in MCA § 52-2-703 and

- licensed pursuant to MCA Title 52, chapter 2, part 7;
- 2. an adult foster care home, as defined in MCA § 50-5-101 and licensed pursuant to MCA Title 50, chapter 5; or
- 3. a health care facility, as defined in MCA § 50-5-101 and licensed pursuant to MCA Title 50, chapter 5;
- b. a private motor vehicle;
- c. school property in which smoking is allowed pursuant to the exception in MCA § 20-1-220;
- d. a hotel or motel room designated as a smoking room and rented to a guest; however, not more than 35% of the rooms available to rent to guests may be designated as smoking rooms; and
- e. a site that is being used in connection with the practice of cultural activities by American Indians that is in accordance with the American Indian Religious Freedom Act, 42 U.S.C. 1996 and 1996a.

## **Section 5 – Enforcement and penalties**

### **5.1. Enforcement.**

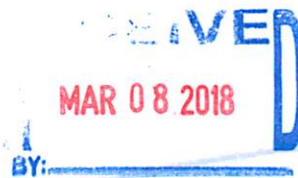
Per MCA § 50-40-108, the provisions of this part must be supervised and enforced by the department and the department's designees, local boards of health, and the boards' designees under the direction of the department.

### **5.2. Penalties.**

Failure to comply with these regulations will subject individual smokers, business owners, and/or employers who violate the Big Horn County Clean Indoor Air Act to the penalty provisions of MCA § 50-40-115.



PO Box 1821, Livingston, MT 59047 • Ph 406 222 6111 • Fx 888 644 3230 • www.nittanygrantworks.com



**Proposal for the City of Hardin Volunteer Fire Department Grant Application Services  
for Montana Coal Board Program Fire Tender Acquisition Project**

**Services Description**

Kristen Galbraith, GPC with Nittany Grantworks proposes to provide grant application preparation services to the City of Hardin Volunteer Fire Department. The proposed services will assist the City of Hardin Volunteer Fire Department with grant planning, preparation and application submittal activities associated with the "Fire Tender Acquisition Project" project. Ms. Galbraith will prepare a concise and thorough application in accordance with Montana Department of Commerce (MDOC) grant guidelines and submit by the May 2018 deadline. With the June 2018 Coal Board meeting anticipated at or around June 21<sup>st</sup>, the estimated due date of the grant application will be May 7<sup>th</sup> or 8<sup>th</sup>.

All Coal Board applications must submit grant requests using the Coal Board application template and the application must include:

- complete description of the proposed project,
- project budget including a breakdown of all major project costs, and a description of the proposed source and use of all funds,
- implementation schedule,
- documentation of the need for the project relative to the severity of the impact of coal development or decline,
- documentation of the local effort including millage rates, local financial contribution to the extent possible, or fund-raising efforts,
- documentation of the applicant's legal and financial ability to undertake and manage the proposed service or facility,
- documentation of how the request reasonably fits into an overall plan for the orderly management of the existing or contemplated growth or decline problems (90-6-207, MCA), and
- preliminary engineering report (if applicable).

The City of Hardin Volunteer Fire Department will need to provide the following documents and/or information as required of the grant application:

- Data and information related to debt and assets summaries, Fire Department budgets and financial systems.
- Fire call stats, fleet inventory and maintenance schedules, photos of fleet vehicles, volunteer stats, etc. – any information that will help to demonstrate need for and commitment to the proposed project.
- Reports, policies and or assessments related to growth, capital improvements, transportation planning, etc. that will assist in describing effective planning and management practices of the fire department.
- Budget estimates for the project with detailed budget justification (the provision of at least two cost proposals from fire vehicle fleet companies is desirable).
- Evidence of matching funds commitments from the Fire Department and any other project sponsors – usually in the form of a letter of commitment.



- Letters of support from community members, organizations, businesses and even coal associated organizations.
- Environmental review documentation. Coal Board grants are a state action subject to the Montana Environmental Policy Act (MEPA). MEPA specifies three different levels of environmental review, based on the significance of the potential impacts. The levels are: (1) *exempt or excluded from MEPA review\**; (2) environmental assessment (EA), and (3) environmental impact statement (EIS). All necessary environmental review of the proposed project **must be completed prior to submission** of the application for grant funding. Any application received without documentation that the environmental review process has been completed may be rejected by the Department. The applicant must provide documentation of the completed environmental review process and include with the application all **documentation of the public review process, including but not limited to, the public notice for and minutes of a public hearing at which the environmental review was discussed, the public comments received, and the final decision on the environmental determination made during a public meeting.**
- Other funding sources the City of Hardin Volunteer Fire Department has approached for assistance with funding this project.

*\*This is the environmental review level this project would fall under.*

**Cost Estimate**

Nittany Grantworks proposes to provide assistance and / or leadership to the services described above. **The cost estimate for this project is \$2,630 and will not exceed that amount unless the City of Hardin Volunteer Fire Department and Nittany Grantworks agree in writing.** The cost estimate is delineated as follows:

<b>Professional services</b>	<b>\$ 2,520</b>
35 hours (not to exceed) at \$72/hour	
<b>Grant and report compilation expenses (specifications determined by funding agencies)</b>	
Reimbursement for printing, index tabs, thumb drives, postage, etc.	<b>\$ 110</b>
(MDOC requires one original and seven copies of the application and may request an electronic version)	

Nittany Grantworks will provide a final invoice detailing number of professional service hours completed and copies of receipts for grant compilation and related expenses.

**Signatures**

If the proposal satisfies the needs of City of Hardin Volunteer Fire Department, please sign and date below as an indication of acceptance. A formal contract will be sent for full execution once the proposal activities are agreed upon.

Signature of City of Hardin Volunteer Fire Department Official

  
Kristen Galbraith, GPC

Date

  
Date

**AMENDMENT NO. 18**

**CITY OF HARDIN LANDFILL  
ENGINEERING CONSULTING SERVICES**

The Original Consultant Agreement for Professional Services (Agreement) between the City of Hardin, (Owner) and Barry Damschen Consulting, LLC (Consultant) for the period of January 1, 2003 through December 31, 2003 shall be amended to provide the same consulting services for the period of January 1, 2018 through December 31, 2018.

**FEE**

The Consultant shall conduct the work for the Lump Sum Fee of \$5,500.00. The Consultant shall invoice the Owner one fourth of the total fee on a quarterly basis.

This Owner and Consultant hereby agree to this Amendment.

**City of Hardin, Montana**

\_\_\_\_\_  
Mayor

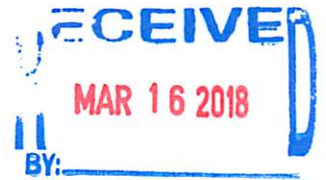
\_\_\_\_\_  
Attest

\_\_\_\_\_  
Date

**Barry Damschen Consulting, LLC**

  
\_\_\_\_\_  
Barry E. Damschen, P.E.  
Owner

  
\_\_\_\_\_  
Date



HARDIN-BIG HORN CITY-COUNTY  
PLANNING BOARD  
P.O. BOX 305  
HARDIN, MONTANA 59034

March 13, 2018

Mayor and City Council  
City of Hardin  
406 N. Cheyenne Avenue  
Hardin, Montana 59034

RE: GLICK CONDITIONAL USE PERMIT

Dear Mayor and Council:

At its regularly scheduled meeting, this Board conducted the duly advertised and required public hearing concerning the request from Glick to construct a commercial sign on property owned by the applicant at 13 Watson Drive in Hardin.

After hearing from the applicant, considering the information submitted with the application, and Board discussion, it is recommended that this conditional use be granted.

Thank you for the opportunity to review this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Cal Cumin", with a small flourish at the end.

Cal Cumin  
Planning Advisor

RECEIVED  
MAY 10 1964

DEPARTMENT OF THE ARMY  
WASHINGTON, D. C.  
OFFICE OF THE ADJUTANT GENERAL  
ATTENTION: ADJUTANT GENERAL

TO: THE ADJUTANT GENERAL  
FROM: THE ADJUTANT GENERAL

SUBJECT: [Illegible]

DATE: [Illegible]

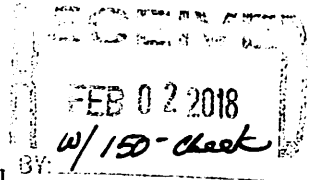
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CITY OF HARDIN  
CONDITIONAL USE / ZONE CHANGE PERMIT APPLICATION

Twelve copies of the complete application for Conditional Use Permit must be received by the City Clerk on the first day of the month preceding the month in which the application shall be reviewed by the City County Planning Board (CCPB) at its regularly scheduled meeting which is the second Monday of the month. The application will not be forwarded for review unless it is complete and the review fee paid. The City County Planning Board will advertise and hold a public hearing regarding the application, and adjacent property owners of record will be notified of the hearing. The City County Planning Board will make a recommendation to the Hardin City Council.

1. Legal description of property: See attached below
2. Address or general location of property: 13 Watson Dr. Hardin
3. Existing zoning: R-1
4. Conditional use being requested: Construct Commercial sign on Property
5. Reason for request: Commercial Signage
6. Possible noise, vibration, air pollution, electrical interference, or other environmental impacts that may be generated by the proposed use:  
None
7. Attach a copy of the geocode map of all property owners of record owning adjacent property of the proposed location provided by the Montana Department of Revenue Property Assessment Big Horn Office. See Attached
8. Attach scaled drawings of the:
  - A. Subject property, including size, and existing buildings and improvements
  - B. Proposed use, buildings, and improvements
  - C. Adjacent land uses and improvement.
  - D. Existing natural features of the site such as vegetation or wetlands
  - E. Off street parking, access, and egress
  - F. Landscaping, signs, lighting, and fencing

LEGAL DESCRIPTION

-----  
 ( 1) 22-0934-14-4-29-08-0000  
 ( 1) SCT: 14 TWN: 01 S RNG: 33 E LOT: BLK:  
 ( 1) 13 WATSON DR  
 ( 1) HARDIN MT 59034 -  
 ( → 1) S14, T01 S, R33 E, M&B IN NE4SE4 66'X  
 ( 1) 330'  
 -----

9. Name of owner of record: Nelson + Clara Glick Tele: 406-665-9979

10. Address of owner of record: Rt1 Box 1110A Hardin 59034 Tele: \_\_\_\_\_

11. Name of applicant: Nelson + Clara Glick Tele: 406-665-9979

12. Address of applicant: Rt1 Box 1110A Hardin 59034 Tele: 406-665-9979

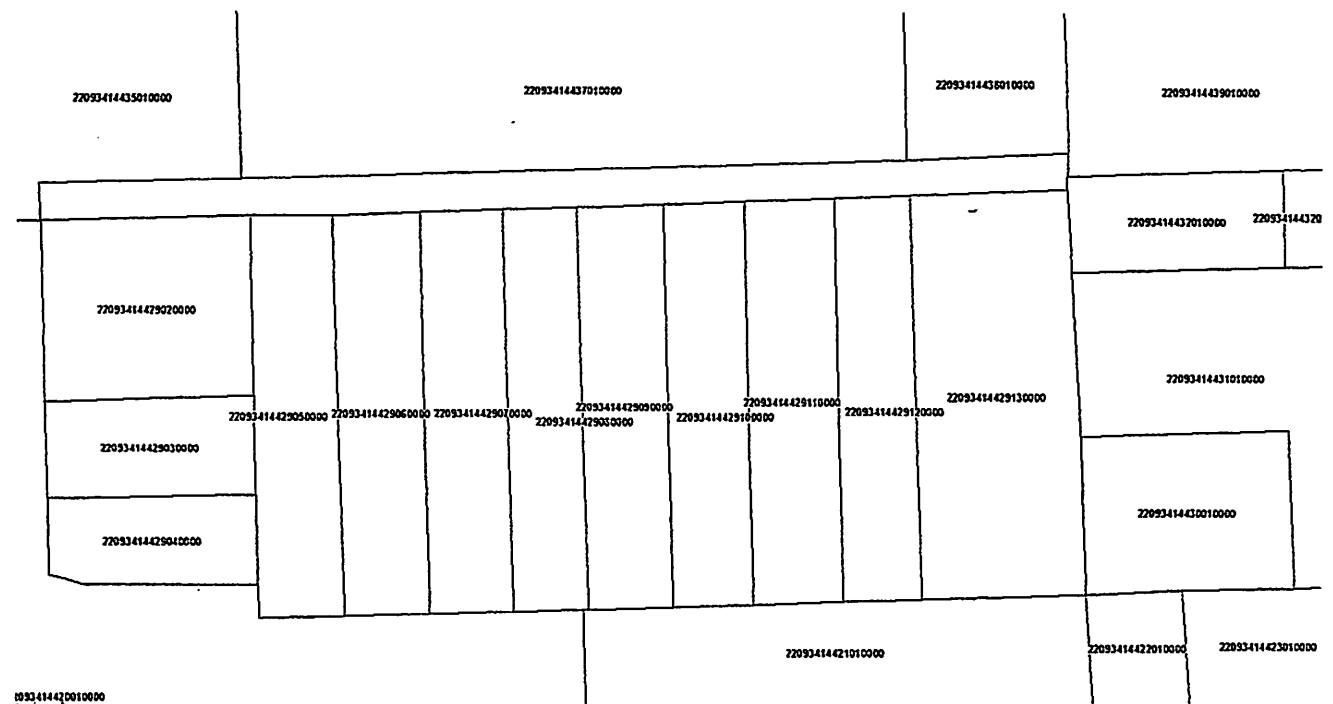
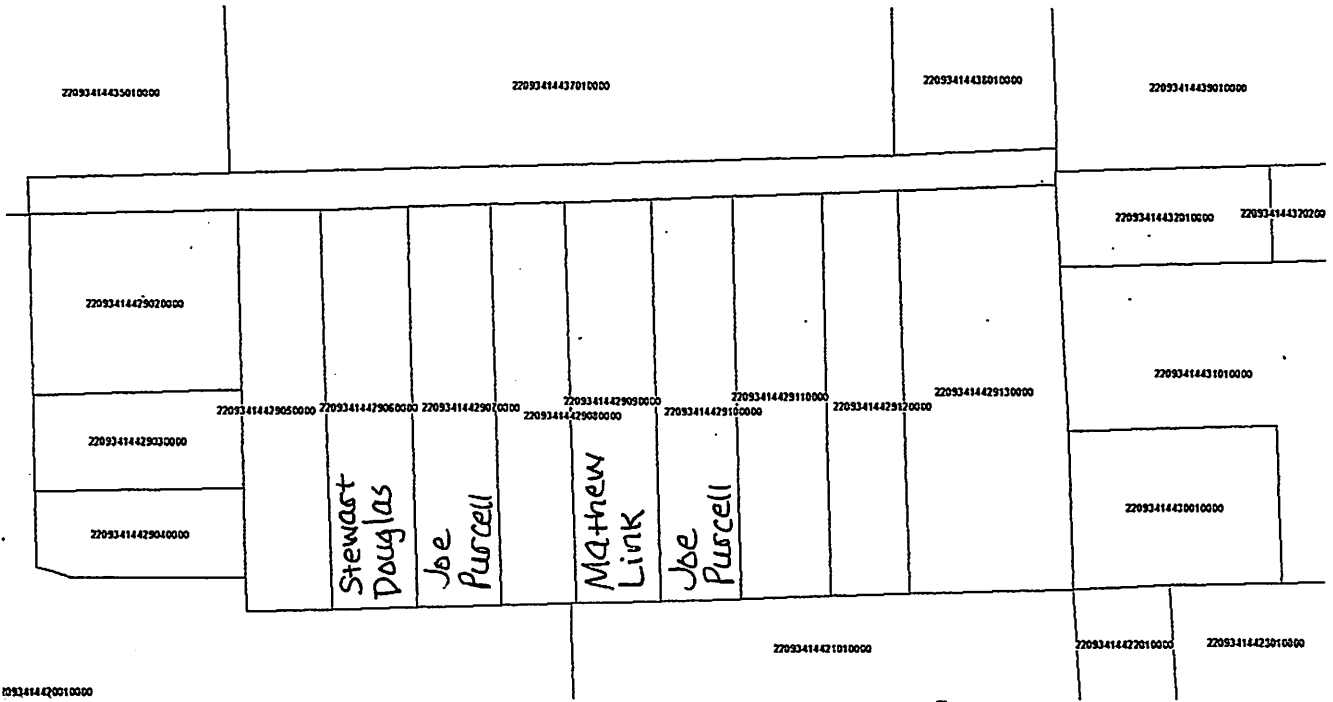
13. Other information as may be needed by the City  
County Planning Board

REVIEW FEE: \$150.00

*Make checks payable to: City County Planning Board*

I, Nelson Glick, understand that the filing fee accompanying this application is not refundable, that it pays part of the cost of processing this application, and that the fee does not constitute a payment for a conditional review permit. I certify that all information hereon and herewith is true and correct, and I understand that I or my agent must appear in person before the City County Planning Board and City Council when this application is being reviewed.

Signature of applicant: Nelson Glick Date: 2-1-2018



**PINKHILL  
CABINS  
LLC**

**CUSTOM BUILT**

**406-679-0269**

**PINKHILL CABINS LLC**



Pink Hill Cabins / Nelson Glick

Rt 1 Box 1110A

Hardin, Mt 59034

406-665-9979 & 406-679-0263

[pinkhillcabins@gmail.com](mailto:pinkhillcabins@gmail.com)

2/23/2018

RE: Zoning of 13 Watson Dr Hardin, Mt 59034

List of Adjacent Property Owners:

Left Side: Joe Purcell @ 9 Watson Dr ( Used for Grazing, Firewood Storage )

Right Side: Mathew Link @ 706 N Crawford (Residential)

Straight Across: Don Ragland RR1 Box 1255 (Farm Ground)

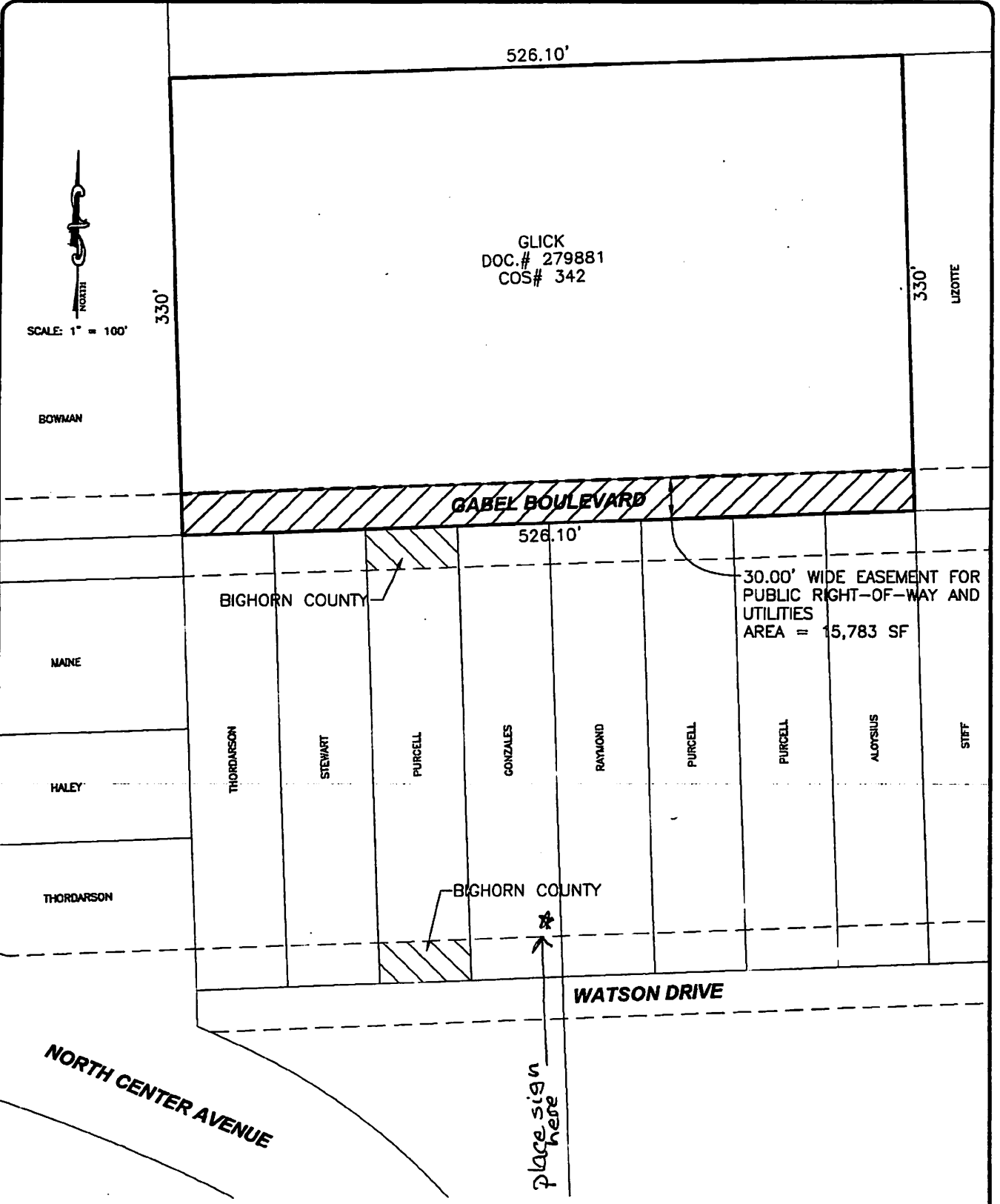
Behind: (Us)

Current Use of Property: Driveway to Access Our Property on North Side

Sign We'd Like To Install: No Lighting

Size: 6' x 4' x 7 1/2'-8' tall

J:\2-08107 - Hardin Collection Design\CAOD\_2-08107 Watson Drive\Exhibits\Sheets\2-08107 Exhibit A-3.dwg



**EXHIBIT "A"**

**Portion of NE 1/4 of SE 1/4 of Section 14,  
Township 1 South, Range 33 East,  
Principal Montana Meridian,  
Big Horn County, Montana**



