

MAYOR  
Joe Purcell

POLICE CHIEF  
Paul M. George Jr.



PUBLIC WORKS DIRECTOR  
Michael Hurff Jr.  
FINANCE OFFICER/CITY CLERK  
Andrew Lehr

The City of Hardin is inviting you to a scheduled Zoom meeting.

**Council Meeting**  
**of Tuesday, December 17, 2024**

Held by virtual meeting and the Public is invited to attend in person.

**Topic: City of Hardin Council Meeting – 6:30 p.m.**

Start Time: 6:30 p.m. Mountain Time

The meeting will open at 6:15 p.m.

If you will be logging into the Council meeting by:

**Computer:** Please identify yourself by submitting your first and last name by using the “Chat” function.

**Phone:** Please identify yourself by stating your First and Last Name.

City of Hardin is inviting you to a scheduled Zoom meeting.

**Join Zoom Meeting**

<https://us02web.zoom.us/j/9897104479>

**Meeting ID: 989 710 4479**

One tap mobile

+17193594580,,9897104479# US

+12532050468,,9897104479# US

Dial by your location

+1 719 359 4580 US

+1 253 205 0468 US

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 444 9171 US

+1 669 900 9128 US (San Jose)

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 360 209 5623 US

+1 386 347 5053 US

+1 507 473 4847 US

+1 564 217 2000 US

+1 646 558 8656 US (New York)

+1 646 931 3860 US

+1 689 278 1000 US

+1 301 715 8592 US (Washington DC)

+1 305 224 1968 US

Meeting ID: 989 710 4479

Find your local number: <https://us02web.zoom.us/j/9897104479>

**Meetings are Audio Recorded ONLY**  
**Montana Legislature House Bill 890**

**AGENDA**

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

**December 17, 2024**

**AUDIO RECORDING BEGINS**

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

**PLEDGE OF ALLEGIANCE**

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

Alderspersons: Steven Hopes \_\_\_\_\_ Clayton Greer \_\_\_\_\_ Chris Sharpe \_\_\_\_\_  
Rock Massine \_\_\_\_\_ Jeremy Krebs \_\_\_\_\_ Antonio Espinoza \_\_\_\_\_

**CONSENT AGENDA:**

Council Meeting 12/03/2024 Claims

**PUBLIC COMMENT:**

**MAYOR:**

**COMMITTEE REPORTS:**

- **Personnel Committee/City Policy:** Mayor
- **Sewer & Water:** Massine
- **Law Enforcement:** Hopes
- **Streets & Alleys:** Espinoza
- **Parks & Playgrounds:** Krebs
- **Finance/Landfill:** Greer
- **Resolutions and Ordinances:** Sharpe

**SPECIAL COMMITTEES:**

**PETITIONS & COMMUNICATIONS:**     o City-County Planning Board Minutes

**UNFINISHED BUSINESS:** N/A

**NEW BUSINESS:**

- o Tank Liner Task Order
- o City-County Planning Board Recommendation – Glick Conditional Use
- o City-County Planning Board Mayor Appointment
- o City-County Planning Board City Council Appointment – Letters of Interest
- o Northern Cheyenne Agreement – Landfill
- o Little Horn State Bank – Combine CD’s 35 and 41

**STAFF REPORTS**

- **Public Works:**
- **Finance:**
- **Police:**
- **Legal:**
- **Economic Development:**

**RESOLUTIONS & ORDINANCES:**

Ordinance NO. 2024 -10: Second Reading - Amending City Code Regarding Business Licenses for Businesses Selling Beer, Wine and Liquor

**ANNOUNCEMENTS:**

Employee Anniversaries – Bryan Wilson, 3 years

Water Tank Lining Bid Opening – received until 1:00 p.m. Wednesday, December 24, 2024 and then publicly opened and read aloud

Hardin Community Blood Drive: Thursday, December 19, 2024 – First Alliance Church – 1:15 p.m. to 6:45 p.m.

Public Notice: Special Council Meeting – **Tank Lining Bid Award** – Monday, December 30, 2024, 5:15 p.m. at Council Chambers

City Offices will be Closing at 12:00 p.m. on Tuesday, December 24, 2024, Closed Wednesday, December 25, 2024 for Christmas Day & Wednesday, January 1, 2025 for New Year’s Day

Alley Clean-Up & Christmas Tree Pick-Up - January 2, 2025 to January 8, 2025

Wastewater Treatment Plant: Bid Opening rescheduled – January 9, 2025 at 2:00 p.m.

Request for Qualifications (RFP): Preliminary Architectural Feasibility Plan for Hotel Becker – Due by 3:00 p.m. Wednesday, January 15, 2025

Business Licenses and Pet Licenses are due by February 1, 2025

City of Hardin Job Openings: Full-time positions: Police Officer, Police Service Aide (PSA) and Terminal Agency Coordinator (TAC) /Administrative Assistant I-IV. Part-time positions: Building Inspector/Code Enforcement Apprentice and . Janitor/Facilities Maintenance. Positions are open until filled.

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

**AUDIO RECORDING ENDS**

*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 Wednesday noon before a Tuesday Council meeting.*

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

**COUNCIL MEETING: The Regular Council Meeting for December 3, 2024 was called to order at 6:30 p.m. with Mayor Joe Purcell presiding by reciting the Pledge of Allegiance.**

The following Aldermen were present: Steven Hopes, Clayton Greer, Chris Sharpe, Rock Massine, Antonio Espinoza, and Jeremy Krebs.

Also present: Finance Officer/City Clerk Andrew Lehr, Public Works Director Michael Hurff, Jr., Deputy City Clerk Angela Zimmer, City Attorney Jordan Knudsen, and Police Chief Paul George, Jr.

Also present physically: Members of the Public  
There was not anyone present by Virtual Meeting.

**MINUTES OF THE PREVIOUS MEETINGS & CLAIMS:** Greer made the motion to approve the Council minutes as written for November 19, 2024. Motion seconded by Hopes. On a voice vote the motion was unanimously approved. Sharpe motioned to approve the Public Hearing minutes as written for November 19, 2024. Greer seconded. On a voice vote the motion was unanimously approved. Greer motioned to approve the Landfill committee meeting minutes as written for November 19, 2024. Hopes seconded. On a voice vote the motion was unanimously approved. Sharpe motioned to approve the Resolutions or Ordinances committee meeting as written for November 19, 2024. Hopes seconded. On a voice vote the motion was unanimously approved.

Greer made a motion to approve the claims for December 3, 2024.

	CLAIM No.	Monthly Total
October, 2024	31723, 31741, 31769-31770	\$ 405,410.30
November, 2024	31699-31700, 31724-31740, 31742-31768	137,355.60
December, 2024	31698, 31701-31722	<u>11,927.47</u>
<b>TOTAL Submitted</b>		<b>\$ 554,693.37</b>

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

**PUBLIC COMMENT:**

Francisca Funke, resident, read a letter to Mayor Purcell and City Council stating she attends Hardin High School and requested support for her upcoming trip to Boston, Massachusetts scheduled for June 25, 2025 – June 27, 2025. She is nominated for the Congress of Future Medical Leaders Award of Excellence. She provided her Letter and Certificate of Nomination and voiced this trip will provide an incredible opportunity for her dream to become a doctor. Mayor Purcell congratulated Miss. Funke on her nomination; a great honor.

**MAYOR:**

Mayor Purcell extended a “Thank You” to the City Crew for their participation in the Christmas Stroll by helping with the Christmas Tree and blocking the streets. A Community Blood Drive is scheduled for Thursday, December 19<sup>th</sup> from 1:15 p.m. to 6:45 p.m. at First Alliance Church.

**COMMITTEE REPORTS:**

**Personnel Policy/City Policy:**

Mayor Purcell reported the City has open positions for a full-time Police Officer, Terminal Agency Coordination/Administrative Assistant (TAC) and the Police Service Aide position is opening up. Part-time positions are open for Building Inspector/Code Enforcement Apprentice and Janitor/Facilities Maintenance. All positions are open until filled.

**Sewer & Water:**

Massine reported the bid opening for the Waste Water Treatment Plant Upgrade is scheduled for December 12, 2024 at 2:00 p.m.

**Law Enforcement:**

**Streets & Alleys:**

**Parks & Playgrounds:**

Krebs reported Hurff is working with Rocky Mountain Compost about the playground material for the South Park Project and also for the playground equipment at Heimat Park.

**Finance/Landfill:**

**Resolutions & Ordinances:**

**SPECIAL COMMITTEES:**

**PETITIONS & COMMUNICATIONS:**

**UNFINISHED BUSINESS: N/A**

**NEW BUSINESS:**

Joel Bertolino, Executive Director of Beartooth RC&D, Nan Knight, Finance Director, Gaurav Thakur, Economic Development Director, and Myrna Lastusky, Project Manager, provided reports for 2024 Projects and grant information for the City of Hardin.

Krebs motioned to approve the Memorandum of Understanding between the City of Hardin and Beartooth RC&D. Espinoza seconded. On a voice vote the motion was unanimously approved.

Mayor Purcell reported Knudsen has volunteered to serve as the Ex-Officio to the Montana Local Government Review Study Commission. Knudsen will be appointed per approval of Resolution NO. 2395.

Mayor Purcell reported iWorQ provides a software that will help support code enforcement. The program will keep documents of past and current information of all permits, to include building permits, citations etc. This software will help with transitioning someone new into the position. The \$6,000 annual fee includes the software and subscription services. Sharpe motioned to approve the agreement. Massine seconded. On a voice vote the motion was unanimously approved.

**STAFF REPORTS:**

**Public Works:**

Hurff reported HB 355 funds are due to be allocated by the end of the year. They have been allocated for the South Park Project. The Water Tank Liner is one of the items under the bill. Stahly will be opening Bids on December 24, 2024. There may be a special meeting for the bid approval before the end of 2024.

**Finance:**

Lehr reported the City received the sixth reimbursement request from the minimum allocation grant from the American Rescue Plan Act (ARPA) money in the amount of \$665,888.25; the Land Water Conservation Quarterly Reports for the period of July through September of 2024 have been turned in; he and Toyne have been working on the Preliminary Architectural Report (Request for Proposals) for the Becker Hotel; and he reviewed the return on investments from January through October of this year.

**Police:**

Police Chief Paul George reviewed calls for service. He reported the new body cameras came in; the dash cameras will be installed by Axon next week; and the radar units were installed in most of the vehicles last week, the remaining ones will be installed in the new year. Police Chief George extended a "Thank You" to the Big Horn County Attorney's Office; they assisted with half the cost for the carpet in the City Police Department interview room.

**Legal:**

**Economic Development:**

Toyne reported she and Lehr attended the Housing Crisis meeting in Bozeman a couple of weeks ago; she is working with Ayres Associates on the Housing Needs Assessment and now the Economic Development Strategy; work continues on the application for the Pilot Tourism Grant with the deadline of December 31<sup>st</sup>; there is a startup meeting scheduled with Ayres Associates for the Economic Development Strategy Thursday Morning; and she and Lehr are working on multiple Request for Proposals to include one for the Preliminary Architecture Report for the Hotel Becker.

**RESOLUTIONS & ORDINANCES:**

**Resolution NO. 2394 – Appointing Commissioners to the Local Government Review Study Commission.** Greer motioned to approve the resolution. Hopes seconded. On a voice vote the motion was unanimously approved.

**Resolution NO. 2395 – Appointing the Ex-Officio Member of the Local Government Review Study Commission.** Krebs motioned to approve the resolution. Greer seconded. On a voice vote the motion was unanimously approved.

**Ordinance NO. 2024-10 – Amending City Code Regarding Business Licenses for Businesses Selling Beer, Wine, and Liquor.** Sharpe motioned to approve the first reading of Ordinance No. 2024-10. Greer seconded. Krebs asked if sporting events are removed, referencing the top of page three of the proposed ordinance. Special Event permits will still be required. Knudsen noted the City has the authority to regulate and enforce where public consumption of alcohol will be allowed. On a voice vote the motion was unanimously approved.

**ANNOUNCEMENTS:**

Mayor Purcell announced City-County Planning Board are due December 4, 2024; the City Christmas Party is scheduled for Thursday, December 12<sup>th</sup>, officially no business will be conducted, but there is a possibility for a quorum to be present; Sealed Bids for the Invitation to Bid for the Wastewater Treatment Plant are due Thursday, December 12, 2024 by 2:00 p.m.; and Alley Clean-Up and Christmas Tree pick-up is scheduled for January 2, 2025 to January 8, 2025.

The City of Hardin has the following Job Openings: Full-time positions: Police Officer and Terminal Agency Coordinator (TAC) / Administrative Assistant I-IV. Part-time position: Building Inspector/Code Enforcement Apprentice and Janitor/Facilities Maintenance. Positions are open until filled.

Greer motioned to adjourn the meeting at 7:12 p.m. Massine seconded. On a voice vote the motion was unanimously approved.

\_\_\_\_\_  
**Joe Purcell, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Andrew Lehr, Finance Officer/City Clerk**

# City of Hardin

Submitted for Approval

December 17, 2024

Month	CLAIM No.	Monthly Total
November, 2024	31771, 31774-31784, 31787-31794, 31796, 31802, 31805-31807, 31809-31811	\$ 71,008.38
December, 2024	31773, 31785-31786, 31795, 31797-31801, 31803-31804, 31812-31813	<u>615,550.59</u>
<b>Claims Total (Expenditures)</b>		<b>\$ 686,558.97</b>
<b>November 2024</b>		<u>243,044.76</u>
<b>TOTAL Submitted</b>		<b>\$ 929,603.73</b>

**Claims or Expenditures over \$5,000  
per Resolution #2189**

Vendor	Purpose	Check #	Amount
BRODERICK MOTORS INC.	Waste Water Plant Chevy Pickup - per budget	41044	22,950.00
ROCKY MOUNTAIN COMPOST	Wood chips and sand for South Park Project	41041	15,040.00
<i>Exempt from Resolution 2189</i>			
NORTHWESTERN ENERGY	Electric Utilities	41055	18,168.86
<i>Transfer to TIFD Bond Trustee</i>			
US BANK NATIONAL ASSOC	Transfer of property taxes to Debt Trustee	41056	565,337.03
<i>Approved Previously at October 1, 2024</i>			
KIRKNESS ROOFING & EXTERIORS	Repair of City Shop Roof	41034	29,645.78

CITY OF HARDIN

Claims Report

For the Accounting Period: November, 2024

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Vendor	Claim #	Check	Amount
DAVE WEER	CL 31771	41030	200.00
eStop Business Licenses	CL 31774	41031	280.00
AMERICAN WELDING & GAS INC	CL 31775	41025	77.36
360° OFFICE SOLUTIONS INC	CL 31776	41023	252.03
ASSOCIATION OF PUBLIC TREASURERS	CL 31777	41026	159.00
BALCO UNIFORM CO., INC.	CL 31778	41027	996.43
BIG SKY TIRE & SERVICE CO LLC	CL 31779	41028	32.00
BILL'S AUTO PARTS	CL 31780	41029	1,334.29
FOXTEX INC	CL 31781	41032	900.00
KIRKNESS ROOFING & EXTERIORS	CL 31782	41034	29,645.78
MLEA	CL 31783	41039	3,648.00
MILLENNIUM ELECTRIC	CL 31784	41038	1,280.40
THE ORIGINAL BRIEFS	CL 31787	41042	458.40
VERIZON WIRELESS	CL 31788	-99635	536.26
MATEO SAUCEDO	CL 31789	41037	82.50
LYNN'S SUPERFOODS	CL 31790	41035	69.92
IN CONTROL, INC	CL 31791	41033	1,755.25
MARKUS TAKES THE HORSE	CL 31792	41036	33.96
UTILITIES UNDERGROUND LOC. CTR.	CL 31793	41043	139.32
AMERICAN LEGAL PUBLISHING	CL 31794	41024	219.04
FIRST INTERSTATE BANK (MASTERCARD)	CL 31796	-99636	1,006.26
ENTERPRISE FLEET MANAGEMENT	CL 31802	-99638	3,471.43
* CASH	CL 31805	41051	148.38
BIG HORN COUNTY ELECTRIC	CL 31806	41052	4,687.27
ECOLAB INC	CL 31807	41053	83.74
MOUNTAIN ALARM	CL 31809	41054	464.50
NORTHWESTERN ENERGY	CL 31810	41055	18,168.86
BIG HORN COUNTY TREASURER	CL 31811	41057	878.00
			<b>71,008.38</b>

**CITY OF HARDIN**

Claims Report

**For the Accounting Period: December, 2024**

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<b>Vendor</b>	<b>Claim #</b>	<b>Check</b>	<b>Amount</b>
ERINN DRESCH	CL 31773	41022	150.00
ROCKY MOUNTAIN COMPOST	CL 31785	41041	920.00
ROCKY MOUNTAIN COMPOST	CL 31786	41041	15,040.00
MONTANA SEPTIC	CL 31795	41045	3,750.00
BIG SKY EXPRESS WASH	CL 31797	41046	70.20
DIS TECHNOLOGIES	CL 31798	41047	1,034.30
MILLENNIUM ELECTRIC	CL 31799	41048	890.00
ROCKY MOUNTAIN INFORMATION NETWORK	CL 31800	41049	50.00
TOWN & COUNTRY SUPPLY ASSN	CL 31801	41050	200.00
ENTERPRISE FLEET MANAGEMENT	CL 31803	-99637	3,459.06
BRODERICK MOTORS INC.	CL 31804	41044	22,950.00
MT DEPARTMENT OF ADMINISTRATION	CL 31812	41058	1,700.00
US BANK NATIONAL ASSOC	CL 31813	41056	565,337.03
			<b>615,550.59</b>



**CITY OF HARDIN**

Check Report

12/17/2024

Vendor	Claim #	Check	Amount
ERINN DRESCH	CL 31773	41022	150.00
360° OFFICE SOLUTIONS INC	CL 31776	41023	252.03
AMERICAN LEGAL PUBLISHING	CL 31794	41024	219.04
AMERICAN WELDING & GAS INC	CL 31775	41025	77.36
ASSOCIATION OF PUBLIC TREASURERS	CL 31777	41026	159.00
BALCO UNIFORM CO., INC.	CL 31778	41027	996.43
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VERIZON WIRELESS	CL 31788	-99635	536.26
FIRST INTERSTATE BANK (MASTERCARD)	CL 31796	-99636	1,006.26
ENTERPRISE FLEET MANAGEMENT	CL 31803	-99637	3,459.06
ENTERPRISE FLEET MANAGEMENT	CL 31802	-99638	3,471.43

**686,558.97**

**CITY-COUNTY PLANNING BOARD**  
**CITY OF HARDIN/BIG HORN COUNTY**

DEC 10 2024

**PO Box 305**  
**HARDIN MT 59034-0305**

CCPB Board Meeting  
September 9, 2024

The regular meeting of the City County Planning Board was called to order by Chairperson, Corinna Kirchenmann-Kuntz at 7:00 pm on September 9, 2024. Member present were Carla Colstad, Dan Lowe, Chris Winterrowd, Jeff Hooker and Tina Toyne. Members Cyndy Maxwell and Bill Hodges were absent with excuses.

The Public Hearing for the Nelson and Clara Glick Zone Change was opened. Michael Ebert, a resident on Watson Drive spoke against approval citing increased traffic by large trucks and the threat of an increase in crime related to trucks being parked overnight loaded with deliveries. Donna Anderson, a resident on Watson Drive also spoke against approval citing the same concerns by her family and worries about children playing on bicycles being unsafe with the truck traffic the proposal would generate in addition to the dust and noise. Nolan Foster, representative for the Glicks stated there will be no truck traffic on the streets mentioned, maintenance will be done to assure dust is kept to a minimum and there would only be "regular" arrivals and departures by Fed Ex trucks. Fencing is being installed. The Public Hearing portion of the meeting was closed.

Previous minutes for the August meeting were reviewed and approved unanimously with Chris Winterrowd motioning and Carla Colstad seconding.

The financial report was reviewed and Carla Colstad motioned that it be accepted with Dan Lowe seconding the motion and the membership approving. Chairperson reviewed and approved bills to be paid.

Old Business included the report that the Morton zone change had been approved by the City Council. Growth management plan was done in 2016 and would be due again in 2026. The city and the planning board had both contributed financially to the plan cost. It was noted that subdivision regulations need to be updated, having met with issues during meetings regarding the new planned subdivision by One Health.

New Business was then introduced and after lengthy discussions the current Zone Change which was before the board was motioned for a vote by Jeff Hooker and seconded for approval by Dan Lowe and the board passed the approval 3 to 2. Additional new business involved an increase to the Secretary due to increased costs in fuel and supplies. It was motioned by Chris Winterrowd and seconded by Carla Colstad that an increase of \$50 a month be given effective October 2024.

Announcements were made including the observation that Railway Street has finally been completed. Maverick is said to begin construction next March on their facility. Helping Hands Cook-off is being held Sept 13<sup>th</sup>. City Council meets September 17. New Life Church has a chess club and also parenting classes going on. Big Horn Hospital Association is holding a Breast Cancer and Alzheimer Awareness activity. An Housing Needs Assessment has been agreed upon. An RFQ is out for Economic Development Stratgy.

The meeting was motioned by Tina Toyne, seconded by Chris Winterrowd to be adjourned and the motion unanimously passed, closing the meeting at 8:10 pm.

*Tina Toyne*



An Employee-Owned Company

Engineers and Land Surveyors

3530 Centennial Drive, Helena, MT 59601 | phone: 406-442-8594  
851 Bridger Drive, Suite 1, Bozeman, MT 59715 | phone: 406-522-8594  
2223 Montana Avenue, Suite 201, Billings, MT 59101 | phone: 406- 601-4055

1001 12<sup>th</sup> Street, Cody, WY 82414 | phone: 307-509-5541

www.seaeng.com

December 4, 2024

City of Hardin  
406 N. Cheyenne  
Hardin, MT 59034

Via Email: publicworks@hardinmt.com



**Subject: Task Order  
500,000 Concrete Water Tank Lining**

Dear Mayor Purcell:

This letter is intended as a Task Order for Stahly Engineering & Associates, Inc. to engineer, bid and provide construction administration required to install a liner in an existing 500,000 gallon concrete water tank. Your approval of this Task Order is required per our term agreement dated December 2, 2015, and amended on December 1, 2020. The agreement requires Stahly Engineering to provide a scope of work and budget for review by the City prior to providing services. The total budget for this project is \$ 25,000. This project will be funded through HB 355 funds.

The attached Exhibit A identifies the activities associated with each task anticipated for the services we will provide. The City of Hardin will reimburse Stahly Engineering for services based on time and materials spent on the project and will be subject to all other conditions of the existing term contract.

Please review this Scope of Work and provide comments if necessary. If agreeable, please sign the Notice to Proceed below and return the original to our office. Thank you for the opportunity to provide services to the City of Hardin.

Sincerely,

**Stahly Engineering & Associates, Inc.**

Matthew S. Smith, PE, PMP  
Municipal Department Manager

**NOTICE TO PROCEED**

Stahly Engineering & Associates is hereby granted a notice to proceed for the Water Tank Lining for the City of Hardin.

Authorized Signature: \_\_\_\_\_

Title: Mayor

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

**Exhibit A**  
**City of Hardin**  
**500,000 Gallon Water Tank Lining**

**Project Description:** This project consists of providing required engineering services for the installation of a liner inside the City of Hardin's 500,000 gallon concrete potable water tank.

**Scope of Work:**

This project consists of the following three tasks.

1. Montana Department of Environmental Quality Approval
2. Obtain contractor bids for the installation of the Liner (Bidding)
3. Provide Construction Administration (Construction Admin)

Each task is more thoroughly described below.

**Montana Department of Environmental Quality (MDEQ) Approval**

The addition of a liner in a water tank requires the approval of the MDEQ. During this phase, Stahly will complete the following:

1. Prepare specifications for the installation of the liner that meets DEQ Circular #1.
2. Prepare a design report as required by the MDEQ
3. Submit specifications and design report to MDEQ for approval

Deliverables:

- Liner specification
- Design Report
- DEQ approval for the installation of the liner

**Bidding**

During this task, Stahly Engineering will prepare a project manual suitable for contractors to provide bids to the City of Hardin.

Deliverables:

- Bid Advertisement- Placed in local newspaper
- Bid Opening
- Bid Tab
- Bid Recommendation
- Notice of Award
- Routing of Contract Documents for Signature

**Construction Administration**

During this phase Stahly Engineering will provide construction administration services in order to ensure the liner is installed in accordance with the project specifications.

Deliverables:

- MDEQ Certification construction was in substantial conformance with the approved plans.
- Pay request review and recommendation
- As-Built documentation



An Employee-Owned Company

Engineers and Land Surveyors

3530 Centennial Drive, Helena, MT 59601 | phone: 406-442-8594  
851 Bridger Drive, Suite 1, Bozeman, MT 59715 | phone: 406-522-8594  
2223 Montana Avenue, Suite 201, Billings, MT 59101 | phone: 406- 601-4055

1001 12<sup>th</sup> Street, Cody, WY 82414 | phone: 307-509-5541

www.seaeng.com

December 4, 2024

City of Hardin  
406 N. Cheyenne  
Hardin, MT 59034  
Via Email: publicworks@hardinmt.com

**Subject: Task Order**  
**500,000 Concrete Water Tank Lining**

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The attached Exhibit A identifies the activities associated with each task anticipated for the services we will provide. The City of Hardin will reimburse Stahly Engineering for services based on time and materials spent on the project and will be subject to all other conditions of the existing term contract.

Please review this Scope of Work and provide comments if necessary. If agreeable, please sign the Notice to Proceed below and return the original to our office. Thank you for the opportunity to provide services to the City of Hardin.

Sincerely,

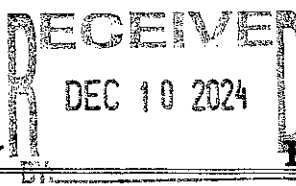
**Stahly Engineering & Associates, Inc.**

Matthew S. Smith, PE, PMP  
Municipal Department Manager

**NOTICE TO PROCEED**

Stahly Engineering & Associates is hereby granted a notice to proceed for the Water Tank Lining for the City of Hardin.

Authorized Signature: \_\_\_\_\_  
Title: Mayor  
Date: \_\_\_\_\_



December 10, 2024

Hardin City Council  
406 N Cheyenne Ave  
Hardin, MT 59034

Re: Glick Conditional Use Permit

To The Council,

At the December 9, 2024, monthly meeting, and after holding the prescribed public hearing, the Planning Board unanimously voted to recommend **approval** of the Conditional Use Permit (CUP) request submitted by Nolan Foster on behalf of Nelson and Clara Glick subject to the following conditions (section references are to the Hardin City Code unless otherwise noted):

1. Approval shall be subject to the approval of the Public Works Department, as necessary, for approaches to and use of City streets.
2. Landscaping shall be provided per Section 11-1-8-5.

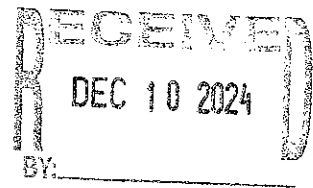
The subject property is located in northeast Hardin, north of Gabel Blvd. The property is legally described as COS 341, in Section 14, Township 1 South, Range 33 East. The subject property is owned by Mr. and Mrs. Glick.

The request, if approved, would allow a truck relay yard for FedEx to be developed on the property. The property is zoned I1 General Industrial. The I1 zone does not list relay yards, truck terminals, or commercial parking lots as allowed uses, but does allow similar uses to what is allowed in the I1 zone to be reviewed as a conditional use.

The Planning Board's recommendation is based on the evidence provided in the application, the staff report, and public comments received at the public hearing. Public comments included concerns about the proposed use being an appropriate use in the area, traffic patterns and potential impacts on residential areas, and hours of operation of the proposed use.

Regards,

Christal A. Winterrowd / F.J.M.  
Vice-Chair



**GLICK CUP – STAFF REPORT**

Date: November 29, 2024

To: Hardin City-County Planning Board Members

From: Forrest J. Mandeville, AICP – Planning Consultant

**RE: Glick Conditional Use Permit**

Required Planning Board Action: Review, receive public comment at a public hearing, and make a recommendation to the City Council.

Recommendation: **Approval**

Recommended Motion: *Having reviewed and considered the application materials, project memorandum, public comments and all of the information presented, I hereby move to recommend **approval** of the Glick Conditional Use Permit, with the findings and conditions included in the project memorandum.*

---

**Project/Application Summary:**

Nolan Foster, on behalf of Nelson and Clara Glick, has applied for a Conditional Use Permit (CUP) for property located in northeast Hardin, north of Gabel Blvd. The request, if approved, would allow a truck relay yard for FedEx to be developed on the property. The property is legally described as COS 341, in Section 14, Township 1 South, Range 33 East. The subject property is approximately 4.99 acres in size and is owned by Mr. and Mrs. Glick.

The property is zoned I1 General Industrial. The I1 zone does not list relay yards, truck terminals, or commercial parking lots as allowed uses, but does allow similar uses to what is allowed in the I1 zone to be reviewed as a conditional use.

**Required Board Action:**

The City/County Planning Board is tasked with conducting a duly advertised public hearing, considering the application, and making a recommendation to the City Council (Common Council).

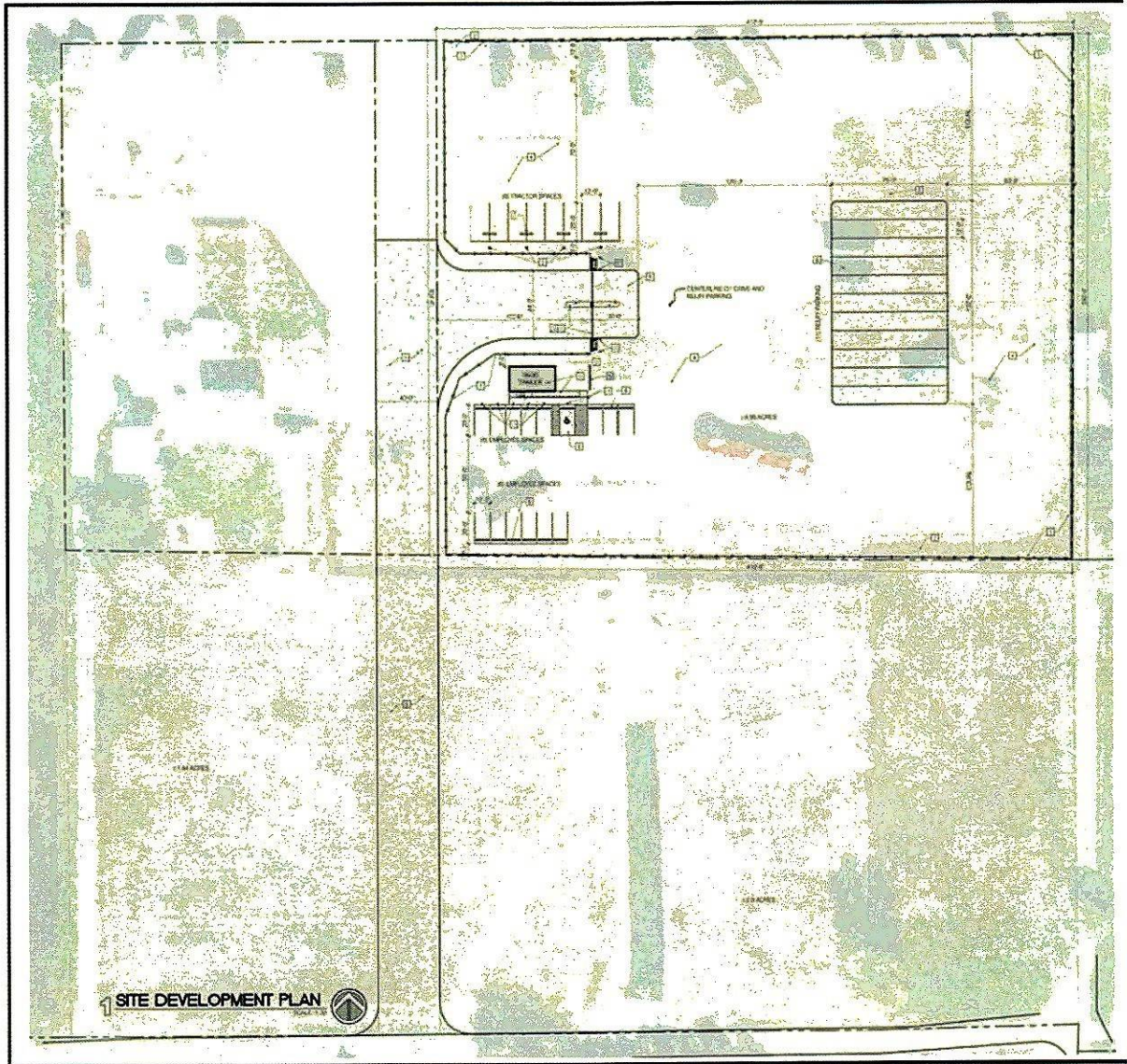
The City Council, after receiving the Board's recommendation, shall make a final decision on the application. The City will send a notice of its decision to the applicant and the Planning Board.





**Findings of Fact:** (Section references are to the Hardin City Code unless otherwise noted)

The Hardin Zoning Ordinance, Section 11-1-2-3(l), allows in the I1 General Industrial zone the permitted uses within the I2 Zone and “other uses similar in nature to those listed herein and reviewed as a conditional use. The I2 zone does not include “relay yards”, but does include similar uses such as cold storage and warehousing, packaging facilities, lumberyards, various types of manufacturing, and railroad siding.



Site Plan

The subject property is zoned I1 – General Industrial. This district is “the area provided for heavy industrial uses such as manufacturing, processing, fabricating and agriculture. Areas so designated should have access to one or more major transportation systems and adequate provision for off street parking and loading operations.” (Section 11-1-2-2(l)).

The site plan appears to meet the requirements of the Hardin Zoning Ordinance. A minimum front yard of 20-feet, is required. Side and rear yards may have a zero-foot setback unless adjacent to a street, in which case the required setback is 10-feet. The maximum lot coverage is 75%, and the maximum building height is 75 feet. The information provided in the application indicates the development will be well within these parameters.

The Hardin Zoning Ordinance, Section 11-1-11-2, requires that no structure or land use may be used for any purpose other than those allowed within a zoning district as specified in the zoning ordinance unless a conditional land use permit therefor has been provided. The zoning commission may require any information that will allow the decision makers to comprehensively evaluate and decide on applications for conditional uses brought before them. The zoning commission may recommend, and the city can require, after consideration of the application for conditional use, those conditions under which such land use may be allowed, to include, but not be necessarily limited to, the following:

A. Adequate street capacity serving proposed use and site ingress and egress with concern for vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access as reviewed and approved by the city superintendent of public works. **The property is accessed via an existing driveway to Gabel Blvd, a gravel surfaced City road which provides access to N Custer Ave and Watson Drive. The site plan indicates the driveway into the property will be concrete pavement at the tuck entrance. Approval of the CUP should include a condition that Public Works approved of the approach to Gabel Blvd, if necessary.**

B. Adequate off street parking and loading with attention to vehicular and pedestrian safety, and traffic flow. **Section 11-1-7-2 of the Hardin Zoning Ordinance requires 10 parking spaces for the first 20,000 square feet of area, and 1 space for each additional 10,000 square feet or 0.6 spaces per employee for warehouses and freight terminals. The site plan indicates 34 off-street parking spaces will be provided and shows an additional 12 future spaces, which is in excess of the 30 minimum required.**

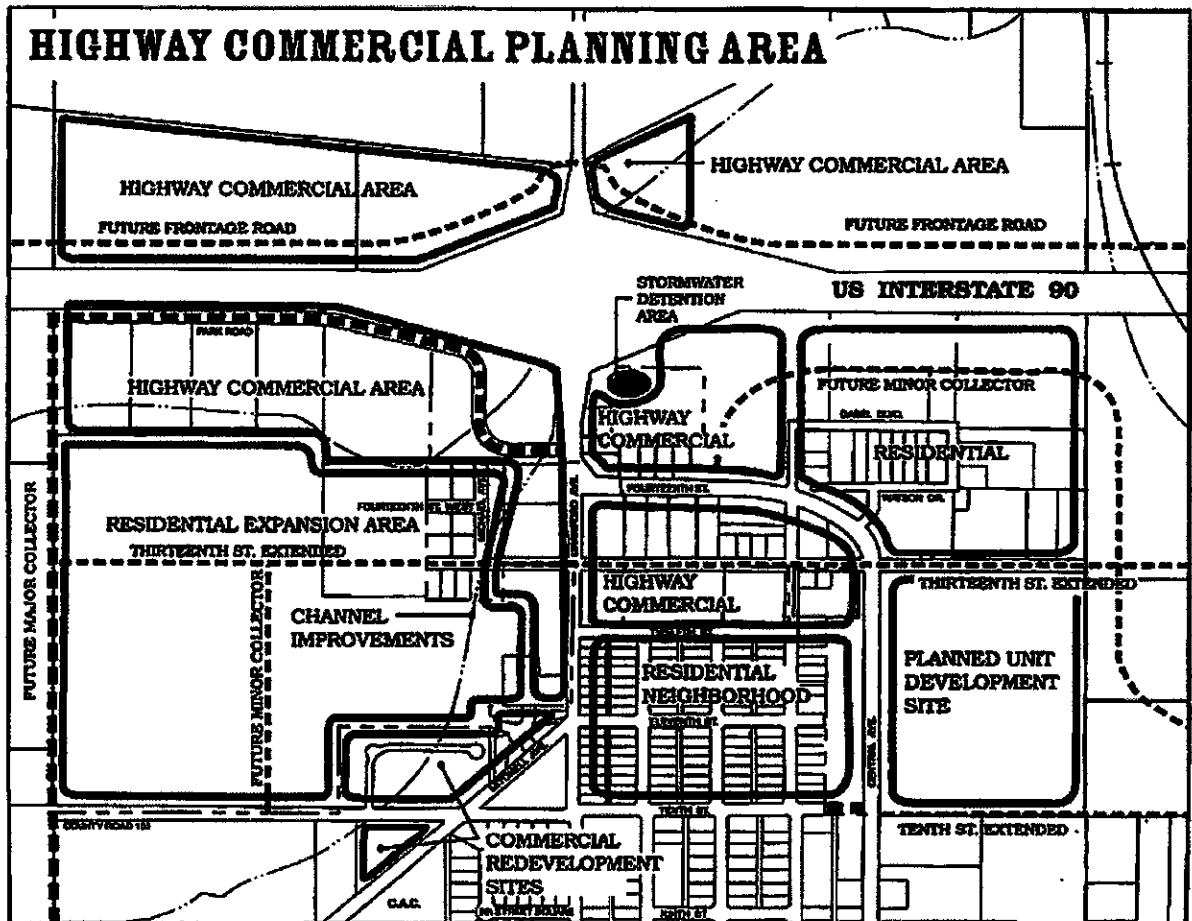
C. Conditions that control, specify, or plan for the generation of odors, noise, hours of operation, signage, or impact on natural systems. **The site appears to have been used as a cabin and portable building manufacturing and sale site. A relay yard is not expected to result in unusual odors, noise, signage, or other factors that are expected to be generated that would require special mitigation.**

D. Adequate landscaping, screening, and buffering. The application indicates the site will be fenced with an 8-foot security fence plus three strands of barb-wire above the rail. The site plan also indicates security lighting will be in place at the parking areas and at the entrance to the yard. The balance of the site appears will be graveled, which is similar to the present use. Section 11-1-8-5(B) requires 8 percent minimum area landscaping be provided.

E. Compatibility with adjacent and neighborhood land uses and Hardin's GMP. The 2009 Growth Management Plan identifies the subject property as Residential on the map of the Highway Commercial Planning Area” on page 49 (see map below). The map also shows a future collector road on the property.

The requested CUP does not appear to be in conflict with the 2021 Growth Policy and Downtown Revitalization Plan.

The application included letters from four landowners along Watson Dr. and Gabel Blvd indicating support of the application.



Northwest Planning Area Map from 2009 Growth Management Plan

**Recommendation:**

The zoning commission may recommend conditions based on the criteria outlined above. Any recommendation of the Planning Board is subject to a final decision by the Common Council. Recommended conditions should include:

1. Approval shall be subject to the approval of the Public Works Department, as necessary, for approaches to and use of City streets.
2. Landscaping shall be provided per Section 11-1-8-5.

CITY OF HARDIN  
CONDITIONAL USE PERMIT APPLICATION

02 4/20/01

Twelve copies of the complete application for Conditional Use Permit must be received by the City Clerk on the first day of the month proceeding 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: S14, T01 S, R33 E, C.O.S. 341, ACRES 4.99
2. Address or general location of property: 19 GABLE RD HARDIN, MT 59034
3. Existing zoning: I1
4. Conditional use being requested: Truck relay yard for FedEx  
A relay yard is not specifically listed as an allowed use in the I1 District, though the code does allow "other uses similar in nature to those listed herein and reviewed as a conditional use". The C1 District allows "commercial parking lots" and the C2 District allows "automobile service station, public garage, and truck terminals".
5. Reason for request: commercial parking lots and the C2 District allows "automobile service station, public garage, and truck terminals".
6. Possible noise, vibration, air pollution, electrical interference, or other environmental impacts that may be generated by the proposed use:  
There would be impacts associated with truck traffic to include: noise, vibration, engine exhaust
7. Attach a list of adjacent landowners of record, certified by the County Clerk, within 150 feet of the property. Earl W. Becker, Virginia Bowman Trustee
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

9. Name of owner of record: Tele:  
Nelson & Clara Glick, 406-679-0897

10. Address of owner of record: Tele:  
RR 1 BOX 1110A, HARDIN, MT 59034-9714, 406-679-0897

11. Name of applicant: Tele:  
same as above

12. Address of applicant: Tele:  
same as above

13. Other information as may be needed by the City  
County Planning Board  
see attached letters from neighbors expressing their support of planned development

REVIEW FEE: \$150  
*Make checks payable to: City County Planning Board*

I, Nelson Glick, understand that the filing fee  
PRINT NAME  
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: 10-29-024

To whom it may concern,

9-20-24

I live on Watson Dr and own both of the 5-acre parcels that are to the east of Nelson and Clara Glick. The Glicks have communicated to me their intent to build a truck relay yard on their property that will be used by FedEx. I do not have any reservations or concerns with this use and I support their intended development.

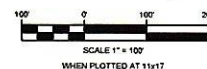
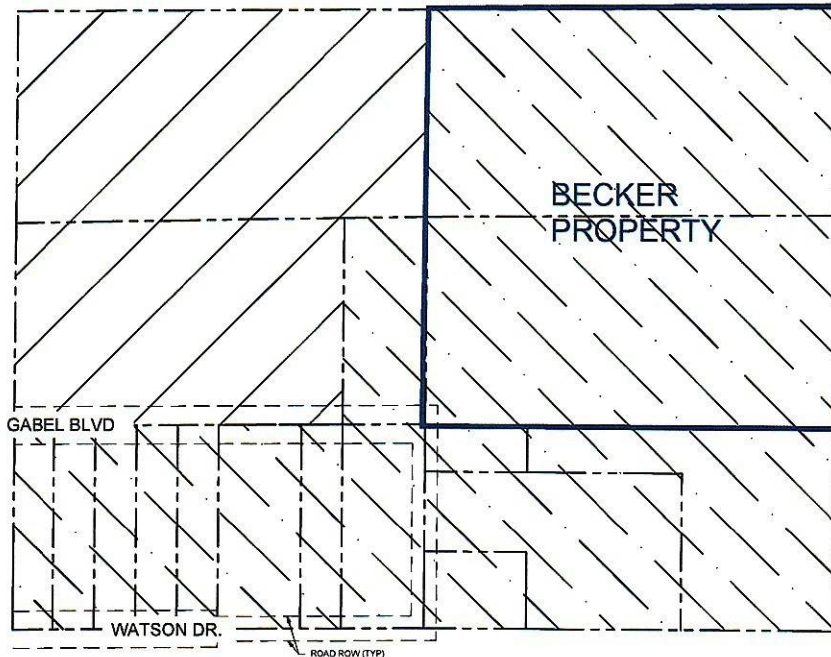
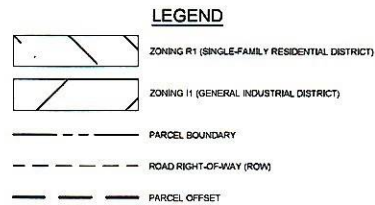
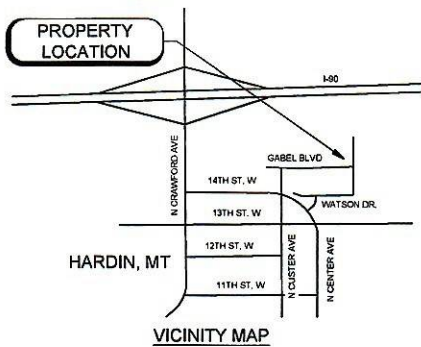
Sincerely,

Wade Becker

*Wade Becker*  
*Blanche Becker*

9-20-24

9/20/24





To Whom It May Concern:

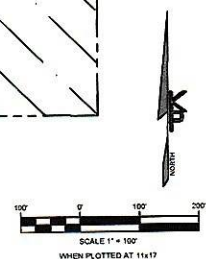
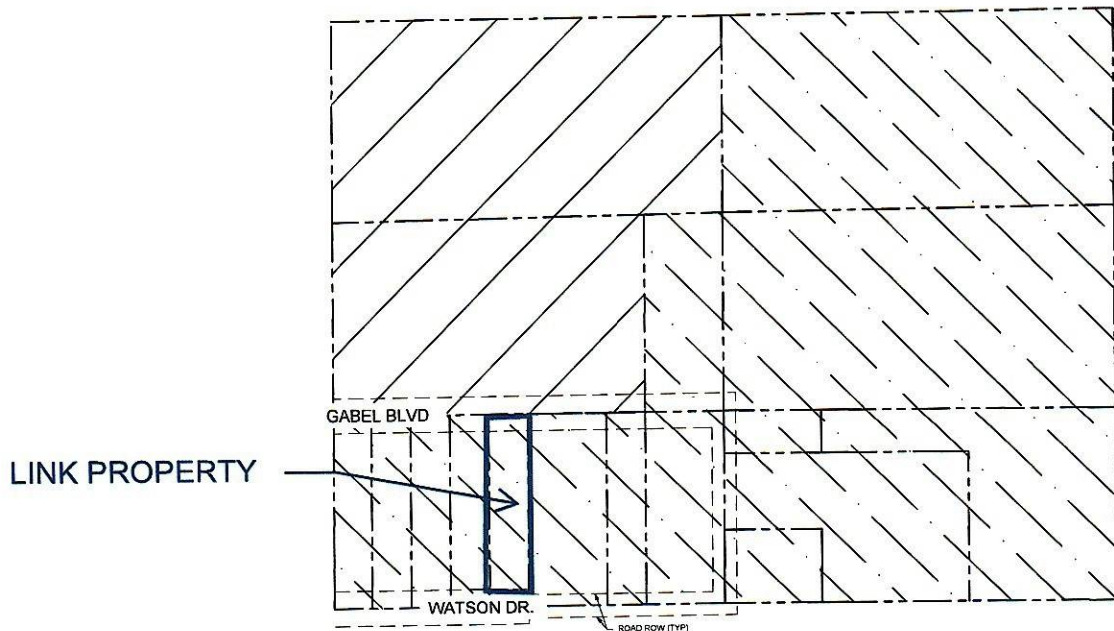
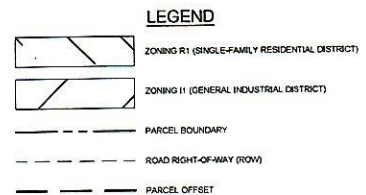
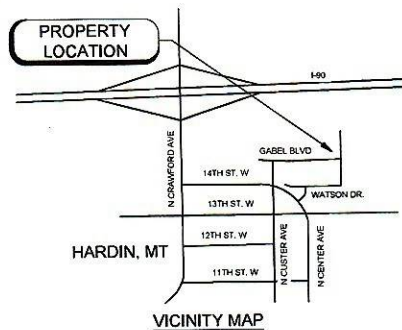
9/24/24

I own property by Watson Dr That would border Nelson & Clara Glick.

The Glicks have communicated to me their intent to build a Truck Relay Yard on their property that will be used by FedEx. I do not have any reservations & concerns with this use & I support their intended Development.

Sincerely,

*Mati Link*  
Mati Link



To Whom It May Concern:

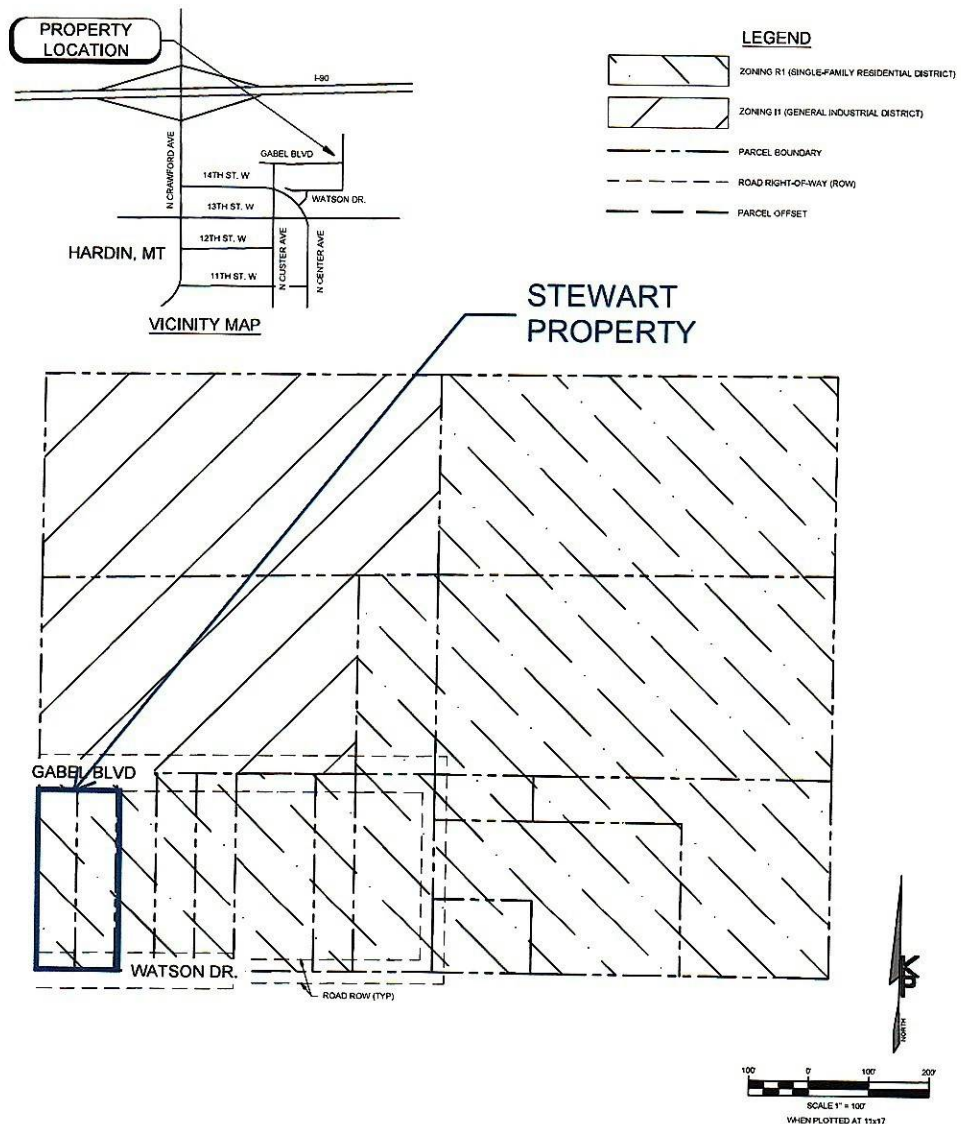
9/25/24

I own property by Watson Dr That would be close to Nelson & Clara Glick.

The Glicks have communicated to me their intent to build a Truck Relay Yard on their property that will be used by FedEx. I do not have any reservations & concerns with this use & I support their intended Development.

Sincerely,

*Ray Stewart* *To Stewart* *9/25/2024*



To Whom It May Concern:

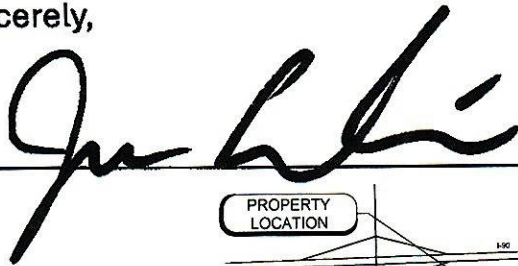
Oct 10, 2024

I own Property by Watson Dr that would be close to Nelson & Clara Glick / Pink Hill Cabins.

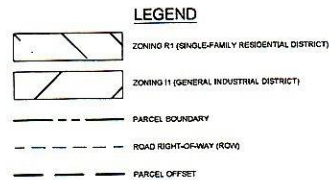
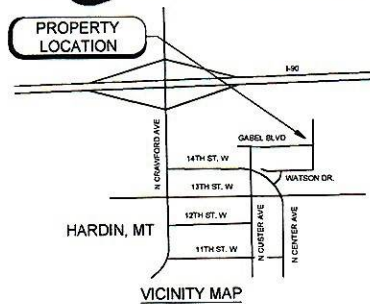
The Glicks have communicated to me their intent to build a Truck Relay Yard on their property that will be used by FedEx.

With the current Plan of moving the Yard 302' straight to the North, away from my Property, I do not have any reservations & concerns with this use & I support their intended Development.

Sincerely,



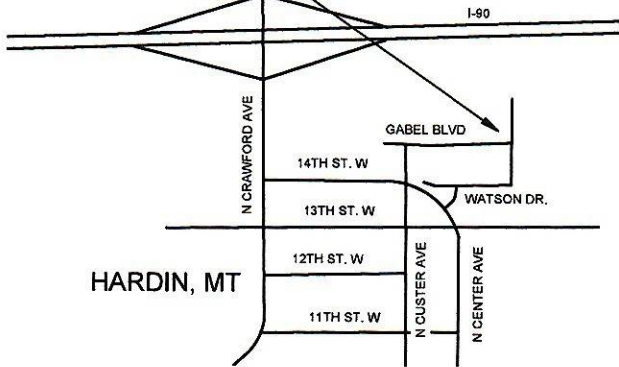
1415 Watson Dr  
10/18/24



CALVIN PROPERTY



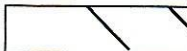
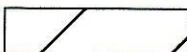



**PROPERTY LOCATION**



HARDIN, MT

**VICINITY MAP**

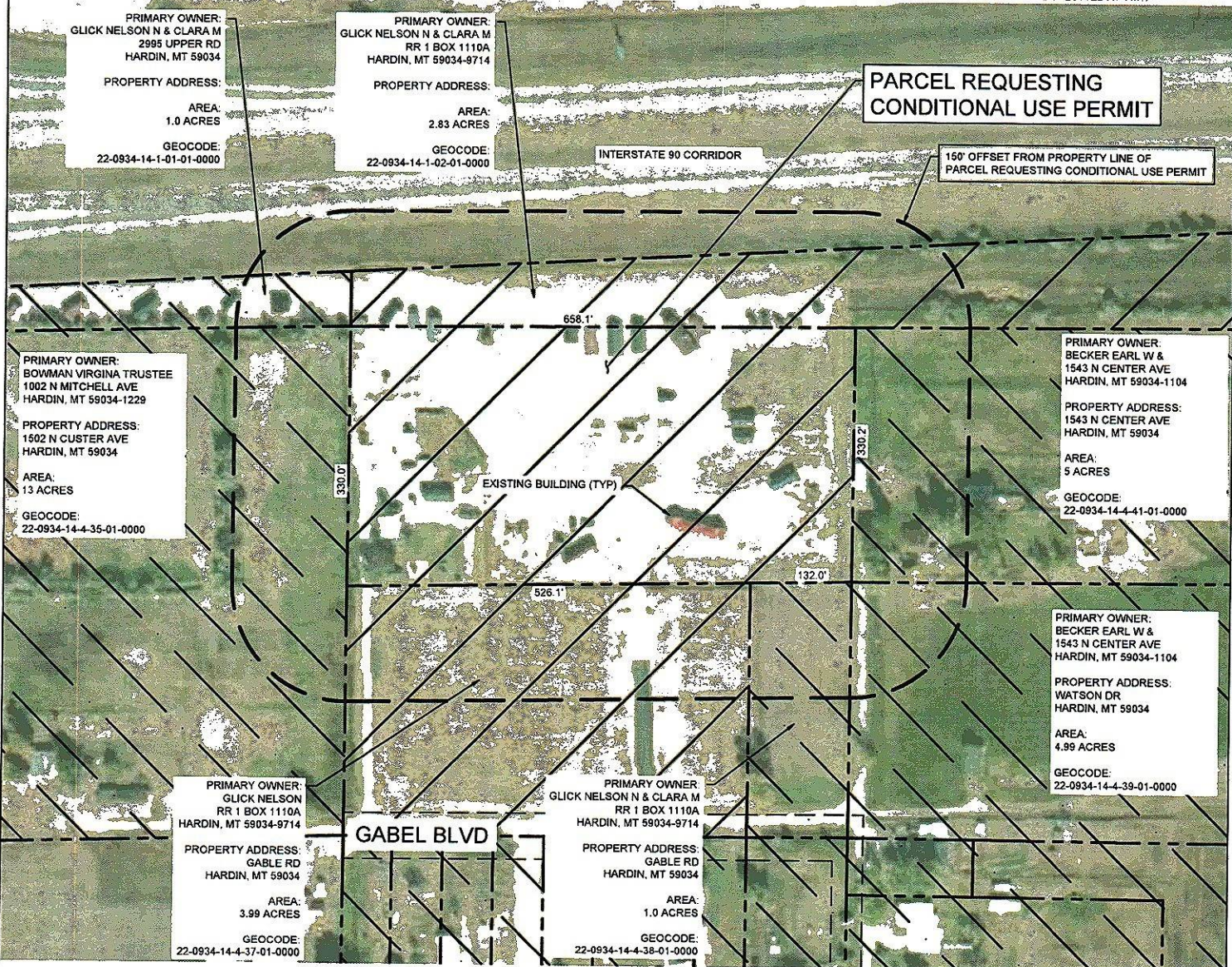
**LEGEND**

-  ZONING R1 (SINGLE-FAMILY RESIDENTIAL DISTRICT)
-  ZONING I1 (GENERAL INDUSTRIAL DISTRICT)
-  PARCEL BOUNDARY
-  ROAD RIGHT-OF-WAY (ROW)
-  PARCEL OFFSET



SCALE 1" = 100'

WHEN PLOTTED AT 11x17



PRIMARY OWNER:  
GLICK NELSON N & CLARA M  
2995 UPPER RD  
HARDIN, MT 59034

PROPERTY ADDRESS:  
AREA:  
1.0 ACRES

GEOCODE:  
22-0934-14-1-01-01-0000

PRIMARY OWNER:  
GLICK NELSON N & CLARA M  
RR 1 BOX 1110A  
HARDIN, MT 59034-8714

PROPERTY ADDRESS:  
AREA:  
2.83 ACRES

GEOCODE:  
22-0934-14-1-02-01-0000

**PARCEL REQUESTING  
CONDITIONAL USE PERMIT**

150' OFFSET FROM PROPERTY LINE OF  
PARCEL REQUESTING CONDITIONAL USE PERMIT

INTERSTATE 90 CORRIDOR

PRIMARY OWNER:  
BOWMAN VIRGINA TRUSTEE  
1002 N MITCHELL AVE  
HARDIN, MT 59034-1229

PROPERTY ADDRESS:  
1502 N CUSTER AVE  
HARDIN, MT 59034

AREA:  
13 ACRES

GEOCODE:  
22-0934-14-4-35-01-0000

PRIMARY OWNER:  
BECKER EARL W &  
1543 N CENTER AVE  
HARDIN, MT 59034-1104

PROPERTY ADDRESS:  
1543 N CENTER AVE  
HARDIN, MT 59034

AREA:  
5 ACRES

GEOCODE:  
22-0934-14-4-41-01-0000

PRIMARY OWNER:  
BECKER EARL W &  
1543 N CENTER AVE  
HARDIN, MT 59034-1104

PROPERTY ADDRESS:  
WATSON DR  
HARDIN, MT 59034

AREA:  
4.99 ACRES

GEOCODE:  
22-0934-14-4-39-01-0000

PRIMARY OWNER:  
GLICK NELSON  
RR 1 BOX 1110A  
HARDIN, MT 59034-9714

PROPERTY ADDRESS:  
GABLE RD  
HARDIN, MT 59034

AREA:  
3.99 ACRES

GEOCODE:  
22-0934-14-4-37-01-0000

PRIMARY OWNER:  
GLICK NELSON N & CLARA M  
RR 1 BOX 1110A  
HARDIN, MT 59034-9714

PROPERTY ADDRESS:  
GABLE RD  
HARDIN, MT 59034

AREA:  
1.0 ACRES

GEOCODE:  
22-0934-14-4-38-01-0000

**GABEL BLVD**



**CONDITIONAL USE PERMIT REQUEST**

PROPERTY ADDRESS:  
19 GABLE RD, HARDIN, MT

LEGAL DESCRIPTION:  
S14, T01 S, R33 E, C.O.S. 341

DRAWING NAME  
**PARCEL MAP-CUP**



## **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 Northern Cheyenne Development Corporation, whose mailing address is PO Box 966, Lame Deer, Montana, 59043 (hereinafter "Corporation").

WHEREAS, the City owns and operates a landfill; and

WHEREAS, The Corporation has a need and desire to utilize the City's landfill for the household waste and garbage that is generated on the Northern Cheyenne Reservation; and

WHEREAS, it is in the best interests of both the City and the Corporation that the household waste and garbage from the Northern Cheyenne Reservation 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 Corporation 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, 2025 and terminating at midnight on December 31, 2025.

### **II. PAYMENTS**

The Corporation agrees to pay the City at the rate of \$46.40 per ton, up to 2,500 tons per year, based upon a calendar year from January 1<sup>st</sup> to December 31<sup>st</sup>. The Corporation agrees to pay the City at the rate of \$110.00 per ton for any amount exceeding 2,500 tons per calendar year. The parties 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 addition to the above-listed tonnage charges, in accordance with the rates set in City of Hardin No. 2393, which is attached to this agreement. Corporation agrees to abide by the City's requests to have any fill dirt tested for contaminants, pursuant to City policy, at Corporation's cost.

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

### **III. DEPOSIT**

The City shall continue to hold the deposit of \$4,700.00 that was previously paid to the City as a deposit. 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 Corporation 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 the Corporation to dump household waste and garbage at its City landfill during normal business hours of the City landfill. The City reserves the right to refuse any solid waste that violates the City's solid waste permits, or if the Corporation has not made timely payments and has not maintained the deposit amount of Section III, above.

#### **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. The Corporation's failure to make timely payments as set forth in this agreement provided that, in the event of non-payment, the Corporation Office Manager and/or Solid Waste Director 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:

Brenda Limpy, Office Manager  
Northern Cheyenne Solid Waste  
PO Box 1200  
Lame Deer, Montana 59043

#### **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.

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 to 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.

**City of Hardin**

**Northern Cheyenne Development Corporation**

\_\_\_\_\_  
Joe Purcell, Mayor

\_\_\_\_\_  
Northern Cheyenne Development Corp.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2024

Dated this \_\_\_\_ day of \_\_\_\_\_, 2024

\_\_\_\_\_  
ATTEST BY: City Clerk

\_\_\_\_\_  
ATTEST BY: \_\_\_\_\_



## ORDINANCE NO. 2024-10

### AN ORDINANCE AMENDING HARDIN CITY CODE REGARDING BUSINESS LICENSES FOR BUSINESSES SELLING BEER, WINE AND LIQUOR

**WHEREAS**, the City Council (hereinafter "Council") of the City of Hardin (hereinafter "City") desires to modify and change the City Code of Hardin, Montana to comply with the restrictions of SB 262 of the 2023 Montana Legislature, codified at Mont. Code Ann. § 7-1-111(26) (2023);

**WHEREAS**, the City previously regulated beer, wine and liquor licenses in the City of Hardin;

**WHEREAS**, the City is no longer authorized to regulate beer, wine and liquor licenses, as they are originally issued by the State of Montana, per § 7-1-111(26)

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF HARDIN, MONTANA**, Title 5, Chapters 5 and 6 are amended by the insertion of language (underlined), and deletion of language (strikethrough), as follows:

#### **CHAPTER 5 BEER AND WINE REGULATIONS**

##### **5-5-1: LICENSE REQUIRED:**

It shall be unlawful for any person to offer beer and/or wine for sale in the city without first obtaining a license from the state ~~and a license from the city.~~ (1958 Code; amd. Ord., 1983; Ord. 2016-02, 2-2-2016)

##### **5-5-2: APPLICATION FOR LICENSE:**

Upon receipt of the necessary license from the state, the applicant shall make written application to the city council for a license to carry on such business in the same manner as in Title 5, Chapter 1, Section 2(D), and shall provide such state issued license to the city, ~~and the said council shall thereupon consider the same, and if satisfied that the said applicant is a proper and suitable person and should be permitted to carry on such business, the council may grant such license, the same to be issued by the finance officer/city clerk upon the payment of the fees hereinafter set forth.~~ (1958 Code; amd. Ord., 1983; Ord. 93-4, 8-17-1993)

##### **5-5-2A: INVESTIGATION OF APPLICANT:**

Upon receipt of an application, accompanied by the necessary license fee, the city council shall, within five (5) days thereafter, cause to be made a thorough investigation of all matters pertaining thereto, and determine whether such applicant is licensed by the State of Montana, ~~qualified to receive a license and whether the requirements of this chapter, the laws of the state and the rules and regulations of the Montana department of revenue are met and complied with.~~ (1958 Code; amd. Ord., 1983)

**5-5-3: POWER OF COUNCIL TO REVOKE OR RECALL LICENSE:**

~~The council shall have the power to revoke or recall any license issued under the provisions of this chapter when it shall appear that any person to whom such license has been granted has been convicted of a violation of this chapter, or the laws of this state relating to gambling or the sale of intoxicating liquors. (Ord. 133, 2-6-1934; amd. Ord. 145, 12-7-1937)~~

**5-5-4: REQUIREMENTS AND RESTRICTIONS:**

~~A. A retail beer and/or wine license shall not be issued as a matter of right. The city, in its discretion, may issue or refuse to issue a license to any person, even though he holds a state license.~~

~~B. A retail beer and/or wine license may not be renewed or transferred as a matter of right. The city, in its discretion, may renew, may consent to the transfer, or decline to consent to the transfer of any license, although the holder of the license, or the transferee holds a license from the state. Upon an approved transfer, no new fee shall be collected by the city if said transferred license is current.~~

~~C. A retail beer and/or wine license or a renewal or a transfer thereof may only be granted by the council by resolution adopted. (Ord. 133, 2-6-1934; amd. Ord. 145, 12-7-1937; Ord. 2016-02, 2-2-2016)~~

**5-5-5: LICENSE FEES:**

The charges for such licenses shall be as in Title 5, Chapter 1, Section 2(D), follows:

Each beer retailer	\$200.00 per year
Each wine retailer	200.00 per year
Each beer and wine retailer	400.00 per year
Each club for beer and wine	75.00 per year
Each club for beer only	50.00 per year
Nationally chartered veterans' organization	50.00 per year

~~The fees shall apply equally to both on premises and off premises licenses issued by the state of Montana.~~

~~Any association or corporation conducting a picnic, convention, fair, civic or community enterprise, or sporting event: Fifteen dollars (\$15.00) per day; minimum of thirty dollars (\$30.00) per event.~~

~~Licenses issued shall be for the current calendar year. Nothing herein shall be construed to entitle any licensee to a refund of any portion of the license fee in the event of discontinuing his business or suspension or revocation of his license. There shall be no proration of license fees. (Ord. 2016-02, 2-2-2016)~~

#### **5-5-6: LICENSE FEES PAYABLE IN ADVANCE:**

All licenses shall be payable in advance on or before January 31 of each year, and all licenses shall expire at the end of the calendar year for which they are issued. Licenses for the same business use may be transferred, upon approval of the Mayor.

If any licensee, having paid the annual license fee, shall cease to operate, for any reason thereunder, at any time during the current year, such licensee shall not be entitled to a refund.

All licenses shall expire on December 31 of each year.

~~All license fees are payable yearly in advance at the office of the city clerk on or before twelve o'clock (12:00) noon on the city's last business day of the calendar year. It shall be unlawful for any person to fail to pay for his license at the time and place specified. If a person fails to pay the fee, he shall be fined in a sum of thirty three and one third percent (33 $\frac{1}{3}$ %) of any license fee delinquent on January 1 of the renewal year, sixty six and two thirds percent (66 $\frac{2}{3}$ %) of any license fee delinquent on February 1 of the renewal year and one hundred percent (100%) of any license fee delinquent on March 1 of the renewal year. If continuing in the sale of beer and/or wine without such license, said person, upon conviction, shall be punished as provided in this code. (1958 Code; amd. Ord., 1983; Ord. 93-4, 8-17-1993; Ord. 2011-05, 5-3-2011; Ord. 2016-02, 2-2-2016)~~

#### **5-5-7: CLUB DEFINED:**

~~A "club" means a national fraternal organization except college fraternities, or an association of individuals organized for social purposes and not for profit and not generally open to the public, with a permanent membership and an existence of two (2) years prior to making application for license with permanent quarters or rooms. (1958 Code; amd. Ord., 1983)~~

#### **5-5-8: RESIDENTIAL LICENSE PROHIBITED:**

~~No license shall be issued for any such business to be conducted in a residential district. (1958 Code; amd. Ord., 1983)~~

#### **5-5-9: HOURS OF SALE:**

It shall be unlawful for any person to sell, offer for sale or give away, in or upon any premises within the city, any beer and/or wine on any day between the hours from two o'clock (2:00) A.M. until eight o'clock (8:00) A.M. It shall be unlawful for any person, except the owner or employees of any barroom, club bar or other place where beer and/or wine is sold or dispensed, to be permitted to remain in such premises during said hours. (Ord. 82-3, 8-17-1982; amd. Ord. 2016-02, 2-2-2016)

**5-5-10: REPORT TO STATE BOARD:**

In the case of the conviction of any licensee hereunder of any violation of this chapter in the city court, the city judge shall, within ten (10) days thereafter, whether or not an appeal has been taken from the judgment of conviction, transmit to the city council and the Montana department of revenue a certified copy of the record of conviction. (1958 Code; amd. 1984 Code)

**5-5-11: SUSPENSION OF STATE LICENSE:**

If any license issued by the Montana department of revenue, under the provisions of title 16, chapter 6, Montana Code Annotated, shall be revoked or shall be suspended under the provisions of said statutes, the accompanying license issued under the provisions of this chapter shall be automatically revoked and suspended for the same period, and in such event the action of the Montana department of revenue shall, upon appeal, be modified or set aside, the suspension or revocation of the license issued under the provisions of this chapter shall likewise be automatically affected. (1958 Code)

**5-5-12: RESTRICTED SALES:**

It shall be unlawful for any person to sell, give or otherwise supply any beer and/or wine to any person under the age of twenty one (21) years, to any person apparently under the influence of an alcoholic beverage, or to sell any beer and/or wine except as complies with the laws of the state and this city. (Ord. 363, 6-15-1971, eff. 7-15-1971; amd. per attorney 8-27-1993; Ord. 2016-02, 2-2-2016)

**5-5-13: LIMITS OF AREA AFFECTED BY THIS CHAPTER:**

All the provisions of this chapter shall extend throughout the incorporated city limits of Hardin, Montana. (1958 Code)

**5-5-14: AGE LIMIT FOR SALE OF ALCOHOLIC BEVERAGES:**

A. Except in the case of an alcoholic beverage given to a person under twenty one (21) years of age by his parent or guardian for beverage or medicinal purposes or administered to him by his physician or dentist for medicinal purposes or sold to him by a vendor or druggist upon the prescription of a

physician, no person shall sell, give or otherwise supply an alcoholic beverage to any person under twenty one (21) years of age or permit any person under that age to consume an alcoholic beverage.

B. Any person shall be guilty of a misdemeanor who:

1. Invites a person under the age of twenty one (21) years into a public place when an alcoholic beverage is sold and treats, gives, or purchases an alcoholic beverage for such person;

2. Permits such person in a public place where an alcoholic beverage is sold to treat, give or purchase liquor for him; or

3. Holds out such person to be twenty one (21) years of age or older to the owner of the establishment or his or her employee or employees.

C. It is unlawful for any person to fraudulently misrepresent his or her age to any dispenser of alcoholic beverages or to falsely procure any identification card or to alter any of the statements contained in any identification card.

D. The first offense of this section shall be punishable by a fine in the amount of five hundred dollars (\$500.00) and/or six (6) months' imprisonment. Second offense by any one person or by an employee of the same premises licensed for the sale of alcoholic beverages shall result in a ten (10) day suspension of the said premises' city license for the sale of said alcoholic beverages. The third offense by any one person or said agents or employees of any one licensed premises shall result in revocation of the city license for the sale of alcoholic beverages. (Ord. 91-4, 11-19-1991)

#### **5-5-15: MISREPRESENTATION OF AGE:**

Any person under the legal drinking age who knowingly misrepresents his age by any written document for the purpose of obtaining beer and/or wine shall be reported for disposition to the Big Horn County juvenile officer, the Hardin Police Department, or other proper authority. (Ord., 1983; amd. Ord. 2016-02, 2-2-2016)

#### **5-5-16: PENALTY:**

(Rep. by Ord. 95-5, 11-7-1995)

#### **5-5-17: UNOBSTRUCTED VIEW REQUIRED:**

All window shades, blinds or screens in any place where intoxicating beverages are sold within the city limits, shall be raised, opened or removed during the following hours: Sundays from two o'clock (2:00) A.M. to one o'clock (1:00) P.M., on any other day between twelve o'clock (12:00) midnight and eight o'clock (8:00) A.M., so that an unobstructed view where possible can be had from the street or exterior of such place. (1984 Code)

**CHAPTER 6  
LIQUOR REGULATIONS**

**5-6-1: APPLICATION FOR LICENSE:**

The applicant shall file with the city finance officer/city clerk an application in writing, as in Title 5, Chapter 1, Section 2(D), signed by the applicant, and containing such information and statements relative to the applicant and the premises where the liquor is to be sold, including a copy of the state issued license to sell or serve liquors ~~may be required by the council~~. The application shall be ~~verified by the affidavit of the person making the same before a person authorized to administer oaths~~. If any false statement is made in any part of such application, the license, if issued, shall be ~~revoked~~. (1958 Code; amd. Ord., 1983; Ord. 93-4, 8-17-1993)

**5-6-2: INVESTIGATION OF APPLICANT:**

Upon receipt of an application, accompanied by the necessary license fee, the ~~city council~~ shall, within five (5) days thereafter, cause to be made a thorough investigation of all matters pertaining thereto, and determine whether such applicant is licensed by the State of Montana ~~qualified to receive a license and whether his premises are suitable for the carrying on of the business, and whether the requirements of this chapter, the laws of the state, and the rules and regulations of the Montana department of revenue are met and complied with~~. (1958 Code; amd. Ord., 1983)

**5-6-3: LICENSE FEES:**

The charges for such liquor licenses shall be as in Title 5, Chapter 1, Section 2(D), follows:

All beverages	\$500.00 per year
All beverages with catering option	660.00 per year
Each club	200.00 per year
Nationally chartered veterans' organizations	325.00 per year

~~Licenses issued shall be for the current calendar year. Nothing herein shall be construed to entitle any licensee to a refund of any portion of the license fee in the event of discontinuing his business or suspension or revocation of his license. There shall be no proration of license fees.~~

~~A "club" means a national fraternal organization, except college fraternities, or an association of individuals organized for social purposes and not for profit and not generally open to the public, with a permanent membership and an existence of two (2) years prior to making application for license with permanent quarters or rooms. (Ord. 2005-04, 9-6-2005)~~

#### **5-6-3A: LICENSE FEES PAYABLE IN ADVANCE:**

All licenses shall be payable in advance on or before January 31 of each year, and all licenses shall expire at the end of the calendar year for which they are issued. Licenses for the same business use may be transferred, upon approval of the Mayor.

If any licensee, having paid the annual license fee, shall cease to operate, for any reason thereunder, at any time during the current year, such licensee shall not be entitled to a refund.

~~All license fees are payable yearly in advance at the office of the city clerk on or before twelve o'clock (12:00) noon on the city's last business day of the calendar year. It shall be unlawful for any person to fail to pay for his license at the time and place specified. If a person fails to pay the fee, he shall be fined in a sum of thirty three and one third percent (33<sup>1</sup>/<sub>3</sub>%) of any license fee delinquent on January 1 of the renewal year, sixty six and two thirds percent (66<sup>2</sup>/<sub>3</sub>%) of any license fee delinquent on February 1 of the renewal year and one hundred percent (100%) of any license fee delinquent on March 1 of the renewal years. If continuing in the sale of beer or wine without such license, said person, upon conviction, shall be punished as provided in this code. (1958 Code; amd. Ord., 1983; Ord. 91-6, 12-3-1991; Ord. 93-4, 8-17-1993; Ord. 2011-06, 5-3-2011)~~

#### **5-6-4: CONTENTS OF LICENSE; NONTRANSFERABLE; EXPIRATION:**

Every license issued under this chapter shall set forth the name of the person to whom issued, the location by street of the premises where the business is to be carried on under said license, and such other information as the Council shall deem necessary. If issued to a partnership, the names of the persons conducting the business shall be set forth. Such license shall be signed by the licensee, shall be nontransferable except and only with the consent of the State of Montana Council, shall be posted in a conspicuous place on the premises in respect to which it is issued and shall be exhibited to ~~any duly authorized representative of the Council~~ whenever the same is requested. Every license issued under the provisions of this Chapter is separate and distinct, and ~~no person, except the licensee therein named, shall exercise any of the privileges granted hereunder,~~ and all licenses are applicable only to the premises in respect to which they are issued. All licenses shall expire on December 31 of each year.

#### **5-6-5: STATE LIQUOR LICENSE REQUIRED:**

No person, club or fraternal organization shall be entitled to a license under this Chapter unless such person, club or fraternal organization shall have a retail liquor license issued under the laws of the State of Montana.

#### **5-6-6: REQUIREMENTS AND RESTRICTIONS:**

~~A. A retail liquor license shall not be issued as a matter of right. The City, in its discretion, may issue or refuse to issue a license to any person, even though he holds a State license.~~

~~B. A retail license may not be renewed or transferred as a matter of right. The City, in its discretion, may renew, or decline to renew, may consent to the transfer, or decline to consent to the transfer of any license, although the holder of the license, or the transferee, holds a license from the State. Upon an approved transfer, no new fee shall be collected by the City if said transferred license is current.~~

~~C. A retail liquor license, or a renewal or transfer thereof, may only be granted by the Council by resolution adopted.~~

#### **5-6-7: PERSONS INELIGIBLE FOR LICENSE:**

~~No license shall be issued by the Council to:~~

~~A. A person who has been convicted of being the keeper or is keeping a house of ill fame.~~

~~B. A person who has been convicted of pandering or other crime or misdemeanor opposed to decency, morality or the laws of the Federal Government or the State of Montana.~~

~~C. A person whose license under this Chapter has been revoked for cause, or whose license has been revoked by the Montana Liquor Control Board.~~

~~D. A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application.~~

~~E. A person who is not qualified or whose premises does not conform to the provisions of this Chapter, or with the rules and regulations of the Council, or with the rules and regulations promulgated by the Montana Liquor Control Board.~~

(Revised Code 1958; amd. Ord., 1983; Ord. 91-6, 12-3-91)

#### **5-6-8: SALE PROHIBITED TO CERTAIN PERSONS:**

No licensee shall sell, deliver or give away or cause or permit to be sold, delivered or given away, any liquor to: (Revised Code 1958; amd. Ord., 1983)

A. Any person actually under the age of nineteentwenty-one (1921) years. (Ord. 363, 6-15-71, eff. 7-15-71; amd. Ord., 1983)

B. Any person apparently under the influence of an alcoholic beverage.

#### **5-6-9: HOURS OF SALE:**

It shall be unlawful for any person to sell, offer for sale or give away, in or upon any premises within the City, any liquor on any day between the hours from two o'clock (2:00) A.M. until eight o'clock (8:00) A.M. It shall be unlawful for any person, except for the owner or employees of any barroom, club, bar, or other place where liquor is sold or dispensed, to be permitted to remain in such premises during said hours. (Ord. 82-3, 8-17-82)



#### **5-6-10: COUNCIL POWERS:**

The Council shall make and promulgate such rules and regulations as it may deem necessary for carrying out the provisions of this Chapter and for the orderly and efficient administration thereof. Every licensee shall advise himself of such rules and regulations, and ignorance thereof shall be no defense. Without limiting the generality of the foregoing provisions, the Council shall be empowered to prescribe forms to be used in the administration of this Chapter, ~~the proof to be furnished and the conditions to be observed in the issuance of licenses; to prescribe notice required to the regulation thereof, and the manner of giving or serving the same; to prescribe, subject to the provisions of this Chapter, the conditions and qualifications necessary to obtain a license, and provide for the inspection of such licensed premises; to specify and describe the place and manner in which the liquor may be lawfully kept or stored; to prescribe the conduct, management and equipment of premises licensed to sell liquor, and to make regulations respecting the sale and consumption of liquor in clubs, hotels and other licensed businesses.~~

~~The Council shall have the power to suspend and/or revoke permanently or temporarily a license issued under this Chapter for a violation of this Chapter or any rule or regulation by the Council. (Revised Code 1958)~~

#### **5-6-11: RIGHT TO INSPECT PREMISES:**

The Council or any duly authorized representative thereof shall have the right at any time to make an examination of the premises of such licensee as to whether this Chapter, the laws of the State and the rules and regulations of the Council are being complied with.

No business shall be carried on under any license issued except in the name of the licensee. (Revised Code 1958)

#### **5-6-12: RENEW, CANCEL OR SUSPEND LICENSE:**

~~After suspension or revocation of a license, the Council shall have the power to renew the same if, in its discretion, a proper showing thereof has been made~~  
any license issued by the Montana department of revenue, under the provisions of title 16, chapter 6, Montana Code Annotated, shall be revoked or shall be suspended under the provisions of said statutes, the accompanying license issued under the provisions of this chapter shall be automatically revoked and suspended for the same period, and in such event the action of the Montana department of revenue shall, upon appeal, be modified or set aside, the suspension or revocation of the license issued under the provisions of this chapter shall likewise be automatically affected. (Revised Code 1958)

#### **5-6-13: MISREPRESENTATION OF AGE:**

Any person under the legal drinking age who knowingly misrepresents his age by any written document for the purpose of obtaining liquor shall be reported for disposition to the Big Horn County Juvenile Office, Hardin Police Department, or other proper authority. (Ord., 1983)

**5-6-14: PENALTY:**

(Rep. by Ord. 95-5, 11-7-95)

**5-6-15: UNOBSTRUCTED VIEW REQUIRED:**

All window shades, blinds or screens in any place where intoxicating beverages are sold within the City limits, shall be raised, opened or removed the following hours: Sundays from two o'clock (2:00) A.M. to one o'clock (1:00) P.M.; on any other day between twelve o'clock (12:00) midnight and eight o'clock (8:00) A.M., so that an unobstructed view where possible can be had from the street or exterior of such place. (1984 Code)

**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 December, 2024.

YEAS 6

NAYS 0

Joe Ruess  
Mayor

ATTEST:

Andrew Lehr  
City Clerk



**POSTED AND MADE AVAILABLE TO THE PUBLIC** this 4th day of

December, 2024.

Andrew Lehr  
City Clerk

**SECOND READING AND PASSAGE** By a majority vote of the members

present this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

YEAS \_\_\_\_\_

NAYS \_\_\_\_\_

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**SECTION 00100**  
**INVITATION TO BID**

Separate sealed bids for construction of **Water Tank Lining** will be received by the City of Hardin at the office of 406 N Cheyenne Hardin, MT 59034 until 1:00 PM local time on December 24, 2024 and then publicly opened and read aloud.

The project consists of lining a 500,000 gallon concrete tank, and replacing the ladder.

The contract documents, may be examined or obtained at:

Stahly Engineering & Associates  
2223 Montana Ave. Ste. 201 Billings, MT 59101  
406-601-4055

City of Hardin, City Hall  
406 N. Cheyenne  
Hardin, MT 59034

in accordance with Article 2.1 of Instructions to Bidders. Required fee of **\$25.00** per set, which is not refundable. Express mail will require an additional **\$20.00** fee.

In addition, the Project Manual may also be examined at the following locations:

Montana Bid.com

Montana Plan Exchange

Any questions regarding this project should be directed to Matt Smith, PE at Stahly Engineering 406-601-4055.

Contractor and any of the Contractor's Subcontractors bidding or doing work on this project will be required to be registered with the Montana Department of Labor and Industry (DLI). Forms for registration are available from the Department of Labor and Industry, PO Box 8011, 1805 Prospect, Helena MT 59604-8011. Information on registration can be obtained by calling (406) 444-7734. All laborers and mechanics employed by Contractor or Subcontractors in performance of the construction work shall be paid wages at rates as required by Montana Prevailing Wage Rates for Heavy Construction. The Contractor must ensure that employees and applicants for employment are not discriminated against because of their race, color, religion, sex or national origin.

Each bid or proposal must be accompanied by a Certified Check, Cashier's Check, or Bid Bond payable to City of Hardin, in an amount not less than ten percent (10%) of the total amount of the bid. Successful Bidders shall furnish an approved Performance Bond and a Labor and Materials Payment Bond, each in the amount of one hundred percent (100%) of the contract amount. Insurance, as required, shall be provided by the successful Bidder(s) and a certificate(s) of that insurance shall be provided.

The right is reserved to reject any or all proposals received, to waive informalities, to postpone the award of the contract for a period not to exceed sixty (60) days, and to accept the lowest responsive and responsible bid that is in the best interest of the Owner.

City of Hardin is an Equal Opportunity Employer.

Published at Hardin, Montana, this 11<sup>th</sup> and 18<sup>th</sup> day of December 2024

**END OF SECTION**

Because of you, life doesn't stop.



## Hardin Community

Thursday, December 19, 2024  
1:15 p.m. - 6:45 p.m.




Fellowship Hall  
934 1st Street West  
Hardin, MT 59034



To make your lifesaving appointment today, contact Michelle at (406) 665-1623 or go to [donors.vitalant.org](https://donors.vitalant.org) and use the blood drive code listed below. You can also scan the QR code with a smart phone to schedule. All presenting donors will be entered into a drawing for a Bill's Auto gift certificate.

Use Blood Drive Code: hardin

For more information or to schedule a donation, call **877-258-4825** or visit us at [vitalant.org](https://vitalant.org)

Find us @   

[ 60 ] | Order ID: 72220 | Qty: 10 of 20 | Drive ID: 10075500 | 246117

vitalant 

*The City of*  
**HARDIN**

406 North Cheyenne  
Hardin MT 59034  
(406) 665-9260

**Special Council Meeting  
AGENDA**

**December 30, 2024**  
**Special Council Meeting @ 5:15 p.m.**

Held at Council Chambers  
401 North Cheyenne  
and by virtual meeting

**Join Zoom Meeting**

<https://us02web.zoom.us/j/9897104479>

Meeting ID: 989 710 4479

One tap mobile

+17193594580,,9897104479# US

+12532050468,,9897104479# US

**MEETING CALLED TO ORDER AT 5:15 P.M.**

**PLEDGE OF ALLEGIANCE**

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

Alderspersons: Steven Hopes \_\_\_\_\_

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

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

Antonio Espinoza \_\_\_\_\_

Chris Sharpe \_\_\_\_\_

Rock Massine \_\_\_\_\_

**PUBLIC COMMENT:**

**NEW BUSINESS:**

- Tank Lining Bid Award

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

MAYOR  
Joe Purcell  
  
POLICE CHIEF  
Paul M. George Jr.



PUBLIC WORKS DIRECTOR  
Michael Hurff Jr.  
  
FINANCE OFFICER/CITY CLERK  
Andrew Lehr

## Request for Qualifications

The City of Hardin has been awarded a Montana Main Street Grant in the amount of \$45,000 by the Montana Department of Commerce for a Mixed-Use & Adaptive Reuse Development Grant for the Hotel Becker.

Contingent upon this award, the City Council is requesting qualifications for consultant services to design a Preliminary Architectural Feasibility Plan through a preliminary architectural report (PAR) for the Hotel Becker.

Copies of the detailed request for proposal (RFP), including a description of the services to be provided by respondents, the minimum content of responses, and the factors to be used to evaluate the responses can be obtained by contacting Andrew Lehr, Finance Officer/ City Clerk, 406 North Cheyenne Avenue, Hardin, Montana 59034, phone 406-665-9260 Ext. 102, or by email [cityfinance@hardinmt.com](mailto:cityfinance@hardinmt.com), reference in the subject line: PAR Hotel Becker. The RFP can also be found on the City of Hardin website, [hardinmt.com](http://hardinmt.com), under the public notices page.

All responses to the detailed RFP must be sealed, include five copies of the proposal, include Attachment A, and be clearly marked on the outside of the envelope "Hardin PAR/Hotel Becker", and must be submitted by Wednesday, January 15, 2025 by 3:00 p.m. to Andrew Lehr, Finance Officer/ City Clerk, 406 North Cheyenne Avenue, Hardin, MT 59034.

All Proposals will be evaluated Wednesday, January 15 through Friday, January 17, 2025.

Dated this 11<sup>th</sup> Day of December 2024

Andrew Lehr, Finance Officer/City Clerk

Publish: December 11<sup>th</sup> and December 18<sup>th</sup>