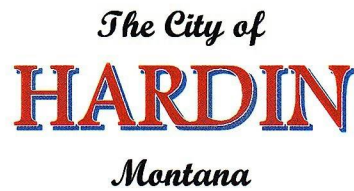


MAYOR
Joe Purcell

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.

Public Hearing & Council Meeting
of Tuesday, October 21, 2025

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

Topics:

Public Hearing & Council Meeting – 10/21/2025 6:30 p.m.

Start Time: 6:30p.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.

Join Zoom Meeting

<https://us02web.zoom.us/j/9897104479?omn=88222211362>

Meeting ID: 989 710 4479

One tap mobile

[+17193594580](tel:+17193594580)..9897104479# US

[+12532050468](tel:+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

Meetings are Audio Recorded ONLY
Montana Legislature House Bill 890

AGENDA

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

October 21, 2025

AUDIO RECORDING BEGINS

PUBLIC HEARING: 6:30 p.m. – Preparing a Preliminary Engineering Report (PER) for the City Water System

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

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor: _____

Alderspersons: Steven Hopes _____
Rock Massine _____

Clayton Greer _____
Jeremy Krebs _____

Chris Sharpe _____
Antonio Espinoza _____

CONSENT AGENDA:

Council Meeting 10/07/2025 Claims

PUBLIC COMMENT (agenda items only):

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:

- City-County Planning Board Minutes

UNFINISHED BUSINESS:

NEW BUSINESS:

- PER – Water Treatment Plant
- City-County Planning Board Recommendation – Gerber Variance
- Interlocal Agreement with Big Horn County – Hardin Depot Renovations
- Northcon Pay App #3 - \$244,409.50
- Glock weapons - \$8,746.50

STAFF REPORTS

- **Public Works:**
- **Finance:**
 - First Interstate Bank Investment Account - Quarterly Report
- **Police:**
- **Legal:**
- **Economic Development:**

RESOLUTIONS & ORDINANCES:

PUBLIC COMMENT:

ANNOUNCEMENTS:

Employee Anniversaries: Moses Gonzales, 47 years; Markus Takes the Horse; 10 years; and
Angela Zimmer, 10 years

Local Government Review Study Commission Meetings - 3rd Wednesday of each month, TBD Council Chambers

City of Hardin Job Openings: Full-time positions: Police Officer and Part-Time Building Inspector

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 October 7, 2025 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: Clayton Greer, Chris Sharpe, Rock Massine, and Antonio Espinoza. Steven Hopes was excused and Jeremy Krebs was not present.

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 and by virtual meeting: Several members of the public

MINUTES OF THE PREVIOUS MEETINGS & CLAIMS: Greer made the motion to approve the Council minutes as written for September 16, 2025. Motion seconded by Sharpe. On a voice vote the motion was unanimously approved.

Greer made a motion to approve the claims for October 7, 2025.

	CLAIM No.	Monthly Total
July, 2025	32897	\$ 170.00
August, 2025	32824, 32835-32836, 32878-32879, 32908-32909	378,163.41
September, 2025	32825-32834, 32837-32838, 32861-32877, 32880-32896, 32898-32905, 32910, 32913-32915	904,238.12
October, 2025	32839-32860, 32906, 32911-32912	<u>13,470.02</u>
TOTAL Submitted		\$ 1,296,041.55

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

PUBLIC COMMENT: N/A

MAYOR:

**COMMITTEE REPORTS:
Personnel Policy/City Policy:**

Mayor Purcell reported the City has openings for full-time Police Officers and a part-time Building Inspector.

Sewer & Water:

Massine reported the construction company is digging at the Wastewater Treatment Plant and a company is at the hill tank working on coating the tank.

Law Enforcement:

Streets & Alleys:

Espinoza reported soft spots on Peritsa Creek were dug up and patched; looks good.

Parks & Playgrounds:

Finance/Landfill:

Resolutions & Ordinances:

SPECIAL COMMITTEES:

PETITIONS & COMMUNICATIONS:

Mayor Purcell reported the City received a newsletter from the Montana Department of Transportation.

UNFINISHED BUSINESS:

Mayor Purcell reported the Chamber of Commerce bid for roof and windows in the amount of \$63,787 was tabled pending verification of insurance and permission from BNSF Railroad; adding the city is still working on getting permission. He asked Council if they would approve the bid pending permission and approvals from BNSF so there would not be a delay on the project. Massine motioned to approve the bid while waiting. Greer seconded. Mayor Purcell noted it has been motioned and seconded to approve. Lehr reported he attended a Big Horn County Meeting last week; they approved giving the Chamber, through the City, \$9,000 to match what the city is putting into it. Knudsen reported he received a proposed interlocal agreement from the County; it will be brought to Council at the next meeting. On a voice vote the motion was unanimously approved.

NEW BUSINESS:

Mayor Purcell reported the Chamber of Commerce submitted a request for street closure of the 200 Block of Center Avenue and for a portable restroom to be provided on Friday, October 31st 2:00 p.m. to 7:00 p.m. for a Trunk-or-Treat Community event. Sharpe motioned to approve the request. Espinoza seconded. On a voice vote the motion was unanimously approved.

Police Chief Paul George, Jr. reported the department was officially approved, as of October 1st, for a grant through the state, funded by the Federal Government under the National Highway Traffic Administration, for an additional officer that will be a dedicated traffic officer for traffic enforcement. The primary goal is for DUI's as well as education and outreach at schools and public events, on distracted driving, slowing down speeds and drug and drunk driving. The unit will be called the SHADE Unit, Strategic Highway And Aggressive Driving Enforcement. Chief George reported the grant also approved preliminary breath testing (PBT's, intoximeters) for every officer and the All Traffic Speed Sign. The speed sign message board will be used for traffic enforcement, public information, events etc. The department is also receiving funding for STEP program that will provide funding to the department to bring in additional officers. Lehr asked if it would be an issue requesting funding due to the Government shutdown. Chief George reported he thinks the funding has been distributed adding the items will not be purchased until he hears from the state.

Mayor Purcell reported the first item funded by the grant is the All Traffic Solutions Inc. quote for the speed sign in the amount of \$19,424.26. Sharpe made the motioned to approve pending state funding. Massine seconded. On a voice vote the motion was unanimously approved.

Mayor Purcell reported the next item funded by the grant is six Intoximeters (PBT's) in the amount of \$3,881.94. Espinoza motioned to approve the request. Greer seconded. On a voice vote the motion was unanimously approved.

Chief Paul George, Jr. requested the approval to purchase five desktop computers in the amount of \$3,999.95. Massine motioned to go forward with the computers for \$3,999.95. Sharpe seconded. On a voice vote the motion was unanimously approved.

Mayor Purcell requested approval of the Police Academy tuition fee in the amount of \$11,750. Chief Paul George, Jr. reported this is the total cost for the Chief School that includes everything except travel; he will personally take care of the travel costs. Sharpe motioned to approve. Greer Seconded. On a voice vote the motion was unanimously approved.

Mayor Purcell reported he is going to be out of town greater than seven days; he is requesting the approval of Council to be out of town for ten days. Espinoza motioned to approve the ten-day vacation. Massine seconded. On a voice vote the motion was unanimously approved.

Lehr reviewed Pay Application #2, in the amount of \$347,612.09, that was submitted by Northcon, Inc. for the Wastewater Treatment Plant Project. Massine motioned to approve Pay Application #2 in the amount for \$347,612.09. Espinoza seconded. On a voice vote the motion was unanimously approved.

STAFF REPORTS:

Public Works:

Hurff reported the Splash Pad is done, the foundation is in for the gazebo, and the horseshoe pits and cornhole pits will be done in the Spring. The bathrooms have been closed for the season.

Finance:

Lehr noted the City had a demo with BambooHR software and will be looking at additional demos for comparison. He provided an overview of the software that helps with onboarding employees, managing employee data, recruiting, tracking equipment hours, employee compensation and benefits, offboarding employees, etc. He noted the subscription would cost about \$8,700 a year; to offset that he did get the grant management software lowered from \$18,000 to \$11,000 per year. He provided information on the return on investment; it equates to more than the software costs. He voiced this would be beneficial/cost effective. Massine asked if this would include the Police Department. Lehr noted it would.

Lehr reported the amount of \$129,038.11 has currently been expended out of the Land Water and Conservation Fund for the South Park Project; adding additional funds have been set aside for work that has been done that includes hydroseeding, building for the splashpad controls, electrical, and some concrete etc. He provided an overview of remaining funds available for the project.

There was a project update meeting today on the Lodge Grass Project that the City is sponsoring; the engineers are working on an amendment to allow the City to continue receiving and expending the funds until June 30, 2026. He is expecting there to be another memorandum of understanding agreement.

Lehr reported there will be a Public Hearing on Tuesday, October 21st for the Preliminary Engineering Report for the Water Treatment Plant; the City received the Vac Truck; he noted the government shutdown will impact the Wastewater Treatment Plant Project adding Rural Development funding is affected by it.

Lehr reported the Renewable Resource Grant application was submitted for \$15,000 to go towards the Capital Improvement Plan. He is currently waiting on guidance from the state and for the application period to open for the Montana Coal Endowment Program (MCEP) grant.

Police:

Chief Paul George, Jr. reviewed calls for service.

Legal:

Knudsen reported things are getting busy in City Court; he appreciates the work they, the Police Department, are doing and provided a comparison to last years' cases.

Economic Development:

RESOLUTIONS & ORDINANCES:

PUBLIC COMMENT:

Jose Funke asked the people that are running for re-election what are they going to do different than what they have already done in that position; what are they going to do different. Knudsen addressed Council noting it would be unlawful use of city time to make comments on political positions; they have to do it on their own time. They cannot act as candidates while sitting on Council.

George Toyne asked about the Devers house, that he thought there were some requirements to get it up to code and cleaned up; adding he has not seen any progress on the house and he doesn't know if there may be an agreement or contract. Mayor Purcell noted it will be looked into to see if there is something on file.

Hurff noted he heard Al Sargent on the radio sharing positive comments about the new landfill canister site.

ANNOUNCEMENTS:

Mayor Purcell announced the Community Blood Drive is scheduled for Thursday, October 16th from 1:45 – 5:45 p.m. at First Alliance Church; City Offices are closed October 13th for Columbus Day; the City-County Planning Board Public Hearing for the Gerber Variance Request is scheduled for Tuesday, October 14, 2025 at 7:00 p.m. in Council Chambers; and the Local Government

Review Study Commission Meetings are held the third Wednesday of each month in Council Chambers.

The City of Hardin has the following Job Openings: Full-time position - Police Officer and Part-Time position - Building Inspector. Positions are open until filled.

Greer motioned to adjourn the meeting at 7:18 p.m. Massine seconded. On a voice vote the motion was unanimously approved.

Joe Purcell, Mayor

ATTEST:

Andrew Lehr, Finance Officer/City Clerk

DRAFT

City of Hardin

Submitted for Approval

October 21, 2025

Month	CLAIM No.	Monthly Total
August, 2025	32916	\$ 77.66
September, 2025	32917, 32920-32937, 32939-32942, 32945-32950, 32955-32959, 32961, 32966	110,036.19
October, 2025	32918-32919, 32938, 32943-32944, 32951-32954, 32960, 32962-32965	318,808.38
Claims Total (Expenditures)		\$ 428,922.23
September, 2025		229,074.49
TOTAL Submitted		\$ 657,996.72

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

Vendor	Purpose	Check #	Amount
ADVANCED COVERT TECHNOLOGY	Police Cameras	41988	16,985.00
MATOVICH OIL CO.	Gas, diesel, oil, DEF, etc	42005	13,289.51
CUSHING TERRELL	Infill & Redevelopment Study	41999	7,597.99
POLICE EXECUTIVE RESEARCH FORUM	Police Chief Training Course	42013	11,200.00
RDO EQUIPMENT	Wiring harness for the John Deere at LF	42014	6,428.11
STAHLY ENGINEERING & ASSOCIATES INC	Phase 2/3 Engineering for Waste Water Proj	42015	23,535.79
NORTHCON, INC	WW Upgrade Project Pay App #3	-99448	244,909.50
WYMAN CONSTRUCTION	Materials deposit for Depot renovations	42020	30,000.00
Exempt from Resolution 2189			
NORTHWESTERN ENERGY	Electric Utilities	42011	21,541.88

CITY OF HARDIN
Claims Report

For the Accounting Period: August, 2025

Vendor	Claim #	Check	Amount
MT DEPT OF LABOR & INDUSTRY	CL 32916	41985	77.66

77.66

CITY OF HARDIN**Claims Report****For the Accounting Period: September, 2025**

Vendor	Claim #	Check	Amount
COLJ	CL 32917	41998	300.00
AMERICAN LEGAL PUBLISHING	CL 32920	41989	343.00
BALCO UNIFORM CO., INC.	CL 32921	41990	471.60
BIG HORN COUNTY ELECTRIC	CL 32922	41991	3,075.91
BIG SKY EXPRESS WASH	CL 32923	41993	93.60
BIG SKY TIRE & SERVICE CO LLC	CL 32924	41995	835.00
BIG SKY LINEN & UNIFORM INC	CL 32925	-99449	134.88
BIG SKY LINEN & UNIFORM INC	CL 32926	-99457	142.25
BIG SKY LAWN CARE & PLOWING	CL 32927	41994	500.00
BILLINGS CONSTRUCTION SUPPLY	CL 32928	41997	501.38
BIG HORN HOSPITAL ASSOCIATION	CL 32929	41992	50.00
BILL'S AUTO PARTS	CL 32930	41996	1,659.34
DANA SAFETY SUPPLY, INC	CL 32931	42000	525.42
DIS TECHNOLOGIES	CL 32932	42002	2,352.50
KNIFE RIVER INC	CL 32933	42004	4,343.78
MATOVICH OIL CO.	CL 32934	42005	13,289.51
NEWMAN SIGNS INC	CL 32935	42007	76.11
NORTHWEST SCIENTIFIC, INC.	CL 32936	42010	173.38
PINE RIDGE FABRICATION LLC	CL 32937	42012	115.00
TRACTOR & EQUIPMENT CO	CL 32939	-99455	4,834.29
UTILITIES UNDERGROUND LOC. CTR.	CL 32940	42019	173.25
VERIZON WIRELESS	CL 32941	-99456	501.57
USA BlueBook	CL 32942	42018	739.11
STAHLY ENGINEERING & ASSOCIATES INC	CL 32945	42015	4,415.25
STAPLES	CL 32946	-99451	881.01
NORTHWEST PIPE FITTINGS	CL 32947	42009	4,582.16
NORTHERN CHIROPRACTIC PC	CL 32948	42008	135.00
THE ORIGINAL BRIEFS	CL 32949	42016	675.00
* CASH	CL 32950	41987	42.00
NORTHWESTERN ENERGY	CL 32955	42011	21,541.88
CUSHING TERRELL	CL 32956	41999	7,597.99
ADVANCED COVERT TECHNOLOGY	CL 32957	41988	16,985.00
MILLENNIUM ELECTRIC	CL 32958	42006	3,083.72
POLICE EXECUTIVE RESEARCH FORUM	CL 32959	42013	11,200.00
CENTRAL SQUARE TECHNOLOGIES	CL 32961	-99454	1,192.47
MONTANA DEPARTMENT OF REVENUE	CL 32966	-99447	2,473.83
			110,036.19

CITY OF HARDIN**Claims Report****For the Accounting Period: October, 2025**

Vendor	Claim #	Check	Amount
TINA M TOYNE	CL 32918	42017	89.00
K2 Electric Inc	CL 32919	42003	2,856.25
RDO EQUIPMENT	CL 32938	42014	6,428.11
STAHLY ENGINEERING & ASSOCIATES INC	CL 32943	42015	23,535.79
STAHLY ENGINEERING & ASSOCIATES INC	CL 32944	42015	1,750.00
CROELL INC	CL 32951	-99450	812.00
HEALTHERQUITY	CL 32952	-99453	552.99
NORTHCON, INC	CL 32953	-99448	244,909.50
AXON ENTERPRISE, INC.	CL 32954	-99452	2,514.24
DESTINATIONIQ	CL 32960	42001	3,083.00
WYMAN CONSTRUCTION	CL 32962	42020	30,000.00
ALEX EDWARDS	CL 32963	42021	76.50
BIG SKY LAWN CARE & PLOWING	CL 32964	42022	700.00
REDTAIL COMMUNICATIONS, INC.	CL 32965	42023	1,501.00
			318,808.38

CITY OF HARDIN

Check Report

10/21/2025

Vendor	Claim #	Check	Amount
MT DEPT OF LABOR & INDUSTRY	CL 32916	41985	77.66
* CASH	CL 32950	41987	42.00
ADVANCED COVERT TECHNOLOGY	CL 32957	41988	16,985.00
AMERICAN LEGAL PUBLISHING	CL 32920	41989	343.00
BALCO UNIFORM CO., INC.	CL 32921	41990	471.60
BIG HORN COUNTY ELECTRIC	CL 32922	41991	3,075.91
BIG HORN HOSPITAL ASSOCIATION	CL 32929	41992	50.00
BIG SKY EXPRESS WASH	CL 32923	41993	93.60
BIG SKY LAWN CARE & PLOWING	CL 32927	41994	500.00
BIG SKY TIRE & SERVICE CO LLC	CL 32924	41995	835.00
BILL'S AUTO PARTS	CL 32930	41996	1,659.34
BILLINGS CONSTRUCTION SUPPLY	CL 32928	41997	501.38
COLJ	CL 32917	41998	300.00
CUSHING TERRELL	CL 32956	41999	7,597.99
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K2 Electric Inc	CL 32919	42003	2,856.25
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UTILITIES UNDERGROUND LOC. CTR.	CL 32940	42019	173.25
WYMAN CONSTRUCTION	CL 32962	42020	30,000.00
ALEX EDWARDS	CL 32963	42021	76.50
BIG SKY LAWN CARE & PLOWING	CL 32964	42022	700.00
REDTAIL COMMUNICATIONS, INC.	CL 32965	42023	1,501.00
MONTANA DEPARTMENT OF REVENUE	CL 32966	-99447	2,473.83

CITY OF HARDIN**Check Report****10/21/2025**

Vendor	Claim #	Check	Amount
NORTHCON, INC	CL 32953	-99448	244,909.50
BIG SKY LINEN & UNIFORM INC	CL 32925	-99449	134.88
CROELL INC	CL 32951	-99450	812.00
STAPLES	CL 32946	-99451	881.01
AXON ENTERPRISE, INC.	CL 32954	-99452	2,514.24
HEALTH EQUITY	CL 32952	-99453	552.99
CENTRAL SQUARE TECHNOLOGIES	CL 32961	-99454	1,192.47
TRACTOR & EQUIPMENT CO	CL 32939	-99455	4,834.29
VERIZON WIRELESS	CL 32941	-99456	501.57
BIG SKY LINEN & UNIFORM INC	CL 32926	-99457	142.25
			428,922.23

CITY-COUNTY PLANNING BOARD**CITY OF HARDIN / BIG HORN COUNTY****PO Box 305****HARDIN MT 59034-0305**City County Planning Board Meeting
September 8, 2025

The regular meeting of the City County Planning Board was called to order on September 8, 2025 at 7pm by Chairperson, Corinna Kirschenmann-Kuntz. Members present; Dan Lowe, Michael Ebert, Karla Roods, Jeff Hooker, Larry Vandersloot, Taylor Sidwell, Erin McCleary. Bill Hodges was unable to attend and notified the Board of his absence. New Members of the Board as appointed by Big Horn County were welcomed. These new members are Larry Vandersloot, Taylor Sidwell and Erin McCleary. Corrina Krischenmann-Kuntz notes the public comments and hearing with recommendations from the Board will be taken to the City Council meeting on September 16th, 2025.

The Public Hearing was opened. Florence and Douglas Stewart presented before the public and board the Stewart Conditional Use Permit for Pole Barn in R1 zone. Douglas would like to have a large garage (pole barn), cold storage (no power) with sliding doors to refrain from obstruction of view. Larry Vandersloot asked will the old garage on the property be taken down to build this new building. Douglas told the board the old garage standing on part of the property will remain. Karla Roods asked will the building, interfere with the ditch. Douglas answered there would be no interference with the ditch. Michael Ebert brought concern of traffic to the building. Douglas noted the enter and exit will be on the south side of the Pole Barn. No further questions were asked of the Stewart Conditional Use Permit for Pole Barn in R1 zone. Michael Ebert as M&R Developing LLC stepped down from the board to present the M&R Developing LLC Variance Application. Location of this request 506 W Railway St. Request for address change to S 1st Street. Request of rear setback to 12 feet instead of 20 feet, front setback of 7 feet instead of 10 feet, and a side setback of 4 feet instead of 5 feet. With no noted obstruction to the alleyway and address change to S 1st Street. Bim Marston (neighboring property) asked, are there plans to develop the alley. Michael Ebert would like to see a separate petition to separate the alley into neighboring properties as the alley is not used. Karla Roods asked if the property is on an easement with a pertinent question from Jeff Hooker are the power poles on an easement. Both were assured the property was not on easement. Jeff Hooker continued with a question about parking for the location. Michael Ebert states there will be no need for off-street parking, the allotted room behind the garage will be enough including 6 to 8 feet. Larry brought a concern of interference with the intersection next to the property. There is no known interference to the intersection. Concern of the fence and/or future fence interfere with the alley traffic and operations. Michael has allotted 12 to 20 feet for the fence. Jodeen Marston raised a concern of the building causing visibility issues from the alley. Michael Ebert assured the public there is 12 to 13 feet from the property line to the curb to ensure enough distance. The building will sit 5 feet out from the existing homes. Loretta Barnes asked where the trash is being collected and where the trash is planned to be collected. Michael was referred to neighboring property as they put the bins to the front of the property for collection as this will continue. Bim Marston assured the board this trash collection method will continue. Michael Ebert suggested moving the location across the street. Karla Roods asked if the existing curb would stay intact along with Jeff and Larry question on drainage. Michael Ebert notes the original curb and drainage will stay. Review of staffing report. Left discussion for the board to grant variance on the odd shaped lot. Letter from neighbor James & Kristi Wedel (neighboring homeowners) in packet for the variance request. Larry asks if there is a protest from neighboring properties. Corrina responds with three neighboring properties not in favor. Corrina welcomes public comment. With no further questions or concerns, Corrina closed the public hearing at 7:23pm, with reminder to applicants that applications and permits must be approved by the City Council as well as this Board.

CITY-COUNTY PLANNING BOARD**PO Box 305****CITY OF HARDIN / BIG HORN COUNTY****HARDIN MT 59034-0305**

Minutes from the June meeting were reviewed and Karla Roods motioned with Michael Ebert second. The Board unanimously approval of minutes from June, as of 7:25pm.

Financial Statements were reviewed and Karla Roods motioned with Michael Ebert second as presented. The Board unanimously approved the financial statements as of 7:27pm.

Old Business:

Variance codes will be done by the City Planner (Mr. Forrest Mandeville). City/County planning board will pay Mr. Mandeville to update all zoning codes and resolutions. Mandeville will get back with board to discuss changes made to codes. He will be updating 11 subdivision regulations. Will bring up to code on all. Hardin Police Department has been working on some of the community decay. A complaint form has been created and posted at all city meetings and website for the public to fill out for city decay. Hardin PD Chief & Hardin Mayor will receive a copy to review. Dan Lowe would like to have a complaint form for posting at a public location for accessibility. Karla suggests going to city office for a paper copy. Board makes note for paper form to be submitted to briefs on where to find it. Animal control is currently enforced by Hardin PD. The PSA under Hardin PD is Martinez. Karla Roods informs these concerns are not of the board. Board concerns are of the growth policy and zoning. Corrina is looking at other areas for board concerns. Maybe something to add to the growth policy. Karla explained the growth policy to public. Examples of the growth policy are housing, the One Health expansion and industrial park. Karla would like to see growth inside of the city. The County is updating their growth policy as well. Updating these codes will help with ordinances and regulations. Public Information regarding city information: Mr. Mandeville will notify CCPB once completed. CCPB will notify public. Jeff asked if there is a timeline for completion. Mr. Mandeville notes that he is working on it but there is no official date set in stone. A draft of Subdivision regulations will hopefully be sent in the next handful of months. He would like to have discussions with the board to assist with the updates.

New Business:

Proposed Douglas & Florence Stewart Conditional Use Permit application to board members; Larry Vandersloot motioned with second approval by Taylor Sidwell. The board unanimously approves as of 7:42pm. Proposed M&R Developing LLC variance application to board members; Larry Vandersloot asks has Mr. Ebert visited with neighbors about this. Taylor Sidwell motioned to deny application with second by Larry Vandersloot. In favor votes count at six with opposed vote at one. The board denies Michael Ebert's M&R Developing LLC variance application as of 7:43pm. The board welcomes new members Larry Vandersloot, Taylor Sidwell and Erin McCleary along with new secretary Alyssa Pitsch. The board opens discussion for a new vice president. Bill Hodges has shown interest. Taylor Sidwell motions to make Bill Hodges Vice Chair of the CCPB with second by Karla Roods. Motion passed as of 7:45pm unanimously. Dan Lowe will advise Bill Hodges.

Announcements:

City Council meeting on 9/16/2025

Dan Lowe term date will move up to two extra months. Corrina will meet with board to extend Dan Lowe another two years.

Larry Vandersloot motioned and Taylor Sidwell seconded for adjournment at 7:49 pm and all members agreed.

A. Pitsch

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

PO Box 305
HARDIN MT 59034-0305



October 15, 2025

Hardin City Council
406 N Cheyenne Ave
Hardin, MT 59034

Re: Gerber Variance Request

To The Council,

At the October 14, 2025, monthly meeting, and after holding the prescribed public hearing, the City-County Planning Board voted to recommend **approval** of the Variance Request submitted by Luke Albert Gerber.

The subject property owned by the applicant and is legally described as Lot 7, Amended Block 2, Egnew Addition, in Section 23, T 1 S, R 33 E, Big Horn County, Montana. The subject property is located on the west side of Hardin on 5th St W and is addressed as 838 W 5th Street.

The variance would allow the construction of a new carport on the property with a side setback of 1 ½ feet instead of 5 feet. The property is zoned R2 general residential. All other requirements of the zoning ordinance appear to be met.

At the Planning Board meeting, public comments were accepted and considered, and the application was discussed by the Board.

The Board recommended approval of the conditional use permit to allow the reduced setback to accommodate the construction of a carport.

The Planning Board's recommendation is based on the evidence provided in the application, the staff report, and presented at the public hearing.

Regards,

Corrina Kirschenmann-Kuntz / F.J.M.
Chairman



GERBER VARIANCE REQUEST – STAFF REPORT

Date: October 3, 2025

To: Hardin City/County Planning Board Members

From: Forrest J. Mandeville, AICP – Planning Consultant

RE: **Gerber Variance Application**

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

Project/Application Summary:

Luke Albert Gerber has applied for a variance for property on the west side of Hardin on 5th St W. The request, if approved, would allow required building setbacks to be reduced. The property is legally described as Lot 7, Amended Block 2, Egnew Addition, in Section 23, Township 1 South, Range 33 East.

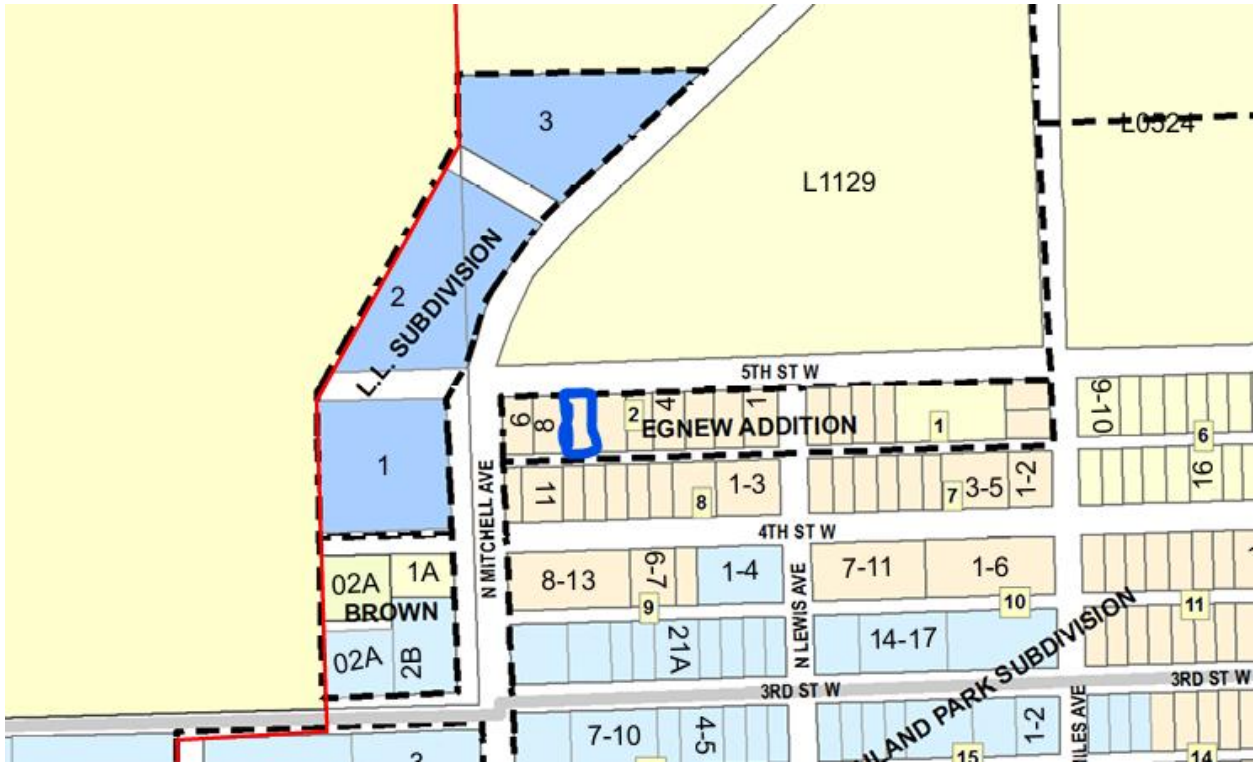
The subject property is owned by the applicants. The property is currently addressed as 838 W 5th Street.

The property is zoned R2 general residential. The variance would allow the construction of a new carport on the property with a side setback of 1 ½ feet instead of 5 feet.

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).

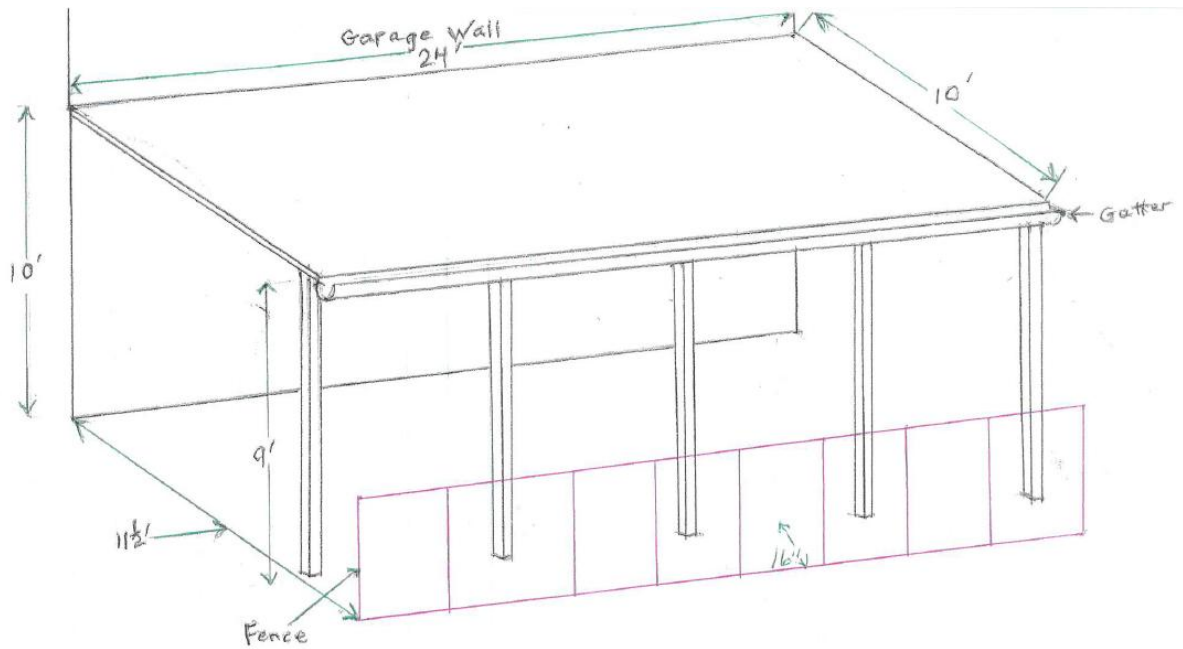
The City Council, after receiving the Board's recommendation, shall make a final decision on the application. The City will send a notice of its decision to the applicant and the Planning Board.



Subject Property (Blue Outline)



Subject Property (Blue) and Vicinity



Carport Details



Existing Home. Proposed Carport would be located to the side of the Garage

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

The Hardin Zoning Ordinance, Section 11-1-9-3, requires variance requests to provide (1) Proof that the particular property in question is being denied a right under this chapter that is being enjoyed by other properties in the same area and zone, and (2) Proof that a variance grant will not be extending a special privilege to the subject property or cause what would in fact result in a change of land use not allowed in this chapter.

The subject property is currently zoned R2 general residential. This district “provides an area, the principal use of which is the location of all types of residential dwelling units from single-family to multiple-family to modular homes. This district needs close proximity to shopping areas, playgrounds, schools, etc.” (Section 11-1-2-2). Allowable uses in the R2 district include manufactured homes, hospitals, office buildings, and any uses allowed in the R1 single-family district (Section 11-1-2-3(D)).

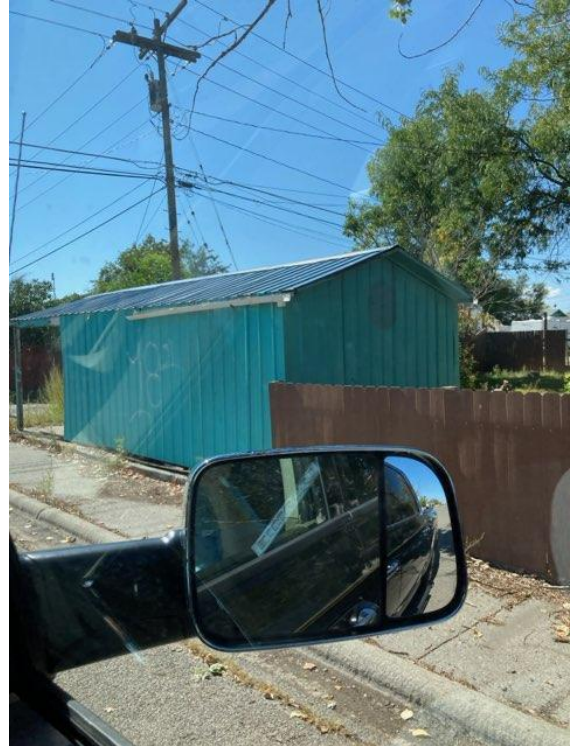
Section 11-1-6-2 of the Hardin Zoning Ordinance requires “There shall be a side yard on each side of the building, each yard having a width of not less than five feet (5'); the width, however, shall be not less than one-third (1/3) of the height of the building.” This section allows the side yard to be reduced to 2 ½ feet for accessory buildings that access an alley.

The Hardin Zoning Ordinance requires that variance requests provide proof that the property in question is being denied a right that is being enjoyed by other properties in the same area and zone, and proof that granting the variance would not be extending a special privilege to the subject property (Section 11-1-9-3).

To meet these requirements, Natasha Morton, on behalf of the applicant, submitted several photos of properties in the R1 and R2 districts, included some on the same block, with similarly situated accessory uses. For descriptions and locations, see Ms. Morton’s email of September 17.



Photos Submitted by Natasha Morton



Photos Submitted by Natasha Morton

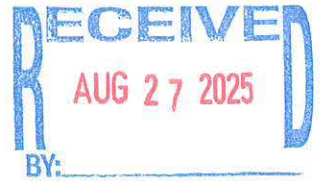
The request does not appear to conflict with the 2009 Hardin Growth Management Plan or the 2021 Growth Policy and Downtown Revitalization Plan.

Recommendation:

Any recommendation by the Planning Board should be based on findings indicating that the property is being denied a right that is being enjoyed by other properties in the R2 district, and that the granting of the variance is not an extension of a special privilege. An inability to make findings that support those two criteria would be grounds for a recommendation of denial.

Any recommendation of the Planning Board is subject to a final decision by the City Council.

CITY OF HARDIN
CONDITIONAL USE PERMIT APPLICATION



Twelve copies of the complete application for Conditional Use Permit must be received by the City Clerk on the first day of the month 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: Lot 7, Amended Block 2, Egnew Addition, City of Hardin.
2. Address or general location of property: 838 W. 5th St.
3. Existing zoning: R-2
4. Conditional use being requested: Construct carport into 2.5' side setback for accessory structure
5. Reason for request: There is 11'4" between the east side of garage and the fence line and I want to install a carport that is 10' wide in this location.
6. Possible noise, vibration, air pollution, electrical interference, or other environmental impacts that may be generated by the proposed use:
None known
7. Attach a list of adjacent landowners of record, certified by the County Clerk, within 150 feet of the property. See attached list
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:
Luke Albert Gerber (406) 665-2520 home and (406) 698-0057 cell

10. Address of owner of record: Tele:

838 W. 5th St., Hardin, MT 59034

11. Name of applicant: Tele:

Luke A. Gerber Same as above

12. Address of applicant: Tele:

Same as above

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

REVIEW FEE: \$150.00

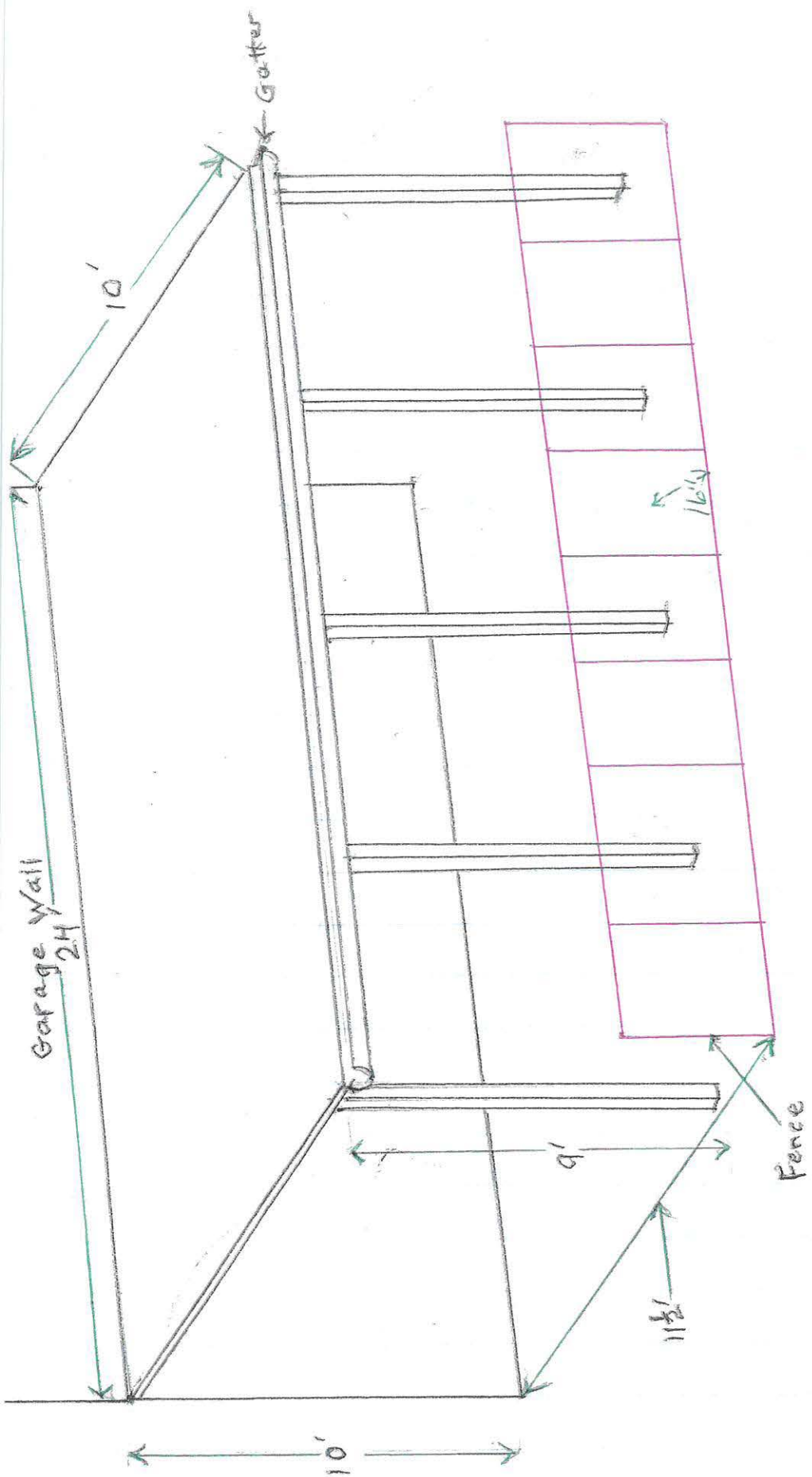
Make checks payable to: City County Planning Board

I, Luke A. Gerber, 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: Luke A. Gerber Date: 08-26-25



Property owners within 150' of 838 W. 5th St.:

Gina Davis Badhorse
837 4th St. W.
Hardin, MT 59034

Dean L. and Doreen M. Baker
820 W. 5th St.
Hardin, MT 59034

Roxanne L. Delaune
826 5th St. W.
Hardin, MT 59034

Howard E. Gribble
839 4th St. W.
Hardin, MT 59034

Mike Hampton
847 4th St. W.
Hardin, MT 59034

Garry A. and Barbara Lea Link
520 2nd St. W.
Hardin, MT 59034

William J. Peterman
101 N. Lewis Ave.
Hardin, MT 59034

Raven R. and Mary A. Price
844 W. 5th St.
Hardin, MT 59034

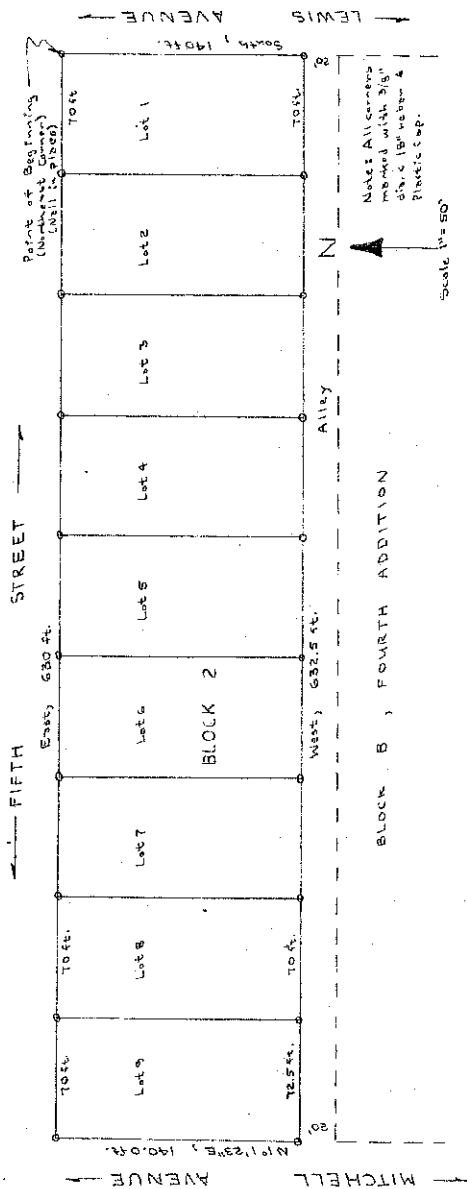
Ronald Eric Tiner
Debbie Tiner
832 5th St. W.
Hardin, MT 59034

School District 17H
RR 1, Box 1001
Hardin, MT 59034

Woody's Rental LLC
P. O. Box 186
Hardin, MT 59034

AMENDED SUBDIVISION OF BLOCK 2, EGNEW ADDITION HARDIN, MONTANA LOCATED IN NW 1/4, SEC. 23, T.1.S., R. 33.E., M.P.M. BIG HORN COUNTY

247572



CERTIFICATION OF SURVEY

State of Montana }
County of Big Horn } ss
I, Walter R. Egged, certify that I am a licensed
Land Surveyor in the State of Montana and that on
April 24, 1975, surveyed the amended plat according to
the Montana Subdivision and Planning Act and that it
is described as follows;

LEGAL DESCRIPTION

A tract of land located in the NW 1/4, Section 23,
Township 1 South, Range 33 East, M.P.M., and known as
Block 2, Egnew Addition, Hardin, Montana, as filed
of record in the Big Horn County Court House, more
particularly described as follows: Beginning at a
said point being the Northwest corner of said
Block 2, thence South, on and along the East line
of said Block 2, 140 feet, to the Southeast corner
of said Block 2, thence West, along and along
the South line of said Block 2, 632.5 feet, to the
Southwest corner of said Block 2, thence North, 140 feet,
on and along the West line of said Block 2, 140.0 feet,
to the Northwest corner of said Block 2, thence East,
on and along the North line of said Block 2, 630 feet,
to the point of beginning, containing in all 2.079
acres, more or less.

Walter R. Egged
Walter R. Egged, Surveyor

Subscribed and sworn to before me this 12th day
of May, 1975.

Walter R. Egged
Notary Public
Residing at Hardin, MT.
My Commission Expires 4-25-77

CERTIFICATE OF DEDICATION

State of Montana } ss
County of Big Horn }
We, D. Ray Dooley and Barry K. Walcott, do hereby
certify that we have caused to be surveyed,
subdivided and platted into lots, Block 2 of
the Egnew Addition, Hardin, Montana, as shown
on the amended plat and as described in the
"Legal Description", to be known as the Amended
subdivision of the Egnew Addition, Hardin, Montana.

D. Ray Dooley
D. Ray Dooley, Surveyor

State of Montana }
County of Big Horn } ss
On this 20th day of May, 1975, before me,
a Notary Public for the State of Montana, personally
appeared D. Ray Dooley and Barry K. Walcott known
to me to be the persons who subscribed their
names to the above "Certificate of Dedication",
and acknowledged to me that they executed the same.

Walter R. Egged
Notary Public
Residing at Hardin, MT.
My Commission Expires 4-25-77

CERTIFICATION OF APPROVAL

State of Montana }
County of Big Horn } ss
I, the County Surveyor of Big Horn County,
Montana, do hereby certify that I have examined
the amended plat and recommend that it be accepted
by the City of Hardin, Montana.

William J. Cheema
County Surveyor
5/22/75
Date

ABSTRACTOR CERTIFICATE

See attached The Certificate marked Exhibit "A"
and by reference hereby made apart here of:

CERTIFICATION OF APPROVAL

State of Montana }
County of Big Horn } ss
City of Hardin }
I, the City Superintendent of Public Works of the
City of Hardin, Montana, have examined the amended
plat and recommend that it be accepted by the
City of Hardin, Montana.
Robert M. McElroy
City Superintendent of Public Works
5/21/75
Date

CERTIFICATION OF APPROVAL

State of Montana }
County of Big Horn } ss
We, the Members of the Hardin-Big Horn County
Planning Board have examined the amended plat
and recommend that it be accepted by the City
of Hardin, Montana.
Robert M. McElroy
Chairman
5/21/75
Date

CERTIFICATION OF ACCEPTANCE

State of Montana }
County of Big Horn } ss
City of Hardin }
We, the City Council of Hardin, Montana, do
hereby accept the amended plat of the Amended
subdivision of Block 2 of the Egnew Addition
as shown on the amended plat, on this 20th day of
May, 1975.

Robert M. McElroy
Mayor
5/21/75
Date

State of Montana } ss
County of Big Horn }

I hereby certify that the amended plat was
filed for record in my office on 5/21/75, at
of Great Falls, A.D., 1975, in the County Clerk
of Big Horn County, Montana.

Robert M. McElroy
County Clerk
5/21/75
Date

Consent to Platting by Montpelier

The undersigned, D. L. Egged, hereby consents to the
platting of the tract of land herein described and included
in a mortgage to the undersigned.

In Witness Whereof, the undersigned has caused this
consent and release to be executed and acknowledged.
This consent is made pursuant to Chapter 6, Title II-607
of the Revised Codes of Montana.

Walter R. Egged
Notary Public
Residing at Hardin, MT.
My Commission Expires 4-25-77

Scale: 1:798.27 Basemap: Imagery Hybrid



1

Geocode: [22-0934-23-2-06-19-0000](#)

Property Address: 838 W 5TH ST HARDIN, MT 59034

Property Type: N/A

Disclaimer

The Montana State Library (MSL) provides this product/service for informational purposes only. MSL did not produce it for, nor is it suitable for legal, engineering, or surveying purposes. Data from disparate sources may not be in vertical alignment. Consumers of this information should review or consult the primary data and information sources to ascertain the viability of the information for their purposes. The MSL provides these data in good faith and in no event, shall be liable for any incorrect results or analysis, any lost profits and special, indirect or consequential damages to any party, arising out of or in connection with the use or the inability to use the data or the services provided. The MSL makes these data and services available as a convenience to the public, and for no other purpose. The MSL reserves the right to change or revise published data and/or services at any time.

Luke A. Gerber variance request

From Natasha Morton <natasha@njmorton.com>

Date Wed 9/17/2025 9:58 AM

To Forrest Mandeville <Forrest@forrestmandevilleconsulting.com>

 9 attachments (461 KB)

IMG_2657.jpg; IMG_2656.jpg; IMG_2655.jpg; IMG_2654.jpg; IMG_2653.jpg; IMG_2652.jpg; IMG_2651.jpg; IMG_2650.jpg; IMG_2649.jpg;

Dear Mr. Mandeville:

Thank you for your email of August 28, 2025, when you clarified that what Luke Gerber is seeking is actually a variance and not a conditional use permit. For a variance, you indicated that he needs to submit the following:

1. Proof that the particular property in question is being denied a right under this chapter that is being enjoyed by other properties in the same area and zone.
2. Proof that a variance grant will not be extending a special privilege to the subject property or cause what would in fact result in a change of land use not allowed in chapter 11 of the Hardin City Code.

Attached hereto are photos that I took in the following locations:

1. Please ignore the first photo as I am not sure what I thought that showed.
2. The second photo is of a recently erected carport located at 10 N. Lewis Ave., Hardin, Montana, which is owned by James and Marilyn Hyde and zoned R-1.
3. The third and fourth photos are of a car port that became halfway enclosed by a fence and is located at 702 W. 2nd St., owned by Charles Lambiotte and zoned R-1.
4. The fifth, sixth, seventh and eighth photos were taken on properties abutting the alley behind the 700 and 800 blocks of 4th and 5th Streets in Hardin. Luke Gerber's home is in the 800 block of 5th Street in Hardin.
5. The last (ninth) photo is of an accessory building (shed) located at 518 W. 13th St., owned by Richard Walks Over Ice and I believe zoned R-1 or R-2.

These photos show a variety of accessory uses that appear to be located within the required side yard. Please note that many of these uses are closed off and what Mr. Gerber is proposing is a carport that has a post in each corner with a roof and it will be relatively open.

Allowing Mr. Gerber to install a car port that is attached to the east side of his garage will not result in a change of use as his property will continue to be used as a single family residence. It will allow him to put his second vehicle, a pickup truck, which can be legally be parked in the location, under a roof.

If you need additional information or if you feel this response does not adequately address the two issues you brought to my attention or if you want me to submit this information in a different format,

please let me know.

Thank you.

Natasha J. Morton, PC
Attorney at Law
(406) 665-1647

I have upgraded my email. Please update my contact to use this address. Natasha@njmorton.com

**INTERLOCAL AGREEMENT BETWEEN BIG HORN COUNTY
AND THE CITY OF HARDIN
FOR THE FUNDING OF RENOVATIONS TO THE HARDIN DEPOT**

This Agreement [hereinafter Agreement] dated this ____ day of October, 2025, is made and entered into pursuant to the Montana Interlocal Cooperation Act [MCA § 7-11-101 et seq] between the City of Hardin, Montana [hereinafter Hardin], with a mailing address of 406 N. Cheyenne, Hardin, MT 59034 and Big Horn County, Montana, a political subdivision of the State of Montana, [hereinafter County] with a mailing address of P.O. Box 908, Hardin, MT 59034 [collectively hereinafter Parties].

Hardin has obtained a grant for renovations of the Hardin Depot, specifically replacement of roofing tiles, windows, and exterior paint.

Hardin has contributed \$9,000 towards the renovations.

The Hardin Chamber of Commerce & Agriculture has contributed \$1,700 towards the renovations.

County desires to support the renovations of the Hardin Depot by providing nine thousand dollars (\$9,000) [hereinafter Depot Funding] to Hardin.

The Parties agree that the Hardin Depot is an important historic landmark that is used for many community events, in addition to housing the Hardin Chamber of Commerce & Agriculture.

Now therefore, in consideration of the mutual covenants set forth herein it is hereby agreed:

1. Duration

The term of this Agreement shall be six (6) months commencing on the effective date hereof.

2. No Separate Legal Entity

This Agreement does not create any separate legal entity.

3. Purpose of this Agreement

County shall provide Hardin with Depot Funding. Hardin agrees that the Depot Funding shall be used for renovations to the Hardin Depot, specifically replacement of roofing tiles, window, and exterior paint.

The Parties agree that Hardin shall use its best efforts to ensure that the contractor hired to perform the renovations to the Hardin Depot obtains labor and materials from sources within Big Horn County, when feasible.

4. Financing and Budgeting.

Hardin shall be responsible for hiring the contractor, managing the project, and supervising the renovations to the Hardin Depot. No separate budget is needed. County and Hardin will continue to operate and maintain their normal budgets.

5. Termination

This Agreement may be terminated if either Party commits a material breach of this Agreement and does not cure the breach within thirty (30) days of receiving written notice from the non-breaching Party.

6. Administrator

The administrator required by Montana Code Annotated § 7-11-105(6) shall be the City of Hardin.

7. Employment of Certain Positions

It is not anticipated that there will be employment of a teacher or specialist under Montana Code Annotated § 20-4-201, a superintendent under Montana Code Annotated § 20-4-401, or a professional person licensed under Title 37 and Montana Code Annotated.

8. No Attorney's Fees or Costs

Except as provided in Clause 16, in the event of any action or mediation to enforce rights under this Agreement, each Party shall pay its own costs and expenses, including reasonable attorney's fees, incurred in connection with such action or mediation.

9. No Third-Party Beneficiary

This Agreement does not and is not intended to confer any rights or remedies upon any person(s) or entities other than the Parties.

10. No Assignment

The Parties may not assign this Agreement or any right or obligation of this Agreement, by operation of law or otherwise.

11. Entire Agreement

This Agreement constitutes the entire agreement between the Parties with respect to its subject matter and constitutes and supersedes all prior agreements, representations and understandings of the Parties, written or oral.

12. Amendment

This Agreement may be amended only by a written instrument signed by the Parties.

13. Notices

Unless otherwise provided herein, all notices or other communications required or permitted to be given under this Agreement shall be in writing and shall be deemed to have been duly given if delivered personally in hand or sent by certified mail, return receipt requested, postage prepaid, and addressed to the appropriate Parties at the following addresses or to any other person at any other address as may be designated in writing by the Parties:

County: Big Horn County Commissioners
P.O. Box 908
Hardin, Montana 59034

Hardin: City of Hardin
406 N. Cheyenne
Hardin, Montana 59034

Service by mail shall be complete on deposit in any United States Post Office with the postage prepaid.

14. Binding Agreement

- a. Each Party has the authority to enter into this Agreement.
- b. The execution, delivery and performance of this Agreement has been duly and validly authorized.
- c. This Agreement has been duly executed and delivered.
- d. This Agreement constitutes a legal, valid, and binding obligation, enforceable in accordance with its terms.

15. Equal Parties

County and Hardin acknowledge and agree that the Parties are experienced and competent business professionals who have been given an opportunity to consult with an attorney concerning this Agreement. Therefore, no provision of this Agreement, including any amendment or addendum, shall be construed against the Party who drafted this Agreement.

16. Indemnification

Hardin shall indemnify and hold harmless the County and its agents, representatives, attorneys, elected officials, or employees from and against any and all claims, damages, losses and expenses including attorney fees relating to renovation of the Hardin Depot.

Notwithstanding anything to the contrary contained herein, this Agreement to indemnify as set forth herein shall survive the termination of this Agreement.

17. Insurance

Hardin agrees to ensure that the contractor hired to complete the renovations to the Hardin Depot has either Workers' Compensation Coverage or an Independent Contractor Exemption Certificate. Hardin agrees to ensure that the contractor has adequate insurance coverage for bodily injury, personal injury, and property damage.

18. Recitals

The Parties acknowledge and agree that the Recitals set forth at the beginning of this Agreement are true and to the extent that any speak to any agreement by the Parties that such agreement is made as if set forth in full in this portion of this Agreement.

19. Laws and Venue

The Parties each respectively understand that they are bound by applicable state and federal law and local ordinances. This includes, but is not limited to, the Montana Human Rights Act, the Equal Pay Act of 1963, the Civil Rights Act of 1964, the Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, PL 101-336, Section 504 of Rehabilitation Act of 1973, the Patient Protection and Affordable Care Act, [P.L. 111-48, 124 Stat. 119], if applicable, 18-5-401, MCA et seq. concerning the Blind Enterprise Program's vending facility rules, and Executive Order No. 12-2015 Amending and Providing For Implementation of the Montana Sage Grouse Conservation Strategy. In accordance with 49-3-207, MCA, and Executive Order No. 04-2016, the Parties agree that (i) the hiring of persons, if any, to perform this Agreement will be made on the basis of merit and qualifications and (ii) there will be no discrimination based on race, color, sex, pregnancy, childbirth or medical conditions related to pregnancy or childbirth, political or religious affiliation or ideas, culture, creed, social origin or condition, genetic information, sexual orientation, gender identity or expression, national origin, ancestry, age, physical or mental disability, military service or veteran status, or marital status by the persons performing this Agreement.

This Agreement shall be governed by and construed according to the laws of the State of Montana. The Parties irrevocably consent to the exclusive personal jurisdiction of, and venue in, the Montana Twenty-Second Judicial District County, Big Horn County, or the United States District County for the District of Montana.

Dated this _____ day of _____ 2025.

Big Horn County by its Board of Commissioners

Lawrence Big Hair, Presiding Officer

George Real Bird III, Member

Larry Vandersloot, Member

ATTEST:

Peri Schenderline, Deputy Clerk & Recorder

Dated this _____ day of _____ 2025.

City of Hardin

Joe Purcell, Mayor

ATTEST:

Summary of Contract with Northcon - WWTP Upgrades

Original Contract Amount	\$	13,385,736.00
Change Order #1		453,000.00

		-
Final Contract Amount	\$	<u>13,838,736.00</u>
Cost to contractor - Main Breakdown*	\$	<u>943,489.14</u>
Balance Left to Finish	\$	<u>12,895,246.86</u>

Notes:
* does not include amount held as retainage until the end of the project

CITY OF HARDIN									
Breakdown of NorthCon Pay Apps									
Waste Water Treatment Upgrades									
							5%		
App #	App Date	Period Covered	Total Work Complete & Materials Stored	Current work complete & materials stored	Total Retainage	Current Retainage	Eligible to Contractor	CGR - Dept of Rev	Payment due to Contractor
1	7/31/2025	7/1-7/31/25	363,139.46	363,139.46	18,156.97	18,156.97	344,982.49	3,449.82	341,532.66
2	8/31/2025	8/1 - 8/31/25	732,742.96	369,603.50	36,637.15	18,480.18	351,123.33	3,511.23	347,612.09
3	9/30/2025	9/1 - 9/30/258	732,742.96	260,403.50	49,657.32	13,020.18	247,383.33	2,473.83	244,909.49
4	10/31/2025		732,742.96	-	49,657.32	-	-	-	-
5	11/30/2025		732,742.96	-	49,657.32	-	-	-	-
6	12/31/2025		732,742.96	-	49,657.32	-	-	-	-
7	1/31/2026		732,742.96	-	49,657.32	-	-	-	-
8	2/28/2026		732,742.96	-	49,657.32	-	-	-	-
9	3/31/2026		732,742.96	-	49,657.32	-	-	-	-
10	4/30/2026		732,742.96	-	49,657.32	-	-	-	-
11	5/31/2026		732,742.96	-	49,657.32	-	-	-	-
12	6/30/2026		732,742.96	-	49,657.32	-	-	-	-
13	7/31/2026		732,742.96	-	49,657.32	-	-	-	-
14	8/31/2026		732,742.96	-	49,657.32	-	-	-	-
15	9/30/2026		732,742.96	-	49,657.32	-	-	-	-
16	10/31/2026		732,742.96	-	49,657.32	-	-	-	-
17	11/30/2026		732,742.96	-	49,657.32	-	-	-	-
18	12/31/2026		732,742.96	-	49,657.32	-	-	-	-
19	1/31/2027		732,742.96	-	49,657.32	-	-	-	-
20	2/28/2027		732,742.96	-	49,657.32	-	-	-	-
21	3/31/2027		732,742.96	-	49,657.32	-	-	-	-
22	4/30/2027		732,742.96	-	49,657.32	-	-	-	-
23	5/31/2027		732,742.96	-	49,657.32	-	-	-	-
24	6/30/2027			-	49,657.32	-	-	-	-
25			-	-	-	-	-	-	-
			\$ 16,483,484.58		\$ 1,097,597.90	\$ 49,657.32	\$ 943,489.14	\$ 9,434.89	\$ 934,054.25

RECEIVED
OCT 14 2025

Contractor's Application for Payment

Owner:	City of Hardin	Owner's Project No.:	C301316
Engineer:	HDR Engineering, Inc.	Engineer's Project No.:	10332175
Contractor:	Northcon, Inc.	Contractor's Project No.:	HAY502
Project:	Hardin WWTP Upgrades		
Contract:	Wastewater Treatment Plant Upgrades		
Application No.:	3	Application Date:	10/6/2025
Application Period:	From 9/1/2025	to	9/30/2025

1. Original Contract Price	\$ 13,385,736.00
2. Net change by Change Orders	\$ 453,000.00
3. Current Contract Price (Line 1 + Line 2)	\$ 13,838,736.00
4. Total Work completed and materials stored to date (Sum of Column G Lump Sum Total and Column J Unit Price Total)	\$ 993,146.46
5. Retainage/MT Gross Receipts	
a. 5% X \$ 993,146.46 Work Completed =	\$ 49,657.32
b. X \$ - Stored Materials =	\$ -
c. Total Retainage (Line 5.a + Line 5.b)	\$ 49,657.32
6. Amount eligible to date (Line 4 - Line 5.c)	\$ 943,489.14
7. Less previous payments (Line 6 from prior application)	\$ 696,105.81
8. Amount due this application	\$ 247,383.33
9. Less MT Gross Receipts Tax (1%)	\$ 2,473.83
10. Current Payment Due	\$ 244,909.50
11. Balance to finish, including retainage (Line 3 - Line 4 + Line 5.c)	\$ 12,895,246.86

Contractor's Certification

The undersigned Contractor certifies, to the best of its knowledge, the following:

- (1) All previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment;
- (2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of payment free and clear of all liens, security interests, and encumbrances (except such as are covered by a bond acceptable to Owner indemnifying Owner against any such liens, security interest, or encumbrances); and
- (3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

Contractor: Northcon, Inc.
Signature: [Signature] **Date:** 10/9/25

Recommended by Engineer By: <u>[Signature]</u> Title: <u>Chief Operating Officer</u> Date: <u>10/13/2025</u>	Approved by Owner By: _____ Title: _____ Date: _____
Approved by Funding Agency By: _____ Title: _____ Date: _____	By: _____ Title: _____ Date: _____

Progress Estimate - Lump Sum Work

Contractor's Application for Payment

Owner:	City of Hardin	Owner's Project No.:	C301316
Engineer:	HDR Engineering, Inc.	Engineer's Project No.:	10332175
Contractor:	Northcon, Inc.	Contractor's Project No.:	HAY502
Project:	Hardin WWTP Upgrades		
Contract:	Wastewater Treatment Plant Upgrades		

Application No.: 3		Application Period: From		to		Application Date: 10/06/25		
A	B	C	D	E	F	G	H	I
Item No.	Description	Scheduled Value (\$)	Work Completed		Materials Currently Stored (not in D or E) (\$)	Work Completed and Materials Stored to Date (D + E + F) (\$)	% of Scheduled Value (G / C) (%)	Balance to Finish (C - G) (\$)
			(D + E) From Previous Application (\$)	This Period (\$)				
Original Contract								
1	Mobilization	345,968.00	87,919.36	34,000.00		121,919.36	35%	224,048.64
2	Mobilization Subs	153,630.00	8,072.60			8,072.60	5%	145,557.40
3	General Conditions	470,488.00	282,244.00			282,244.00	60%	188,244.00
4	Divisions 1 (16 Months)	1,813,900.00	235,807.00	117,903.50		353,710.50	20%	1,460,189.50
5	Demobilization	138,387.00				-	0%	138,387.00
HEADWORKS								
6	Excavation	170,000.00	17,000.00	13,000.00			18%	140,000.00
7	Building Work Concrete	299,288.00				-	0%	299,288.00
HEADWORKS MECHANICAL								
8	Labor	22,317.00				-	0%	22,317.00
9	Material	13,911.00				-	0%	13,911.00
10	Equipment	144,920.00				-	0%	144,920.00
11	Duct Wrap	8,180.00				-	0%	8,180.00
12	Crane	3,500.00				-	0%	3,500.00
13	Test & Balance	3,485.00				-	0%	3,485.00
14	Permit	2,215.00				-	0%	2,215.00
15	Project Management	50,550.00	5,000.00			5,000.00	10%	45,550.00
HEADWORKS ELECTRICAL								
16	Light Fixtures	18,000.00				-	0%	18,000.00
17	Switchgear	75,000.00				-	0%	75,000.00
18	Controls	110,000.00				-	0%	110,000.00
19	Material	72,500.00				-	0%	72,500.00
20	Labor	115,000.00				-	0%	115,000.00
HEADWORKS BUILDING CONSTRUCTION								
21	Precast Wall Panels	235,000.00				-	0%	235,000.00
22	Labor	120,000.00				-	0%	120,000.00
23	Cabinets	33,000.00				-	0%	33,000.00
24	Roofing	97,500.00				-	0%	97,500.00
25	Doors	25,000.00				-	0%	25,000.00
26	Metal Works/Decking/Fiberglass	130,000.00				-	0%	130,000.00
27	Fire Stop and Sealants	12,000.00				-	0%	12,000.00
28	Mechanical Hardware	975,000.00				-	0%	975,000.00
29	Labor	93,000.00				-	0%	93,000.00
30	Plumbing	65,000.00				-	0%	65,000.00

Progress Estimate - Lump Sum Work

Owner:	City of Hardin	Owner's Project No.:	C301316
Engineer:	HDR Engineering, Inc.	Engineer's Project No.:	10332175
Contractor:	Northcon, Inc.	Contractor's Project No.:	HAY502
Project:	Hardin WWTP Upgrades		
Contract:	Wastewater Treatment Plant Upgrades		

Contractor's Application for Payment

Application No.: 3		Application Period:		From		to		09/01/25		09/30/25		Application Date:		10/06/25	
A	B	C	D	E		F	G	H	I						
Item No.	Description	Scheduled Value (\$)	(D + E) From Previous Application (\$)	Work Completed This Period (\$)	Materials Currently Stored (not in D or E) (\$)	Work Completed and Materials Stored to Date (D + E + F) (\$)	% of Scheduled Value (G / C) (%)	Balance to Finish (C - G) (\$)							
31	ADMIN/UV Excavation	45,000.00				-	0%	45,000.00							
32	Concrete Work	250,000.00				-	0%	250,000.00							
ADMIN/UV MECHANICAL															
33	Labor	23,530.00				-	0%	23,530.00							
34	Material	12,000.00				-	0%	12,000.00							
35	Equipment	28,237.00				-	0%	28,237.00							
36	Duct Wrap	2,400.00				-	0%	2,400.00							
37	Test & Balance	3,485.00				-	0%	3,485.00							
38	Project Management	50,550.00	5,000.00			5,000.00	10%	45,550.00							
ADMIN/UV ELECTRICAL															
39	Light Fixtures	9,200.00				-	0%	9,200.00							
40	Switchgear	145,000.00				-	0%	145,000.00							
41	Controls	165,000.00				-	0%	165,000.00							
42	Materials	48,000.00				-	0%	48,000.00							
43	Labor	81,000.00				-	0%	81,000.00							
ADMIN/UV BUILDING CONSTRUCTION															
44	Precast Wall Panels	95,000.00				-	0%	95,000.00							
45	Labor	60,000.00				-	0%	60,000.00							
46	Roofing	43,500.00				-	0%	43,500.00							
47	Cabinets	12,000.00				-	0%	12,000.00							
48	Doors	12,600.00				-	0%	12,600.00							
49	Metal Works/Decking/Fiberglass	50,100.00				-	0%	50,100.00							
50	Fire Stop and Sealants	5,000.00				-	0%	5,000.00							
51	Mechanical	360,000.00				-	0%	360,000.00							
52	Plumbing	7,000.00				-	0%	7,000.00							
53	Material	8,000.00				-	0%	8,000.00							
54	Labor	5,000.00				-	0%	5,000.00							
ADMIN/UV BUILDING ELECTRICAL															
55	Light Fixtures	32,150.00				-	0%	32,150.00							
56	Switchgear	134,000.00				-	0%	134,000.00							
57	Controls	220,000.00				-	0%	220,000.00							
58	Generator	246,150.00				-	0%	246,150.00							
59	Material	100,000.00				-	0%	100,000.00							
60	Labor	225,000.00	10,500.00			10,500.00	5%	214,500.00							

Progress Estimate - Lump Sum Work

Contractor's Application for Payment

Owner:	City of Hardin	Owner's Project No.:	C301316
Engineer:	HDR Engineering, Inc.	Engineer's Project No.:	10332175
Contractor:	Northcon, Inc.	Contractor's Project No.:	HAYS02
Project:	Hardin WWTP Upgrades		
Contract:	Wastewater Treatment Plant Upgrades		

Application No.: 3		Application Period:		From		to		Application Date:	
A		B	C	D	E	F	G	H	I
Item No.		Description	Scheduled Value (\$)	(D + E) From Previous Application (\$)	Work Completed This Period (\$)	Materials Currently Stored (not in D or E) (\$)	Work Completed and Materials Stored to Date (D + E + F) (\$)	% of Scheduled Value (G / C) (%)	Balance to Finish (C - G) (\$)
61		Labor to Move Blowers	5,000.00	4,200.00			4,200.00	84%	800.00
		CLARIFIER COMPLEX							
62		Material	15,000.00		5,000.00		5,000.00	33%	10,000.00
63		Labor	50,000.00		10,000.00		10,000.00	20%	40,000.00
64		Excavation	203,000.00	7,500.00	43,000.00		50,500.00	25%	152,500.00
65		Concrete Work	675,000.00				-	0%	675,000.00
		CLARIFIER COMPLEX ELECTRICAL							
66		Material	30,000.00				-	0%	30,000.00
67		Labor	25,000.00				-	0%	25,000.00
		CLARIFIER 1 NEW CLARIFIER							
68		Labor	75,000.00				-	0%	75,000.00
69		Material	495,000.00				-	0%	495,000.00
		CLARIFIERS 2 AND 3							
70		Labor	55,000.00				-	0%	55,000.00
71		Material	310,000.00				-	0%	310,000.00
72		Coatings	100,000.00				-	0%	100,000.00
		RAS VAULT & LIFT STATION							
73		Material	270,700.00				-	0%	270,700.00
74		Concrete Work	112,000.00				-	0%	112,000.00
75		Excavation	25,000.00				-	0%	25,000.00
76		Labor/Demo	12,000.00				-	0%	12,000.00
		RAS VAULT & LIFT STATION ELECTRICAL							
77		Electrical	2,500.00				-	0%	2,500.00
78		Labor	8,500.00				-	0%	8,500.00
		DIGESTER							
79		Material	405,000.00				-	0%	405,000.00
80		Coatings	20,000.00				-	0%	20,000.00
81		Labor	55,000.00				-	0%	55,000.00
		DIGESTER ELECTRICAL							
82		Material	2,500.00				-	0%	2,500.00
83		Labor	8,500.00				-	0%	8,500.00
		OXIDATION DITCH							
84		Demo	92,645.00				-	0%	92,645.00
85		Concrete Work	75,000.00				-	0%	75,000.00
86		Material	205,000.00				-	0%	205,000.00

Progress Estimate - Lump Sum Work

Owner:	City of Hardin	Owner's Project No.:	C301316
Engineer:	HDR Engineering, Inc.	Engineer's Project No.:	10332175
Contractor:	Northcon, Inc.	Contractor's Project No.:	HAY502
Project:	Hardin WWTP Upgrades		
Contract:	Wastewater Treatment Plant Upgrades		

Contractor's Application for Payment

Application No.: 3		Application Period:		From	to		09/30/25		Application Date:		10/06/25
A	B	C	D	E		F	G	H	I		
				Work Completed (D + E) From Previous Application	Work Completed This Period		Work Completed and Materials Stored to Date (D + E + F)	% of Scheduled Value (G / C)			
Item No.	Description	Scheduled Value (\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(%)	(\$)	Balance to Finish (C - G) (\$)	
87	Metal Fab and Install	75,000.00					-	0%	75,000.00		
88	Labor	33,000.00					-	0%	33,000.00		
89	Coatings	75,000.00					-	0%	75,000.00		
	OXIDATION DITCH ELECTRICAL										
90	Material	2,500.00					-	0%	2,500.00		
91	Labor	8,500.00					-	0%	8,500.00		
	SITEWORK/PIPE WORK										
92	Site Material	750,000.00					-	0%	750,000.00		
93	Labor/Equipment	390,000.00	29,000.00				29,000.00	7%	361,000.00		
94	Concrete Work	150,000.00					-	0%	150,000.00		
95	Bypass Pumping	300,000.00	17,500.00	37,500.00			55,000.00	18%	245,000.00		
96	Shoring	250,000.00	19,000.00				19,000.00	8%	231,000.00		
	SITEWORK/PIPE WORK ELECTRICAL										
97	Material	54,750.00	1,000.00				1,000.00	2%	53,750.00		
98	Labor	122,000.00	3,000.00				3,000.00	2%	119,000.00		
Original Contract Totals		\$ 13,838,736.00	\$ 732,742.96	\$ 260,403.50	\$ -	\$ 993,146.46		7%	\$ 12,845,589.54		

Contractor's Application for Payment

Owner's Project No.:	C301316
Engineer's Project No.:	10332175
Contractor's Project No.:	HAY502

[illegible]

Contractor's Application for Payment

Stored Materials

ITEM AND QUANTITY	PRICE PER ITEM	TOTAL COST PER ITEM	DEPOSIT REQUIRED TO ORDER	AMOUNT REQUIRED AT PICK UP
7 GLOCK 45 MOS	489.50	3,426.50	3,426.50	0.00
7 TRIJICON RMR AND SIGHT KIT	600.00	4,200.00	840.00	3,360.00
7 STREAMLIGHT TLR-7X	160.00	1,120.00	224.00	896.00
TOTAL COST	1,249.50	8,746.50	4,490.50	4,256.00