AGENDA

The City of Hardin
406 North Cheyenne Avenue
Hardin, MT 59034

October 17, 2017

PUBLIC HEARING at 7:00 p.m. Environmental Assessment Review for Terry Ave Rehabilitation Project

MEETING CALLED TO ORDER AT 7:30 p.m.
PLEDGE of ALLEGIANCE

ROLL CALL: Mayor _____,
Alderpersons: Karen Molina_____, Clayton Greer _____, Kenny Kepp _____,
Harry Kautzman ___, Darren Zent _____, Jeremy Krebs_____.

MINUTES OF PREVIOUS MEETINGS:
Council Meeting October 3

PUBLIC COMMENT:

COMMUNICATIONS: Montana Department of Transportation Newsletter

MAYOR:

OLD BUSINESS:

NEW BUSINESS:
- Hardin High School Halloween Run/Walk – October 28 at 4:00
- Judge appointment effective October 19, 2017 – Richard Bowler

STAFF REPORTS
- **Public Works:**
  - 4th Street Drain project $78,987.50 Springline Construction
  - Landfill – Stockpile dirt $14,231.75 Pink Hill LLC
  - Republic - contract?
- **Finance:**
  - September financials for November 7, 2017
- **Legal:**
- **Economic Development:**

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

SPECIAL COMMITTEES:

RESOLUTIONS & ORDINANCES:
Ordinance 2017-01, Second Reading Amending Title 1, Chapter 13, City Finance Officer
Ordinance 2017-08, Second Reading Prohibiting Acts that Disturb the Peace in the City Limits

ANNOUNCEMENTS:
MMIA's Bob Worthington Risk Management Achievement Award for 2016-2017 was won by Russell Dill
October 18 at 9:00 a.m. meeting with Rocky Mountain Power and Commissioners at the Courthouse

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.

THE COMMON COUNCIL
CITY of HARDIN, MONTANA

COUNCIL MEETING: The Regular Council Meeting for October 3, 2017 was called to order at 7:30 p.m. with Mayor Jack Lane presiding by reciting the Pledge of Allegiance.

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

Also present: Finance Officer/City Clerk Michelle Dyckman, Public Works Superintendent Russell Dill, Accounting & Records Tech Angela Zimmer, City Attorney Jordan Knudsen and several members of the public.

MINUTES OF THE PREVIOUS MEETINGS: Kautzman made the motion to approve minutes as written for the September 19, 2017 Council meeting. Motion seconded by Krebs. On a voice vote the motion was unanimously approved.

PUBLIC COMMENT:

Cory Kenney asked for there to be open discussion when Council addresses the advertisement of land. He also would like line 3 of the proposed littering ordinance to note public property.

COMMUNICATIONS:

MAYOR:

OLD BUSINESS:

Mayor Lane reported City employees have ratified the Union Collective Bargaining Agreement and are submitting the contract for Council approval. Krebs motioned to approve the agreement. Zent seconded. On a voice vote the motion was unanimously approved. This is Resolution No. 2142 - Adopting Teamsters Union Contract and Establishing Wages for Certain City Employees for Fiscal Year 2017/2018.

NEW BUSINESS:

Karen Stanton, commercial property owner, addressed Council requesting a zoning variance. She reported Doug Felt is interested in renting a property from her to open a medical marijuana dispensary at her location on Center Avenue. His application to the City County Planning Board (CCPB) was denied because the zoning code says that a medical marijuana dispensary has to be over 300 feet from a residential area. The U.S. Post Office and residences are within the 300 feet, but it is zoned residential and she feels that it should be a commercial property. She is requesting for Council to approve a variance. Kepp and Zent noted that a public hearing is part of the process so the public can be heard. Greer asked if the CCPB could be asked to consider expediting the process, as they have meetings once a month. Knudsen offered the better approach would be to do a variance in conjunction with a medical marijuana request.

Dill reported that he has been contacted by Chad Bower of Republic Services. He communicated the landfill rates were too high and would like to negotiate a contract. Dill noted that he will meet with Bower. Kepp asked why he would want Republic to have a cheaper rate than him. Dill responded he will continue to look into it.

Knudsen reported Love's Travel Stops & Country Stores, Inc. paid an SID in full on a residential property and have requested the payoff document to be signed by the Mayor and recorded at the Clerk and Recorder. Krebs motioned to approve the request. Kepp seconded. On a voice vote the motion was unanimously approved.

STAFF REPORTS:
Public Works:

Finance:
Dyckman extended a thank you to Mayor Lane and Council for supporting herself and Dill to attend the recent Montana League of Cities and Towns Conference in Great Falls.

Dyckman reported there are three parcels, the Hardin Trailer Court, the Plaza, and the land currently used for Extreme Days and training by the Hardin Volunteer Fire Department. They had been previously purchased by the City with the intent to sell. She asked Council if they prefer to have the properties classified as investments or advertised to sell. Greer and Kepp agreed that the Hardin Trailer Court parcel should be sold. Cory Kenney expressed that the Plaza is the best park in town and should not be sold. Laurie Tschetter noted it is an asset. Council asked for a realtor to be contacted to prepare a market analysis on the trailer court parcel and the parcel used for Extreme Days. Knudsen will prepare a resolution identifying the investment properties that will be listed for sale.

Legal:
Knudsen asked to withdraw Ordinance No. 2017-07 – Prohibiting Littering. He will prepare a new draft.

Economic Development: N/A

COMMITTEE REPORTS:
Personnel Policy/City Policy:

Sewer & Water:
Kepp asked Dill if the contractors have begun work on the River Bank Stabilization project. Dill reported they will be widening the road so they can maneuver their equipment to the site.

Law Enforcement: N/A

Streets & Alleys: N/A

Parks & Playgrounds:
Krebs reported the park restrooms are closed. He also recognized Steve Hopes and the parks department for doing an excellent job maintaining the parks this year.

Finance/Landfill:
Greer made a motion to approve the claims:

	CLAIM No.		Monthly Total
August, 2017	22329	$	18,880.25
September, 2017	22328 22356 - 22425	$	72,859.16
October, 2017	22330 – 22354, 22355	$	9,693.76
Claims Total (Expenditures)		$	101,433.17
TOTAL Submitted		**$**	**101,433.17**

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

Resolutions & Ordinances:
SPECIAL COMMITTEES:

RESOLUTIONS & ORDINANCES:

Ordinance No. 2017-01: Amending Title 1, Chapter 13, City Finance Officer. Knudsen asked Council to review the proposed to make sure it encompasses their intent. Krebs motioned to approve the first reading of the ordinance. Zent seconded. On a voice vote the motion was unanimously approved.

Ordinance No. 2017-08: Prohibiting Acts that Disturb the Peace in the City Limits of Hardin, Montana. Kautzman made a motion to approve the first reading of the ordinance. Zent seconded. On a voice vote the motion was unanimously approved.

ANNOUNCEMENTS:
Mayor Lane announced City offices will be closed Monday, October 9th in Observance of Columbus Day. Voter registration for the Municipal General Election closes Tuesday, October 10th at 5:00 p.m. Dyckman reported if a voter is not registered by the deadline, they will not receive a mail ballot, but can go into the Elections office to register and vote.

Greer motioned to adjourn the meeting. The meeting adjourned at 8:45 p.m.

_____
Jack Lane, Mayor

ATTEST:

_____
Michelle Dyckman, Finance Officer/City Clerk

DRAFT

Bid Date: October 5, 2017
Time:

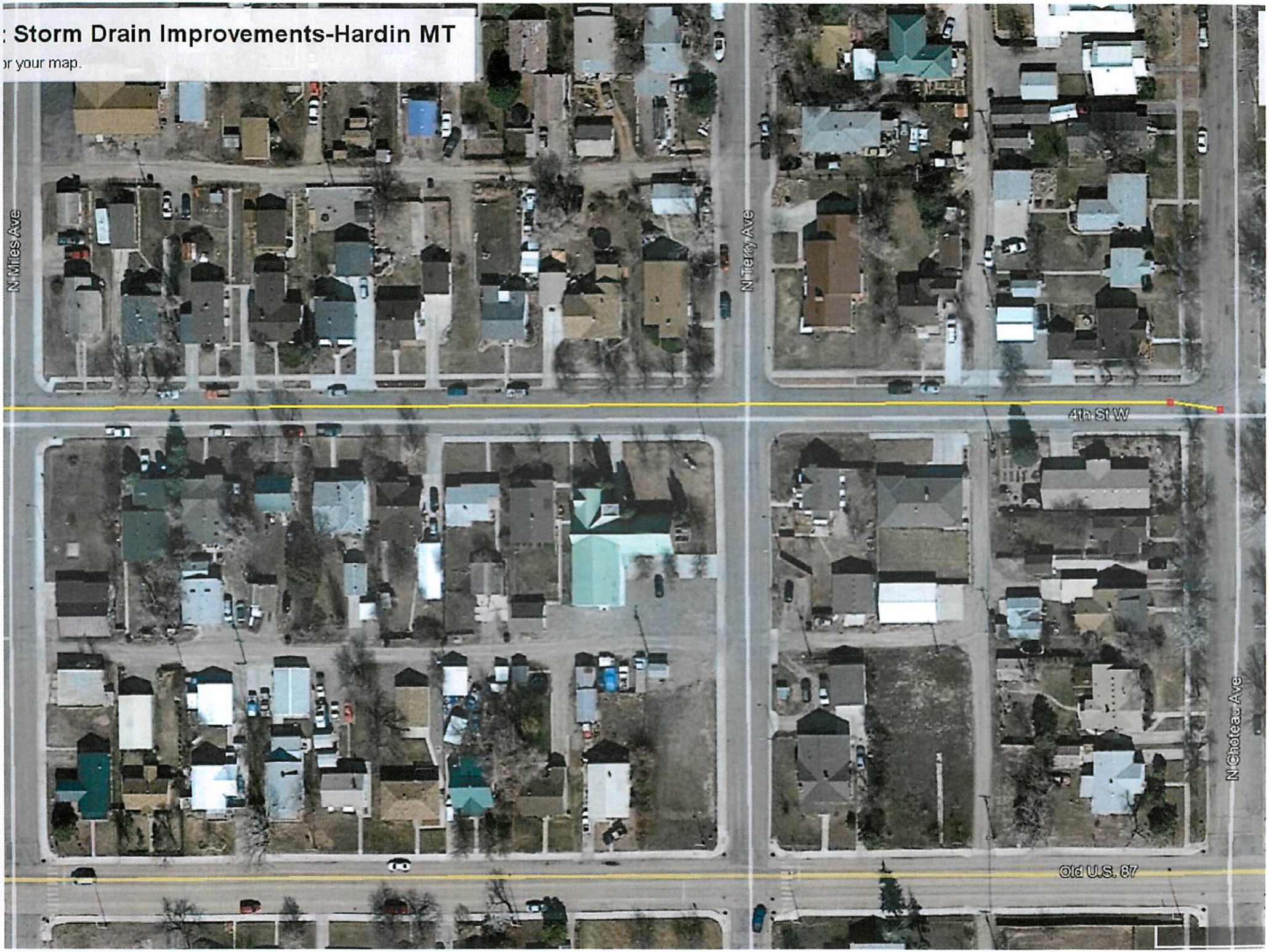
Project Name: City of Hardin MT-4th Ave Storm Drain Improvements
Location: Hardin, Montana
Contract Time: N/A
Liquidated Damages: N/A

Item #	Description	Quantity	Units	Unit Price	Total Price
101	Mobilization / Demobilzation	1.	LS	$5,250.00	$5,250.00
102	Install New Owner Supplied Storm Drain Manhole on Existing 24" Storm Drain Main/Connect Existing Strorm Drain Inlets into New Storm Drain Manhole-4th St. West & N. Miles Ave	1.	LS	$2,400.00	$2,400.00
103	Remove Existing Storm Drain Manhole/Install New Owner Supplied Storm Drain Manhole/Connect Existing Strorm Drain Inlets into New Storm Drain Manhole-4th St. West & N. Terry Ave	1.	LS	$2,400.00	$2,400.00
104	Install New Owner Supplied Storm Drain Manhole/Offset Manhole to realign Storm Drain Main approx. 8' North of Existing Storm Drain Main to Create 10' Seperation between Existing Watermain-4th St. West & N. Choteau Ave	1.	LS	$2,175.00	$2,175.00
105	Remove Existing Storm Drain Manhole/Install New Owner Supplied Storm Drain Manhole on Existing 6" Storm Drain Main/Connect Existing Strorm Drain Inlets into New Storm Drain Manhole-4th St. West & N. Choteau Ave	1.	LS	$2,400.00	$2,400.00
106	Cap Existing Storm Drain Main	5.	EA	$150.00	$750.00
107	12" HP Storm Pipe	950.	LF	$32.75	$31,112.50
108	AC Paving Restoration	6,500.	SF	$5.00	$32,500.00

Subtotal Base Bid: $78,987.50

: Storm Drain Improvements-Hardin MT

or your map.



Pink Hill, LLC / Nelson Glick

Rt 1 Box 1110A Hardin, MT 59034

406-665-9979 / Fax: 406-665-1234

Email: ncg9979@gmail.com

October 6, 2017

TO: City of Hardin / Russell Dill

406 N Cheyenne Hardin, MT 59034 / 406-665-9292

RE: Dirt Construction @ BHC Landfill

THE FOLLOWING IS A QUOTE TO MOVE & STOCKPILE:

5,000 CY OF DIRT @ $2.75 / CY : $13,750

Cost of Bond: $481.25

TOTAL: $14,231.25

SIGNED Nelson Glick

City of Hardin

Submitted for Approval

October 17, 2017

	CLAIM No.		Monthly Total
September, 2017	22426 - 22447 22450, 22451, 22453, 22454	$	**29,274.04**
October, 2107	22448, 22449 22452, 22455, 22456	$	**4,255.38**
Claims Total (Expenditures)		$	**33,529.42**
September, 2017 Payroll		$	**134,807.26**
TOTAL Submitted		$	**168,336.68**

Claims or Expenditures over $5,000

per Resolution #2064

Vendor	Check #	Purpose	Amount
EXEMPT from Resolution 2064:			
NORTHWESTERN ENERGY	*31952*	*Electricity*	*18,451.25*

CITY OF HARDIN
Claims Report
For the Accounting Period: September, 2017

Vendor		Claim #	Check	Amount
KENNETH J KUNTZ JR	CL	22426	31923	75.00
BARBARA A KLANG	CL	22427	31924	621.24
MICHELLE DYCKMAN	CL	22428	31925	19.50
AMERICAN WELDING & GAS INC	CL	22429	31950	44.55
JAMES E SEYKORA	CL	22430	31927	475.36
BIG HORN COUNTY TREASURER	CL	22431	31928	395.00
BILL'S AUTO PARTS	CL	22432	31929	584.35
BIG HORN COUNTY NEWS	CL	22433	31930	102.90
BIG SKY TIRE & SERVICE CO LLC	CL	22434	31931	668.00
CHURCHILL EQUIPMENT CO INC	CL	22435	31932	31.93
FIRST INTERSTATE BANK	CL	22436	31933	1,835.16
HAWKINS, INC	CL	22437	31934	1,320.50
I-STATE TRUCK CENTER	CL	22438	31935	91.92
MIDLAND IMPLEMENT CO.	CL	22439	31936	140.00
NORTHWEST SCIENTIFIC, INC.	CL	22440	31937	325.25
RUSSELL INDUSTRIES INC	CL	22441	31938	1,813.20
TITAN MACHINERY INC	CL	22442	31939	534.91
TOWN & COUNTRY SUPPLY ASSN	CL	22443	31940	47.79
USA COMMUNICATIONS	CL	22444	31941	100.84
UTILITIES UNDERGROUND LOC. CTR.	CL	22445	31942	58.09
VERIZON WIRELESS	CL	22446	31943	633.45
WISPWEST.NET	CL	22447	31944	116.04
BIG SKY LINEN & UNIFORM INC	CL	22450	31947	4.61
SCL HEALTH MEDICAL GROUP - BILLINGS LLC	CL	22451	31948	365.00
REPUBLIC SERVICES #892	CL	22453	31951	418.20
NORTHWESTERN ENERGY	CL	22454	31952	18,451.25
				29,274.04

For the Accounting Period: October, 2017

ECOLAB INC	CL	22448	31945	50.88
INDUSTRIAL COMMUNICATIONS & ELECTRONICS	CL	22449	31946	235.50
CROELL INC	CL	22452	31949	682.00
DIS TECHNOLOGIES	CL	22455	31953	837.00
CITY OF HARDIN	CL	22456	31954	2,450.00
				4,255.38

CITY OF HARDIN
Check Report
For the Accounting Period: September, 2017

Vendor		Claim #	Check	Amount
KENNETH J KUNTZ JR	CL	22426	31923	75.00
BARBARA A KLANG	CL	22427	31924	621.24
MICHELLE DYCKMAN	CL	22428	31925	19.50
- - - CANCELLED - - -			31926	
JAMES E SEYKORA	CL	22430	31927	475.36
BIG HORN COUNTY TREASURER	CL	22431	31928	395.00
BILL'S AUTO PARTS	CL	22432	31929	584.35
BIG HORN COUNTY NEWS	CL	22433	31930	102.90
BIG SKY TIRE & SERVICE CO LLC	CL	22434	31931	668.00
CHURCHILL EQUIPMENT CO INC	CL	22435	31932	31.93
FIRST INTERSTATE BANK	CL	22436	31933	1,835.16
HAWKINS, INC	CL	22437	31934	1,320.50
I-STATE TRUCK CENTER	CL	22438	31935	91.92
MIDLAND IMPLEMENT CO.	CL	22439	31936	140.00
NORTHWEST SCIENTIFIC, INC.	CL	22440	31937	325.25
RUSSELL INDUSTRIES INC	CL	22441	31938	1,813.20
TITAN MACHINERY INC	CL	22442	31939	534.91
TOWN & COUNTRY SUPPLY ASSN	CL	22443	31940	47.79
USA COMMUNICATIONS	CL	22444	31941	100.84
UTILITIES UNDERGROUND LOC. CTR.	CL	22445	31942	58.09
VERIZON WIRELESS	CL	22446	31943	633.45
WISPWEST.NET	CL	22447	31944	116.04
ECOLAB INC	CL	22448	31945	50.88
INDUSTRIAL COMMUNICATIONS & ELECTRONICS	CL	22449	31946	235.50
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CROELL INC	CL	22452	31949	682.00
AMERICAN WELDING & GAS INC	CL	22429	31950	44.55
REPUBLIC SERVICES #892	CL	22453	31951	418.20
NORTHWESTERN ENERGY	CL	22454	31952	18,451.25
DIS TECHNOLOGIES	CL	22455	31953	837.00
CITY OF HARDIN	CL	22456	31954	2,450.00
				33,529.42

ORDINANCE NO. 2017-01

AN ORDINANCE AUTHORIZING THE AMENDMENT OF TITLE 1, CHAPTER 13, CITY FINANCE OFFICER

WHEREAS, the City of Hardin desires to modify and change its Ordinance regarding the City Finance Officer;

WHEREAS, Mont. Code Ann. § 7-3-217 (2015) allows a city finance officer to be selected by election, appointment, or by ordinance;

WHEREAS, the City Code of Hardin Montana Section 1-12-1 and Section 1-13-1 contradict each other on whether a city finance officer is hired or appointed;

WHEREAS, the current City Finance Officer of Hardin was hired, and not appointed;

WHEREAS, the City of Hardin wishes to correct Section 1-13-1 to reflect the current hired status of the City Finance Officer.

WHEREAS, pursuant to Mont. Code Ann. § 7-4-4106 (2015), the City of Hardin is authorized to consolidate any officers if by ordinance;

WHEREAS, the City of Hardin desires to formally consolidate the City Finance Officer and the City Clerk duties, when needed, and at the City Council's discretion;

WHEREAS, the City of Hardin desires that the City Finance Officer perform all the duties of a City Clerk, as outlined in the Montana Code Annotated;

WHEREAS, the City of Hardin desires that the City Code of Hardin, Montana be amended to reflect additional duties by amending Title 1 Chapter 13 to reflect the consolidation.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF HARDIN, MONTANA, that Title 1, Chapter 13, is amended as follows:

1. Section 1-13-1 shall be amended by striking the language: "The mayor, subject to the consent and approval of the city council, shall appoint a city finance officer."

   The following language shall be inserted into 1-13-1: "The City Finance Officer is not an appointed officer and the City Finance Officer is an employee of the City, chosen by the Mayor with City Council guidance."

2. Section 1-13-14 shall be amended by inserting the following language at the beginning of the section: "The City Finance Officer may be consolidated with the City Clerk. Upon consolidation, the City Finance Officer will have all of the duties of the City Clerk, as outlined in Title 1 Chapter 14 of the City Code of Hardin, state law, and at the direction of the City Council. The consolidation does not affect the employee status of the City Finance Officer. If the City Council desires consolidation, the City Finance Officer may be appointed the City Clerk by the Mayor, subject to the consent and approval of the City Council.

   The Mayor, subject to the consent and approval of the City Council, may appoint a City Clerk, separate from the City Finance Officer, with approval and consent of the City Council. If the Mayor appoints a City Clerk separate from the City Finance Officer, then the positions shall become unconsolidated and all the City Clerk duties of Title 1 Chapter 14 and state

law shall revert back to the appointed City Clerk and the City Finance Officer shall no longer have such duties."

IT IS FURTHER RESOLVED BY THE CITY COUNCIL FOR THE CITY OF HARDIN, MONTANA, that Title 1, Chapter 13, Section 14, after the above amendments, shall read as follows:

1-13-14 **ADDITIONAL DUTIES:** The City Finance Officer may be consolidated with the City Clerk. Upon consolidation, the City Finance Officer will have all of the duties of the City Clerk, as outlined in Title 1 Chapter 14 of the City Code of Hardin, state law, and at the direction of the City Council. The consolidation does not affect the employee status of the City Finance Officer. If the City Council desires consolidation, the City Finance Officer may be appointed the City Clerk by the mayor, subject to the consent and approval of the City Council.

The Mayor, subject to the consent and approval of the City Council, may appoint a City Clerk, separate from the City Finance Officer, with approval and consent of the City Council. If the Mayor appoints a City Clerk separate from the City Finance Officer, then the positions shall become unconsolidated and all the City Clerk duties of Title 1 Chapter 14 and state law shall revert back to the appointed City Clerk and the City Finance Officer shall no longer have such duties.

The City Finance Officer shall perform such other additional duties as may be prescribed in a job description, from time to time, by the Mayor and City Council.

DATE OF EFFECT.

The amendment to this ordinance shall take effect and be in force thirty (30) days from the date of its second reading and passage by the City Council as required by law.

FIRST READING AND PASSAGE By a majority vote of the members present this 3rd day of October, 2017.

YEAS 5 NAYS Ø

Jack Lare
Mayor

ATTEST:

Michelle Dyckman
City Clerk

POSTED AND MADE AVAILABLE TO THE PUBLIC this 4TH day of October, 2017.

Michelle Dyckman
City Clerk

SECOND READING AND PASSAGE By a majority vote of the members present this _____ day of _____, 2017.

YEAS _____ NAYS _____

_____
Mayor

ATTEST:

_____
City Clerk

ORDINANCE NO. 2017-08

AN ORDINANCE PROHIBITING ACTS THAT DISTURB THE PEACE IN THE CITY LIMITS OF HARDIN, MONTANA

WHEREAS, the City Council of the City of Hardin desires to pass an ordinance on protecting and enforcing the peace and to promote health and safety of all residents and visitors;

WHEREAS, the City Council has determined that there is a need for keeping the peace and well-being of residents within the City Limits of the City of Hardin; and

WHEREAS, the City of Hardin is authorized to pass ordinances for the management of the affairs of the city per Mont. Code Ann. § 7-5-4101 (2015).

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF HARDIN, MONTANA, that the following ordinance shall be enacted:

1. It shall be unlawful for any person to purposely or knowingly disturb the peace by:
   a. Quarrelling, challenging to fight, or fighting;
   b. Making loud or unusual noises;
   c. Using threatening, profane or abusive language;
   d. Rendering the free ingress or egress to public or private places impassable; or
   e. Disturbing or disrupting any lawful assembly or public meeting.
2. To be convicted of Disturbing the Peace, a person must not have any prior convictions for Disorderly Conduct under the laws of the State of Montana within the previous year, which is 365 days.
3. A person convicted of Disturbing the Peace shall be sentenced for a term not to exceed 10 days in the county jail, and fined up to a maximum of $100, or both.

IT IS FURTHER RESOLVED, that this ordinance shall be codified as Title 6, Chapter 1, Section 15 and entitled "**DISTURBING THE PEACE:**".

DATE OF EFFECT.

The amendment to this ordinance shall take effect and be in force thirty (30) days from the date of its second reading and passage by the City Council as required by law.

FIRST READING AND PASSAGE By a majority vote of the members present this 3rd day of October, 2017.

YEAS 5 NAYS Ø

Jack Lane
Mayor

ATTEST:

Michelle Dyckman
City Clerk

POSTED AND MADE AVAILABLE TO THE PUBLIC this 4TH day of October, 2017.

Michelle Dyckman
City Clerk

SECOND READING AND PASSAGE By a majority vote of the members present this _____ day of _____, 2017.

YEAS _____ NAYS _____

_____
Mayor

ATTEST:

_____
City Clerk