City of Hardin

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

Committee Meeting
AGENDA

December 5, 2017
Council Chambers

PUBLIC COMMENT:

- **Parks** **6:00 p.m.**
  - Land Transfer
  - Hardin Skateboard Club

PUBLIC COMMENT:

- **Landfill** **7:00 p.m.**
  - Garbage – LaBonnie Realty Inc.
  - Republic – contract
  - Garbage – minimum charge/pickup

Meeting adjourned at _____P.M

AGENDA

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

December 5, 2017

MEETING CALLED TO ORDER AT 7:30 P.M.
PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor: _____
Alderpersons: Karen Molina _____ Clayton Greer _____ Kenny Kepp _____
Harry Kautzman _____ Jeremy Krebs _____ Darren Zent_____

MINUTES OF PREVIOUS MEETINGS:
Council Meeting November 21 Resolutions & Ordinances November 21

PUBLIC COMMENT:
- Joseph Funke

COMMUNICATIONS:
- City-County Planning Board Minutes
- National Park Service – U.S. Department of Interior

MAYOR:

OLD BUSINESS:
- WWTP Cistern Project – Springline Construction - $7500

NEW BUSINESS:
- Montana Municipal Interlocal Authority – Board of Directors Vacancy
- Sunset settlement
- Council - Committee assignments for 2018

STAFF REPORTS
- **Public Works:**
- **Finance:**
  - Little Horn State Bank – pledge substitution
  - Coal Board Grant update
- **Legal:**
- **Economic Development:**

COMMITTEE REPORTS:
- **Personnel Committee/City Policy**: Mayor
- **Sewer & Water:** Kepp
- **Law Enforcement:** Zent
- **Streets & Alleys:** Kautzman
- **Parks & Playgrounds:** Krebs
  - Land transfer
  - Skate Park
- **Finance/Landfill:** Greer
  - Garbage – LaBonnie Realty Inc.
  - Republic contract
  - Claims
- **Resolution and Ordinances:** Molina

SPECIAL COMMITTEES:
RESOLUTIONS & ORDINANCES:

ANNOUNCEMENTS:
Public Works Superintendent Interview will be conducted December 19, 2017 at 6:30 p.m.

Swearing in for Alderman and Mayor will be done at the end of the December 19th Council Meeting, effective January 1, 2018.

Coal Board meeting will be held December 21, 2017 in Billings.

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 November 21, 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: Karen Molina, Clayton Greer, Kenny Kepp, Harry Kautzman, Darren Zent, and Jeremy Krebs.

Also present: Finance Officer/City Clerk Michelle Dyckman, Public Works Superintendent Russell Dill, Deputy City Clerk 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 October 7, 2017 Council meeting. Motion seconded by Kepp. On a voice vote the motion was unanimously approved.

PUBLIC COMMENT:

Cory Kenney conveyed that it would have been nice to have clarification on the last meeting agenda that the superintendent had resigned. Also, he expressed that it is ridiculous for the handful of people that have medical marijuana cards to have to go out of town.

Bill Hodges, with Big Horn Hospital Association, reported the hospital recently held Operation Shakeout. This is when the hospital tested an emergency scenario with the school and County. Hodges reported there will be a coalition meeting January 8, 2018 which he extended an invitation to the City to participate.

Laurie Tschetter reported she submitted a letter to Council for garbage pick-ups at Grandview Campground. She noted that her letter was placed under communication and not on the agenda, so there will not be anything done again. She asked why dump empty cans. Greer asked if she had addressed the issue during budgeting. Tschetter responded this is the first time she has submitted her request in writing. Knudsen reported this is a decision for the Public Works Director, and a request for a review can only be done once a year. Greer suggested to refer the issue to the Landfill Committee. He also noted it would be a health issue for trash to only be picked up once a month.

COMMUNICATIONS:

Mayor Lane reported on the election results and that Mayor-Elect Joe Purcell was present, Montana State University Government Center will be holding an online training for elected officials, and Tschetter discussed her letter regarding garbage service during public comment.

MAYOR:

Mayor Lane reported he has two meetings left and he also assured a smooth transition for the City.

OLD BUSINESS:

Mayor Lane reported this will be the last meeting for Public Works Superintendent Dill as he has accepted a similar position in Alaska. He extended a thank you to Dill for all the hard work he has done.

Knudsen requested guidance from Council in drafting an agreement proposal to submit to the Hospital Association for the land transfer of the ice skating rink. Specific terms regarding sprinklers, power lines to the gazebo, moving waters lines, etc. will need to be part of the agreement. It was suggested the Parks Committee meet and work with the City Attorney and the Hospital Association. A Parks Committee meeting was scheduled for Tuesday, December 5, 2017 at 6:00 p.m.

NEW BUSINESS:

Knudsen reported the Landfill agreement has been accepted by Northern Cheyenne. There is an increase in the tonnage for the annual ton limit from the previous contract. The new rate will be $41.25 a ton. Krebs motioned to approve the agreement. Kautzman seconded. On a voice vote, the motion was unanimously approved.

Mayor Lane reported the City-County Planning Board submitted a recommendation for approval of the request by Steve Gross for a variance to put a roof over a deck. Kautzman motioned to approve the variance. Krebs seconded. On a voice vote, the motion was unanimously approved.

Mayor Lane reported the appointment of Jim Eshelman to the Hardin City-County Planning Board (CCPB) expires December 31, 2017. He re-appointed Eshelman to fill the two-year term. Greer motioned for approval. Zent seconded. On a voice vote, the motion was unanimously approved.

Mayor Lane reported the appointment of Karen Molina to the CCPB expires December 31, 2017. Molina is interested in serving again. Greer motioned for approval. Zent seconded. On a voice vote, the motion was approved. (5/0 Molina recused)

Mayor Lane reported the CCPB has requested for an appointment of someone to fill Dill's position that expires December 31, 2018. Kepp, Kautzman, and Greer agreed to wait until the Public Works Superintendent position is filled before making a recommendation.

Council agreed to hold the swearing in of the Mayor-Elect and re-elected Aldermen at the end of the December 19th Council meeting.

STAFF REPORTS:

Public Works: N/A

Finance:

Dyckman reviewed and requested approval of the Fiscal Year 2017 Assets report. Kautzman motioned for approval. Greer seconded. On a voice vote, the motion was unanimously approved.

Dyckman provided comparison information on taxes and assessments from 2016 to 2017 using an example of $100,000 home.

Legal: N/A

Economic Development:

Mayor Lane reported Love's Travel Stop will be open on Thanksgiving and Christmas.

COMMITTEE REPORTS:

Personnel Policy/City Policy:

Mayor Lane reported the Superintendent of Public Works position was advertised internally and there was an application submitted. He requested for Council to be part of the interview and selection process. Knudsen recommended to extend to the applicant the right to waive the City Personnel Policy rule and the option have an open or closed interview. Kepp motioned to waive the Personnel Policy rule of the interview committee to consist of at least three people but no more than five to include the Mayor and all members of Council. Zent seconded. On a voice vote, the motion was unanimously approved. A Personnel Committee meeting was scheduled for Tuesday, December 19th at 6:00 p.m. to interview the applicant.

Sewer & Water: N/A

Law Enforcement: N/A

Streets & Alleys:

Kepp asked Dill if the 4th Street Storm Drain Project was near completion. Dill reported they will need a couple of days to prep for the asphalt. It may be poured mid next week.

Parks & Playgrounds:

Krebs reported there was a committee meeting scheduled for December 5th at 6:00 p.m. to discuss the ice rink park land transfer to the hospital.

Finance/Landfill:

Greer made a motion to approve the claims:

	CLAIM No.		Monthly Total
October, 2017	22551, 22562 - 22566 22568	$	10,578.59
November, 2017	22552 – 22561, 22567	$	62,885.49
Claims Total (Expenditures)		**$**	**73,464.08**
October, 2017 Payroll		**$**	**139,354.21**
TOTAL Submitted		**$**	**212,818.29**

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

Resolutions & Ordinances:

Molina reported the committee met earlier and were in agreement for the distance clarification to be measured from the two closest points between the two properties for medical marijuana dispensaries. The City Attorney will prepare a draft.

SPECIAL COMMITTEES:

RESOLUTIONS & ORDINANCES:

Resolution NO. 2146: Approving Guidelines for Hardin City Ordinance Title 6, Chapter 3, Public Drinking. Krebs motioned for approval with correction of a typo in 8.a. of the resolution. Molina seconded. On a voice vote the motion was unanimously approved.

Resolution NO. 2147: Approving the Appointment of Associate Judge of the Hardin City Court and Establishing Wage of Associate Judge. Greer motioned for approval. Krebs seconded. On a voice vote the motion was unanimously approved.

Ordinance No. 2017-07: Prohibiting Littering. Kautzman made a motion to approve the second reading of the ordinance. Krebs seconded. On a voice vote the motion was unanimously approved.

ANNOUNCEMENTS:

Mayor Lane announced City offices will be closed Thursday, November 23rd for Thanksgiving.

Kepp motioned to adjourn the meeting. Greer seconded. The meeting adjourned at 8:26 p.m.

_____

Jack Lane, Mayor

ATTEST:

_____

Michelle Dyckman, Finance Officer/City Clerk

City of Hardin

Resolutions and Ordinances Committee Meeting

November 21, 2017

The Ordinances Committee Meeting began at 7:00 p.m. In attendance were Mayor Jack Lane and Committee members Karen Molina, Kenny Kepp, and Darren Zent. Council members Clayton Greer, Harry Kautzman, and Jeremy Krebs were also present. City Staff members present were Public Works Superintendent Russell Dill, Finance Officer/City Clerk Michelle Dyckman, Deputy City Clerk Angela Zimmer, and City Attorney Jordan Knudsen, and several members of the public.

Public Comment: N/A

Molina read the recommendation made by the City-County Planning Board regarding how the distance is measured between marijuana dispensaries and other zoning districts. The recommendation read as follows:

Hardin Zoning Code, Section 11-1-2-5-5(D): Application Review and City Action: *Such distances shall be measured in a straight line without regard to intervening structures from the property line of the marijuana business to the property line of the property line of the zoning district or specific land use requiring separation.*

Greer asked if the distance was changed from 300 feet to 150 feet. Molina answered the distance was still 300 feet. Cory Kenney noted Karen Stanton previously mentioned it could be measured from door to door. Molina advocated for the measuring process to be set and to not be different for anyone. Several Council members suggested the measurements to be from the closest points of each property line. A draft will be prepared by the City Attorney.

The Meeting adjourned at 7:07 p.m.

_____
Karen Molina, Committee Chairman

ATTEST:

_____
Angela Zimmer, Deputy City Clerk

CITY-COUNTY PLANNING BOARD
BIG HORN COUNTY
Box 305
HARDIN, MONTANA
59034

PUBLIC HEARING
November 13, 2017

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 a variance from the setback requirements for property at 822 1st Street West. Those present for the hearing are identified on the signature roster attached to and made a part of these minutes.

Steve Gross presented his proposal, noting that there are other residences in the area who do exceed the setback requirements. As there were no questions or objections, the chairman closed the public hearing at 7:03 p.m.

The chairman then called to order a second public hearing at 7:04 p.m. The purpose of this hearing is to receive public input concerning a proposal to change the Hardin Zoning Code 11-1-2-5-4C(2). The change would be to reduce the distance from any marijuana dispensary to a residential area from 300 feet to 100 feet. Those present for the hearing are identified on the signature roster attached to and made a part of these minutes.

Cal discussed the proposal, noting he had received one email in opposition to the change. Mayor Jack Lane and Michelle Dyckman both spoke in opposition to the change, both noting they have both received public input in opposition to the change. As there were no further questions or objections, the chairman closed the public hearing at 7:09 p.m.

REGULAR MEETING
November 13, 2017

The regular meeting of the City-County Planning Board was called to order by Chairman Jim Eshleman at 7:10 p.m. Other board members present were Mike Martinsen, Debbey Warren, Linda Greenwalt, Karen Molina, Russell Dill, Bill Hodges and Cyndy Maxwell. Also present were CCPB secretary Gloria Menke, CCPB planner Cal Cumin, Andrew Turck with the Big Horn County News and Jack Lane, Steve Gross, Michelle Dyckman and Luke Vogel.

Cyndy motioned, seconded by Debbey, to dispense with the reading of the minutes of the August 14, 2017 meeting and to approve the minutes as mailed. Motion carried – unanimous. It was noted there has not been a meeting since August 2017 because of a lack of agenda items.

Gloria presented the treasurer's report. The county account as of 10/31/17 has $ 50,890.10. Three bills were presented: Big Horn County News - $ 36 - legal advertising; US Postal Service - $88 - box rental; 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. How to develop an updated plan without breaking the bank is the issue. It was agreed to put the plan on the January agenda for discussion.

The proposal of Steve Gross to allow a variance from the setback requirements was discussed. Cal mentioned that the request meets the requirements in the City Code for granting a variance because 1) the property is being denied a right enjoyed by other properties in the area; and 2) granting the variance will not be extending special privilege to the property or causing a change in land use. Following discussion Mike moved, seconded by Karen, to recommend to the City Council approval of the variance. Motion carried - unanimous. Cal agreed to write the letter of notification to the City Council.

The proposal to change the City Zoning Code in reference to the distance between a marijuana dispensary and areas zoned residential in the City was discussed. Based upon the input of the public hearing, Cal recommended that the zoning code not be changed. Following discussion Cyndy moved, seconded by Karen, to recommend to the City Council that the zoning code in reference to marijuana dispensaries not be changed. Motion carried - unanimous. Cal agreed to draft that letter to the City Council.

A question was brought up concerning how to determine the distance between zones; is it from building entrance to entrance or from zoning boundary line to boundary line. Cal agreed to check to determine how it is done in other cities.

The mayoral term of appointment to the CCPB of Jim Eshleman expires 12/17, as does the City Council term of appointment of Karen Molina expire 12/17. Both agreed they would like to continue and the board agreed. Both the City Council and the mayor will be notified to fill those positions.

Russell Dill will be leaving in December and his position on the board will be open. It was agreed to notify the City Council that this position needs to be filled to complete Russell's appointment, which expires 12/18.

A Notice from the United States Postal Service was discussed, concerning cluster post office boxes within the city of Hardin, offering to meet with the CCPB or its representative to discuss installation options. The board agreed to decline this opportunity.

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 7:40 p.m.

Respectfully submitted,

Gloria A. Menke

Gloria A. Menke
CCPB Secretary

APPROVED:

MMIA
MONTANA MUNICIPAL INTERLOCAL AUTHORITY

PO Box 6669 ▪ Helena, MT 59604-6669
Toll Free: (800) 635-3089 ▪ Tel: (406) 443-0907 ▪ Fax: (406) 449-7440

MEMORANDUM

To: MMIA Member Entities with Population Under 20,000

From: Alan W. Hulse, CEO VIA Electronic Mail

Date: November 22, 2017

Re: **MMIA Board of Directors Vacancy**

The MMIA Board of Directors consists of fifteen individuals representing member entities of the MMIA as a whole. Seven of the board seats are appointed by members with a population exceeding 20,000. Seven of the Board seats are elected to represent the members with a population less than 20,000 and the 15th seat (At-Large Seat) is elected by the seated 14 Directors. All terms on the Board are for two years. Terms are staggered and expire at the MMIA Annual meeting.

The MMIA lost a Board member representing communities with a population less than 20,000 in the November election, and as a result, **there is an open Board seat available**.

Individuals who are interested in being appointed to fill the vacant seat on the MMIA Board and are an official of a municipality with a population less than 20,000 may submit their name for consideration. This can be done by submitting a letter of interest to the MMIA Board of Directors. The Board of Director's will hold a conference call early January to appoint the new member.

The Board meets five to six times per year. Meetings are generally held on Fridays in Helena. The first meeting of the calendar year will be January 26, 2018. By appointing the new member early January, it will allow the new member to attend that first meeting.

Persons interested in this position should be available to attend regular meetings and a two to three day Board retreat held in August. The MMIA Board is a dynamic organization charged with directing the activities of a statewide interlocal agency that provides essential risk retention and management services to Montana cities and towns. Through regional and national training, Board members obtain a broad understanding of the varied aspects of the liability, workers' compensation, property and employee benefits risk retention industries. Board members participating in meetings or training are reimbursed for lodging and receive per diem and mileage payments.

Individuals interested in this seat on the MMIA Board are encouraged to send notice of their interest by **Friday, December 22, 2017** to:

MMIA Board Appointment
Attn: Sandy Lang
PO Box 6669
Helena, MT 59604-6669
(406) 443-0907, ext. 123
slang@mmia.net

L127900 SUNSET VILLAGE LLC

Street Maintenance District #1

	Original Assessment			Settlement	
Year	Area		Amount	Area	Amount
2015-2016	16.34	acres	4,532.42	12.10	3,793.64
2016-2017	16.34	acres	4,532.42	12.10	3,793.64

Payments under Protest

Due date	Paid	Settlement	Difference
11/30/2015	$ 2,266.21	$ 1,896.82	$ 369.39
5/31/2016	$ 2,266.21	$ 1,896.82	$ 369.39
11/30/2016	$ 2,266.21	$ 1,896.82	$ 369.39
5/31/2017	$ -		
Totals - Street Maintenance	**$ 6,798.63**	**$ 5,690.46**	**$ 1,108.17**

Lighting District #54

Year	Area		Amount	Area	Amount
2015-2016	711,552.87	sq. ft.	5,585.69	117,561.60	922.86
2016-2017	711,552.87	sq. ft.	5,585.69	117,561.60	922.86

Payments under Protest

Due date	Paid	Settlement	Difference
11/30/2015	$ 2,792.85	$ 461.43	$ 2,331.42
5/31/2016	$ 2,792.84	$ 461.43	$ 2,331.41
11/30/2016	$ 2,792.85	$ 461.43	$ 2,331.42
5/31/2017	$ -		
Totals - Lighting District	**$ 8,378.54**	**$ 1,384.29**	**$ 6,994.25**

Totals	**$ 15,177.17**	**$ 7,074.75**	**$ 8,102.42**

Prepared 11/17/17

CITY OF HARDIN
COUNCIL APPOINTMENTS FOR 2017

PRESIDENT OF THE BOARD
Kenny Kepp

SEWER AND WATER
Kenny Kepp - Chairperson
Clayton Greer
Harry Kautzman

LAW ENFORCEMENT
Darren Zent – Chairperson
Kenny Kepp
Harry Kautzman

STREETS AND ALLEYS
Harry Kautzman – Chairperson
Kenny Kepp
Jeremy Krebs

PARKS AND PLAYGROUNDS
Jeremy Krebs - Chairperson
Darren Zent
Karen Molina

RESOLUTIONS OR ORDINANCES
Karen Molina - Chairperson
Kenny Kepp
Darren Zent

FINANCE
Clayton Greer - Chairperson
Harry Kautzman
Karen Molina

LANDFILL
Clayton Greer – Chairperson
Karen Molina
Jeremy Krebs

CITY POLICY MANUAL
Mayor– Chairperson
Kenny Kepp
Darren Zent

Mayor available as needed on all committees.

1/13/16

Finance Notes for December 5, 2017 Council Meeting

Landfill Rates:

Current CIP projection for rate increase 26% or $47.25 per ton
Rates were raised 10%, from $37.50 to $41.25 10/1/17
NEW: $30,000 paid by the Solid Waste Collection fund

Year	Rates	Effective Date	**Republic Proposal**	Proposed date	Increase
2016	$37.50	11/1/2016			
2017	$41.25	10/1/2017			
2018	$42.49	3% estimate	$37.50	1/1/2018	
2019	$43.76	3% estimate	$38.63	1/1/2019	3%
2020	$45.07	3% estimate	$39.78	1/1/2020	3%
2021	$46.42	3% estimate	$40.98	1/1/2021	3%
2022	$47.81	3% estimate	$42.21	1/1/2022	3%

In 2016-2017, the City received 342,000 in revenues from Rocky Mountain Power

Pledge substitution:

Little Horn State Bank request:
currently $500,000 pledged by FNMA security
$500,000 pledge by FHLMC security
exceeds amount required by state law

Coal Board:

Landfill Compactor
Awarded 3/31/17 contract signed 06/14/17

HHS - Terry Avenue Project
Awarded 7/6/17 contract?
Submitting application to 12/21/17 Coal Board meeting for additional funding

Note: no awards were made at September meeting

Current funding for HHS - Terry Avenue project

Coal Board (awarded)	243,903
City Funds	124,604
Coal Board (additional request)	169,296
	537,803

Prepared 12/01/17

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: July 13, 2015 **RM Bulletin #02-15**

TO: Parks Department

FROM: Thomas Danenhower, Risk Management Specialist

RE: Skateboard Park Endorsement

The MMIA Memorandum of Liability Coverage specifically excludes liability associated with skateboard parks. Section 10.2.17 states that the Memorandum excludes "Any liability arising out of the use of a structure designed to facilitate the operation or use of a skateboard, whether or not the structure is utilized for skateboarding purposes. However, this EXCLUSION does not apply to liability arising out of the use of a structure designed to facilitate the operation or use of a skateboard if the COVERED PARTY has applied for and received from the Authority an ENDORSEMENT for Skateboard Facilities."

The MMIA decided to provide liability coverage for skateboard parks by endorsement in 1998. Coverage for municipally owned and operated skateboard facilities has been provided at no additional premium through an endorsement to the MMIA Memorandum of Liability Coverage. However, the coverage is dependent upon the facility meeting a prescribed set of standards:

- ✓ Member must apply for endorsement
- ✓ The facility must be designed and constructed by a professional firm with previous skateboard park experience.
- ✓ This firm must provide proof of their own liability coverage and maintain continuous coverage during design and construction of the skateboard facility.

In summary, the MMIA will only provide coverage for municipal skateboard park facilities if the municipality applies for the endorsement and demonstrates that it exercised due diligence by ensuring the park was designed by a responsible design professional who has professional liability insurance. If your community has a skateboard park, or is contemplating constructing a skateboard park, it would be wise to check and ensure that you have coverage for that facility. To obtain the endorsement for liability coverage for skateboard facilities, municipalities must submit a completed application to the MMIA. Application forms are available from the MMIA (1-800-635-3089).

O:\Administration - MMIA\Risk Management \RM Bulletins\FY15-16

This newsletter is published as a service to our members. The articles are not a substitute for the Memorandum of Liability coverage or other coverage documents. All coverage determinations are made on a case-by-case basis, and can only be viewed on the unique facts of the claim presented.

MONTANA MUNICIPAL INTERLOCAL AUTHORITY
PO Box 6669
Helena MT 59604-6663
Phone: (406) 443-0907
FAX: (406) 449-7440
Attn: Risk Management

MMIA Skateboard Park Endorsement Application

The MMIA has provided liability coverage for skateboard parks by endorsement since 1998. Coverage for municipally owned and operated skateboard facilities is provided, at no additional premium, through an endorsement to the MMIA Memorandum of Liability Coverage. However, the coverage is dependent upon the facility meeting a prescribed set of standards:

	Yes/No
1. Was the park designed and constructed by a professional firm with previous skateboard park experience?	
2. Does this firm have their own liability coverage?	
3. What is the opening date of the skateboard park? (Coverage will take affect the day the skateboard park opens.)	
4. Please attach proof of the firm's liability coverage.	

Member _____ Date: _____

*Print Name: _____ *Signature: _____

If you have further questions, please call (800) 635-3089.

*This document must be signed by an authorized representative of the Member Entity.

LaBonnie Realty Incorporated

1002 N. Mitchell Ave.
Hardin, MT 59034

Phone: 406-665-2489
Fax: 406-665-3528
E-mail:
reserve@grandviewcamp.com

RECEIVED
NOV 14 2017
BY: _____

11-14-2017

Dear Counsel members, Mr. Dill, and Mayor Lane,

As of November 1st. each year Grandview Camp & RV Park will drop down to one time per month for garbage pickup then in April and May once a week.

In June, July and August 3 times per week, with the weekend of the reenactment daily as always.

Then in September and October once a week.

We simply can not afford your garbage fees. If this is not reasonable to lower our fees than we formally request to seek alternative services.

We are not like other business and therefore can not be treated as the same. We have tried to work with Mr. Dill on this matter and that has not worked. We simply will not continue for empty cans to be dumped and be charged.

Laurie Tschetter
LaBonnie Realty Incorporated

AGREEMENT FOR SERVICES

This Agreement is made and entered into between the City of Hardin, Montana, located at 406 North Cheyenne Avenue, Hardin, Montana, 59034 (hereinafter "City) and the Allied Waste Services of North America, LLC whose mailing address is PO Box 8449, Missoula, Montana, 59807 (hereinafter "Allied").

WHEREAS, the City owns and operate a landfill; and

WHEREAS, the City has recently increased rates at the City's landfill and Allied wishes to secure long-term and predictable rates for their customers;

WHEREAS, Allied is the largest City Landfill customer, besides the City, providing 30-40% of the annual tonnage at the City landfill;

WHEREAS, Allied has a need and desire to utilize the City's landfill for the household waste and garbage that Allied contracts to pick up and deliver to landfills in Big Horn County and neighboring areas; and

WHEREAS, it is in the best interests of both the City and Allied that the household waste and garbage be accepted by the City at its landfill in accordance with the provisions set forth in this agreement.

NOW THEREFORE, in consideration of the foregoing and of the mutual covenants contained in this Agreement, the City and Allied agree as follows:

I. TERM

This Agreement shall be binding upon the parties when it is signed by both entities and shall continue for a term of one year commencing January 1, 2018 and terminating at midnight on December 31, 2022.

II. PAYMENTS

The parties agree to a flat rate of dollars per ton, with no limit on tonnage, which increases each year as follows:

$37.50 per ton, from January 1, 2018 to December 31, 2018.
$38.63 per ton, from January 1, 2019 to December 31, 2019.
$39.78 per ton, from January 1, 2020 to December 31, 2020.
$40.98 per ton, from January 1, 2021 to December 31, 2021.
$42.21 per ton, from January 1, 2022 to December 31, 2022.

The parties further agree that the garbage and waste received shall be weighed by the City at the landfill site.

All tires, refrigerators, and air conditioner units shall be charged at the City's current rates in additions to the above-listed tonnage charges.

The payments due under this agreement shall be paid within 30 days of the date of the City's bill.

The City agrees that if this Agreement is in effect, Allied shall not be subject to any other increases in regular garbage rates the City may impose on others. Future increases in rates for items such as tires and appliances may be imposed upon Allied.

III. DEPOSIT

The parties agree that no deposit is due at this time. City reserves the right to request a deposit if Allied ever becomes delinquent in its payments during the term of this Agreement. The deposit shall be twice the average amount due based upon the previous 6 months of billing. The deposit shall be held by the City to guarantee timely payments and any amount of the deposit that is not used at the termination of this agreement shall be refunded to the Allied within 30 days of the effective date of the termination unless the parties enter into a new or similar agreement. The City shall have the right to use all or any part of the deposit to pay any bill that is past due.

IV. SERVICES

The City shall permit Allied to dump household waste and garbage at its City landfill during normal business hours of the City landfill.

V. TERMINATION

The parties agree that this agreement may be terminated at any time upon the occurrence of any of the following events:

a. Mutual agreement of the parties; or
b. Allied's failure to make timely payments as set forth in this agreement provided that, in the event of non-payment, the Allied shall be provided written notice of non-payment and the opportunity to cure within 30 days of the date of the notice before the City may terminate this agreement.

Notice shall be mailed by U.S. Mail, first class, to:

Chad Bauer, Municipal Manager, Montana Business Unit
Allied Waste Services
Republic Services
1501 Rodgers St.
Missoula, MT 59802

VI. DISPUTE RESOLUTION

In the event that the parties have a dispute, both agree to make a good faith effort to informally resolve their differences. In the event that the parties are unable to informally resolve any dispute, then the parties agree to follow the following formal dispute outline:

1. The complaining party shall give the defaulting party written notice, which shall specify the nature of the dispute. The responding party shall have ten (10) days from the date of the notice to either give notice of its correction, explanation of the problem, or denial of the complaint.
2. If the complaining party rejects the correction, explanation, or denial, they shall institute the mediation process by making a written demand, which will contain the names of three mediators, along with their contact information. If the responding party is unable to accept one of the three mediators proposed, the parties shall each select an attorney. The two selected attorneys shall then select a mediator.
3. The mediator shall provide an informal opinion and advice, none of which shall be binding upon the parties. The mediator's fee shall be shared equally by the parties.
4. If mediation is unsuccessful, both parties shall submit their issue to binding arbitration. The arbitrator will be selected in the same manner as the mediator. The decision of the arbitrator shall be final and each party agrees to be bound by the arbitrator's decision. The arbitrator's fee shall be shared equally by the parties.

VII. MISCELLANEOUS

This Agreement contains the entire agreement between the parties regarding the subject of this Agreement, and there are no other agreements or understandings not contained herein.

This Agreement can only be changed or modified by mutual agreement, in writing, signed by all parties.

This Agreement may be executed in counterparts.

If either party fails to enforce any of the provisions of this Agreement, at any time, it shall not be construed as a waiver or modification of such provision, nor effect the validity of any part of this Agreement or the right of either party o thereafter enforce such provision.

There shall be no separate legal entity created as a result of this Agreement.

This Agreement will not result in the acquisition of property requiring disposal upon termination of this Agreement.

Dated this _____ day of December, 2017.

City of Hardin

_____
Jack Lane, Mayor

_____
ATTEST BY: City Clerk

Allied Waste Services of North America, LLC

_____
Glenda Bradshaw

_____
Title

City of Hardin

Submitted for Approval

December 5, 2017

	CLAIM No.		Monthly Total
November, 2017	22569 - 22609 22635 - 22639	$	**145,671.87**
December, 2017	22610 - 22634	$	**3,208.00**
Claims Total (Expenditures)		$	**148,879.87**
November, 2017 Payroll		$	**131,048.72**
TOTAL Submitted		$	**279,928.59**

Claims or Expenditures over $5,000

per Resolution #2064

Vendor	Check #	Purpose	Amount
JORDAN W KNUDSEN	32115	legal services	7,000.00
DC FROST ASSOCIATES INC	32104	UV lamps, sleeves	7,217.26
DIS TECHNOLOGIES	32105	computers & software	21,732.22
EXEMPT from Resolution 2064:			
MATOVICH OIL CO.	*32119*	*gas, oil, etc*	*5,100.49*
Approved Previously:			
approved earlier in this meeting:			
SPRINGLINE CONSTRUCTION INC	*32130*	*4th St Storm Drain project*	*78,197.62*

Claims by Vendor Report

For the Accounting Period: December, 2017

Vendor	Claim #		Check	Amount
BERNARD NOVARK	CL	22610	32067	100.00
ROBERT KEHLER	CL	22611	32068	100.00
JACK WEICHMAN	CL	22612	32069	100.00
BOB SCHOEN	CL	22613	32070	100.00
PAT BRECKENRIDGE	CL	22614	32071	100.00
TERRY BULLIS	CL	22615	32072	100.00
RON NEDENS	CL	22616	32073	100.00
DENNIS FOX	CL	22617	32074	100.00
HARRY KAUTZMAN	CL	22618	32075	100.00
ROB BRYSON	CL	22619	32076	100.00
KENTON G KEPP	CL	22620	32077	100.00
JAY LUNDBERG	CL	22621	32078	100.00
DANIEL J KLINGENSTEIN	CL	22622	32079	100.00
LARRY W VANDERSLOOT	CL	22623	32080	100.00
JIM WEDEL	CL	22624	32081	100.00
TIM A WAGNER	CL	22625	32082	100.00
TEDDY J BURROUGHS	CL	22626	32083	100.00
MARGARET E. TALMAGE	CL	22627	32084	50.00
JACKIE SUKO	CL	22628	32085	50.00
MARTIN G REEVES	CL	22629	32086	100.00
KATHERINE M JOHNSON	CL	22630	32087	50.00
SANDRA K BIERY	CL	22631	32088	50.00
EUNICE KOEBBE	CL	22632	32089	50.00
U.S. POSTAL SERVICE	CL	22633	32133	310.00
WILLIAM P HERT	CL	22634	32135	848.00
				3,208.00

CITY OF HARDIN
Claims by Vendor Report
For the Accounting Period: November, 2017

Vendor	Claim #		Check	Amount
FIRST INTERSTATE BANK	CL	22569	-99925	91.36
ANDREW WOODSON	CL	22570	32092	55.35
BIG HORN IGA	CL	22571	32096	175.07
BIG SKY FIRE EQUIPMENT	CL	22572	32097	75.75
BIG SKY LINEN & UNIFORM INC	CL	22573	32098	98.15
BIG HORN COUNTY ELECTRIC	CL	22574	32094	4,853.64
CITY WATER DEPT	CL	22575	32102	404.85
DC FROST ASSOCIATES INC	CL	22576	32104	7,217.26
ENERGY LABORATORIES INC	CL	22577	32106	1,080.00
4 SEASON'S PLUMBING & HEATING LLC	CL	22578	32091	75.00
FERGUSON ENTERPRISES INC	CL	22579	32107	320.00
GRAINGER	CL	22580	32109	210.71
HCL TRUCK EQUIPMENT INC	CL	22581	32112	3,025.00
HAWKINS, INC	CL	22582	32111	2,079.27
inCONTACT INC	CL	22583	32113	46.78
JAMES E SEYKORA	CL	22584	32114	9.99
KENCO SECURITY & TECHNOLOGY	CL	22585	32116	321.00
MARSHALL WELLS LLC	CL	22586	32118	89.77
MATOVICH OIL CO.	CL	22587	32119	5,100.49
MIDLAND OFFICE EQUIPMENT INC	CL	22588	32121	50.50
MONTANA DAKOTA UTILITIES	CL	22589	32122	1,379.00
RDO EQUIPMENT	CL	22590	32126	249.20
SIMPLY OFFICE SUPPLIES INC	CL	22591	32129	454.82
SCL HEALTH MEDICAL GROUP - BILLINGS LLC	CL	22592	32128	112.25
TRUE VALUE HARDWARE	CL	22593	32132	101.91
WOLF MOUNTAIN COAL CO INC	CL	22594	32136	258.00
ANIMAL CARE CENTER	CL	22595	32093	272.00
BIG SKY TIRE & SERVICE CO LLC	CL	22596	32099	123.00
DIS TECHNOLOGIES	CL	22597	32105	21,732.22
NORTHWEST PIPE FITTINGS	CL	22598	32125	74.23
CROELL INC	CL	22599	32103	300.00
MICHAEL HURFF Jr	CL	22600	32120	75.00
CAMP CUSTER SERVICE	CL	22601	32100	192.74
CenturyLink	CL	22602	32101	1,105.23
USA COMMUNICATIONS	CL	22603	32134	100.84
STATE OF MT, DEPT OF REVENUE	CL	22604	32131	280.00
* CASH	CL	22605	32090	122.69
JORDAN W KNUDSEN	CL	22606	32115	7,000.00
RUSSELL INDUSTRIES INC	CL	22607	32127	81.09
LUMBERZACS INC	CL	22608	32117	115.39
NITTANY GRANTWORKS LLC	CL	22609	32124	1,126.80
HARDIN VOL. FIRE DEPT.	CL	22635	32110	3,750.00
BIG HORN COUNTY TREASURER	CL	22636	32095	676.52
SPRINGLINE CONSTRUCTION INC	CL	22637	32130	78,197.62
FIRST INTERSTATE BANK (MASTERCARD)	CL	22638	32108	1,621.50
MONTANA DEPARTMENT OF REVENUE	CL	22639	32123	789.88

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CITY OF HARDIN
Claims by Check Number
December 5, 2017

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