

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING AGENDA
WEDNESDAY, FEBRUARY 5, 2020
7:30 PM**

ROLL CALL

PRAYER AND PLEDGE

PUBLIC COMMENT ON ANY ITEMS ON THE CONSENT AGENDA

APPROVAL OF THE MINUTES

ITEMS NOT ADDRESSED ON THE AGENDA

CHIEF EXECUTIVE'S REPORT

CHIEF EXECUTIVE'S REPORT ON THE SUPERFUND

SECTION 1: BID OPENINGS, PUBLIC HEARINGS, AND/OR PRESENTATIONS

PRESENTATIONS

1.COMMUNICATION NO. [2020-26](#)

Nikia Greene, Remedial Project Manager US EPA Region 8 Montana Office requesting Council of Commissioners time on the February 5, 2020 Agenda for a brief presentation regarding EPA's review of the recent cross-section pilot study in Butte and Columbia titled "Meconium identified high level of metals in newborns from a mining community in the U.S."

SECTION 2: CONSENT AGENDA

A. COMMITTEE REPORTS

- 1. COMMITTEE OF THE WHOLE MEETING REPORT*
- 2. FINANCE & BUDGET COMMITTEE MEETING REPORT*
- 3. PUBLIC WORKS COMMITTEE MEETING REPORT*
- 4. JUDICIARY COMMITTEE MEETING REPORT*

B. COMMUNICATIONS

1.COMMUNICATION NO. [2020-49](#)

Frank Walsh, AN RI RA Montana Irish Festival Chairman requesting Council of Commissioners consideration to reserve the Original Mine Yard from Monday August 10, 2020 to Monday August 17, 2020 for the 18th annual An Ri Ra Montana Irish Festival. The reservation will accommodate the schedule of set-up required for the festival and its vendors.

Concur and Place on File



2.COMMUNICATION NO. [2020-50](#)

Dan Dennehy, BSB Office of Emergency Management Director requesting Council of Commissioners approval for the FY 2020 Homeland Security Grant on behalf of Butte-Silver Bow. Butte-Silver Bow will submit two applications for the following projects: Early Alert Warning System for the Basin Creek Dam #1 and Emergency Equipment for the Basin Creek Dam #1.

Concur and Place on File

3.COMMUNICATION NO. [2020-51](#)

Dan Dennehy, BSB Office of Emergency Management Director requesting Council of Commissioners approval for the Emergency Management Performance Grant. The grant, if awarded, will provide one half of the Office of Emergency Management operating budget for Fiscal Year 2020-21.

Concur and Place on File

4.COMMUNICATION NO. [2020-52](#)

John Ries, Mayor of Walkerville requesting Council of Commissioners ask the County Attorney to draft a Resolution of Intent to be sent to each household within the Walkerville Town limits and determine if the said expansion agrees with said residents. The purpose of the expansion would be to have the residents of Walkerville have their garbage fee included on their taxes as do those currently within the garbage collection boundaries.

Refer to Judiciary

5.COMMUNICATION NO. [2020-53](#)

John Cote, Cote Family LLC requesting Council of Commissioners consideration in purchasing a vacant lot that is currently owned by Butte-Silver Bow. We own the lots on three sides of this property, and we would like to purchase this lot to make it more feasible to develop our adjacent properties.

[2020-53 Property Record](#)

Refer to Land Sales

6.COMMUNICATION NO. [2020-54](#)

Lori Casey, Planning Director requesting Council of Commissioners for time on the February 12, 2020 Council of Commissioner's agenda for a presentation to be given by Kelly Lynch, Deputy Director/General Counsel for the Montana League of Cities and Towns regarding municipal zoning.

Hold in Abeyance

7.COMMUNICATION NO. [2020-55](#)

Chris Stout, 945 Wyoming Street, Missoula, MT requesting Council of Commissioners approval to host the 2nd Annual Butte Tap'er Light 1/2 Marathon Race Saturday, August 8, 2020. The race will begin at 9am at the Granite Mine Memorial and finish at Butte Brewing at 12pm.

[2020-55 Map and Permits](#)

Concur and Place on File (all approvals received.)



8.COMMUNICATION NO. [2020-56](#)

Jenny Chambers, Waste Management & Remediation Division Administrator requesting Council of Commissioners for time on the February 12, 2020 Council of Commissioner's agenda for a presentation to be given by The Montana Department of Environmental Quality (DEQ). DEQ attendees will include Project Officer David Bowers (Speaker) and Federal Superfund Section Supervisor Carolina Balliew.

Hold in Abeyance

9.COMMUNICATION NO. [2020-57](#)

Danette Gleason, Finance & Budget Director requesting Council of Commissioners schedule a public hearing for February 26, 2020 to take public comment on amending the Fiscal Year 2020 General Fund-Courthouse Improvement budget.

Hold in Abeyance

10.COMMUNICATION NO. [2020-58](#)

Dan Olson, Commissioner District #5 requesting Council of Commissioners schedule the Economic Mill Levy Presentations on Tuesday, February 18 and Thursday February 20, 2020 from 6:00pm to 7:00pm. The presenters will be allowed a 10-minute presentation every 15 minutes for the Mill Levy's.

Concur and Place on File

11.COMMUNICATION NO. [2020-60](#)

Danette Gleason, Finance & Budget Director requesting Council of Commissioners time on the February 12, 2020 Council of Commissioner's agenda for a presentation to allow time for Pat Burt, Partner Newland & Company PC, and the Finance & Budget Department to present the Fiscal Year 2019 Comprehensive Annual Financial Report (CAFR) and the Federal Schedule of Awards. The Presentation will include the audit findings and management responses for Fiscal Year Ending June 30,2019.

Hold in the Committee of the Whole pending Presentation

12.COMMUNICATION NO. [2020-61](#)

Dave Palmer, Chief Executive requesting Council of Commissioners to accept this letter as my formal request for your concurrence in the following reappointment to the Animal Services Board.

Concur and Place on File

13.COMMUNICATION NO. [2020-62](#)

Dave Palmer, Chief Executive requesting Council of Commissioners to accept this letter as my formal request for your concurrence in the following reappointment to the Civic Center Board.

Concur and Place on File

14.COMMUNICATION NO. [2020-63](#)

Dave Palmer, Chief Executive requesting Council of Commissioners to accept this letter as my formal request for your concurrence in the following reappointment to the Law Enforcement Commission.

Concur and Place on File



15.COMMUNICATION NO. [2020-64](#)

Dave Palmer, Chief Executive requesting Council of Commissioners to accept this letter as my formal request for your concurrence in the following reappointment to the Superfund Advisory and Redevelopment Trust Authority.

Concur and Place on File

16.COMMUNICATION NO. [2020-65](#)

Dave Palmer, Chief Executive requesting Council of Commissioners to accept this letter as my formal request for your concurrence in the following reappointment to the Weed Control Board.

Concur and Place on File

17.COMMUNICATION NO. [2020-66](#)

Dave Palmer, Chief Executive requesting Council of Commissioners to accept this letter as my formal request for your concurrence in the following appointment to the Fair Board.

Concur and Place on File

18.COMMUNICATION NO. [2020-67](#)

Dave Palmer, Chief Executive requesting Council of Commissioners to accept this letter as my formal request for your concurrence in the following reappointment to the Tourism Improvement District Board.

Concur and Place on File

19.COMMUNICATION NO. [2020-68](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorize the Chief Executive to sign the Dump Truck Cab and Chassis Amendment #1 for the Roads Division.

[2020-68 Amendment](#)

Concur and Place on File

20.COMMUNICATION NO. [2020-69](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorize the Chief Executive to sign the 2020 Snowplow Truck Agreement for TIFID. Istate was the only bid that met the specifications required for the Snowplow for TIFID.

[2020-69 Agreement](#)

Concur and Place on File

21.COMMUNICATION NO. [2020-70](#)

Kristen Rosa, TIFID Administrator requesting Council of Commissioners authorize the Chief Executive to consider BSB Community Development to pursue EDA economic development grant funds in the amount of \$3.0 Million and to execute the FY2020 EDA grant application for submittal prior to March 1, 2020.

Concur and Place on File



22.COMMUNICATION NO. [2020-71](#)

Dylan Pipinich; Assistant Planning Director requesting Council of Commissioners authorize the Chief Executive to sign Markovich Construction Change Order #1 and #2 for the County Shops Relocation Project.

2020-71 Change Order #1

2020-71 Change Order #2

Concur and Place on File

23.COMMUNICATION NO. [2020-72](#)

Dave Palmer, Chief Executive requesting Council of Commissioners to accept this letter as my formal request for your concurrence in the following appointment to the Public Library Board.

Concur and Place on File

SECTION 3: COMMUNICATIONS TO BE READ AND ACTED UPON

1.COMMUNICATION NO. [2020-59](#)

Charlie O’Leary, 3060 Beef Trail Road requesting Council of Commissioners to pass a resolution for a question to be placed on the June 2, 2020 local election. The question should be whether the voters of Butte-Silver Bow wish to reauthorize the imposition of the Economic Development Levy as defined in MCA 90-5-112 for another four years.

SECTION 4: ORDINANCES AND RESOLUTIONS REFERRED TO JUDICIARY

1.RESOLUTION NO. [2020-06](#)

A RESOLUTION OF INTENT TO AMEND THE ZONING REGULATIONS TO REQUIRE A CONDITIONAL USE PERMIT IN ORDER TO MAINTAIN A COMMUNITY RESIDENTIAL FACILITY IN AN ALL RESIDENTIAL ZONES WITHIN THE CITY-COUNTY OF BUTTE-SILVER BOW, MONTANA, AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION 5: ORDINANCES AND RESOLUTIONS FOR FINAL PASSAGE

1. COUNCIL BILL No. [2020-01](#)

ORDINANCE NO. [2020-01](#)

AN ORDINANCE AMENDING TITLE 15 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “BUILDINGS AND CONSTRUCTION”; AMENDING CHAPTER 15.04 ENTITLED “BUILDING CODE”; AMENDING CHAPTER 15.05 ENTITLED “ADOPTION OF INTERNATIONAL ENERGY CONSERVATION CODE”, AMENDING CHAPTER 15.07 ENTITLED “INTERNATIONAL EXISTING BUILDING CODE”; AMENDING CHAPTER 15.12 ENTITLED “SIGN CODE”, AMENDING CHAPTER 15.14 ENTITLED “MECHANICAL CODE”; AMENDING CHAPTER 15.15 ENTITLED “INTERNATIONAL FUEL GAS CODE”; AMENDING CHAPTER 15.16 ENTITLED “PLUMBING CODE”; AMENDING SECTION 15.20 ENTITLED “VIOLATION - PENALTY”, AND ADDING NEW SECTIONS TO BE NUMBERED 15.04.035, 15.04.065 AND 15.16.020 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN

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**SECTION 6: ORDINANCES AND RESOLUTIONS SUSPENSION OF THE RULES
FINAL PASSAGE**

1. RESOLUTION NO. [2020-07](#)

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF CERTAIN PARCELS OF TAX DEEDED REAL PROPERTY OWNED BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA

CALENDAR OF OTHER MEETINGS AND EVENTS

February 5, 2020; Airport Authority, 12:00 pm, Bert Mooney Airport Authority Admin. Office

February 5, 2020, Butte AIDS Support Services, 7:00 pm, Community Center

February 5, 2020, Board of Health, 7:00 am, Health Dept. Conference Room

February 6, 2020, Civic Center, 12:00 pm, Civic Center Hospitality Room

February 6, 2020, East Butte RRA, 9:00 am, 1st Floor Conference Room, *ad hoc basis*

February 10, 2020, Archives, 12:00 pm, Archives Center

February 10, 2020, Fair Board, 6:00 pm, Perkins or HOPS Meeting Room

February 11, 2020, Superfund Advisory (SARTA), 6:00 pm, Butte Justice Center

February 12, 2020, Land Sales Committee, 1:30 pm, First Floor Conference Room

February 12, 2020, Law Enforcement Commission, 4:00 pm, Chief Executive Conference Room

February 12, 2020, Public Library Board, 5:00 pm, 3rd Floor, Library Bldg.

February 13, 2020, Greenway Service District Board, 4:30 pm, Anaconda Comm. Service Bldg.

February 14, 2020, TIFID, 12:00 pm, Business Development Center

February 17, 2020, Public Housing Authority, 5:00 pm, New Deal Community Center

February 17, 2020, Parks & Recreation, 11:30 am, Butte Justice Center

February 18, 2020, Technical Review Committee, 1:30 pm, 3rd Floor, Water Building

February 18, 2020, Urban Forestry Board, 1:00 pm, Business Development Center

ADJOURN

MEETINGS



FINANCE & BUDGET COMMITTEE MEETING

FEBRUARY 5, 2020

6:45 PM BUTTE-SILVER BOW COURTHOUSE COUNCIL CHAMBERS

Lori Durkin will be presenting at 7:00 PM and Stephanie Johnson at 7:15 PM

Expenditure report for the week of February 5, 2020 was reviewed and approved for the amount of \$ _____.

ECONOMIC DEVELOPMENT COMMITTEE MEETING

JANUARY 8, 2020

6:00 PM BUTTE-SILVER BOW COURTHOUSE COUNCIL CHAMBERS

1. COMMUNICATION NO. [2020-28](#)

Ed Banderob, Heritage Project Chairman requesting Council of Commissioners and the Economic Development Committee to encourage and facilitate the formation of a Local Heritage Area, and Local Heritage Area Coalition.

REPORTS

COMMITTEE OF THE WHOLE MEETING REPORT

JANUARY 29, 2019

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen,

We, your Committee of the Whole Committee, respectfully recommend as follows:

1. COMMUNICATION NO. [19-140](#)

Ed Banderob, Resident of The Greater Butte-Silver Bow Community requesting Council of Commissioners request the Chief Executive to designate an appropriate entity to conduct a survey, prepare a feasibility proposal and recommendation relative to a Green Container Biodegradable Waste Management Program to complement the present Landfill Composting and Alley Rally programs.

Hold in Abeyance

2 COMMUNICATION NO. [19-443](#)

Eldon Beall, Citizen requesting Council of Commissioners authorize the Chief Executive to amend and include Emma Park BSB County, Code of Ordinances Chapter 9.16 Park Restrictions and to include penalties and or fines etc.

Hold in Abeyance



3.COMMUNICATION NO.[19-466](#)

Eric Mankins, Commissioner District #9 requesting Council of Commissioners authorize the Chief Executive to discuss a change in the zoning ordinance requiring Community Residential Facilities (as defined by State Law) to obtain a conditional use permit within Butte-Silver Bow County in all residential zoning districts including R-1, R-2, R-3, R-4S and R-C.

Hold in Abeyance

4.COMMUNICATIONS NO. [19-571](#)

Greeley Neighborhood Community Development Corporation Inc., requesting Council of Commissioners authorize the Chief Executive to form a Butte-Silver Bow Hazardous to Human Health Heavy Metals Contaminants Task Force.

Hold in Abeyance

5.COMMUNICATION NO. [19-572](#)

Mike Cerise, President of the Lady of the Rockies requesting Council of Commissioners consideration in acquiring a portion of the county owned parking lot between St. Mary's Church and the Federal Building. The lady of the Rockies owns one part and the Diocese owns the other portion which we have just purchased.

[19-572 Map](#)

Cross Reference with Communication 2020-23 and Place on File

6.COMMUNICATION NO. [19-578](#)

Gary Rundle, Citizen requesting Council of Commissioners consideration to purchase property located at 1820 Banks Ave, Butte MT. I wish to redeem the property from Butte-Silver Bow before the tax sale in February.

Hold in Abeyance

7.COMMUNICATION NO. [19-581](#)

Patsy Coates, Property Specialist requesting Council of Commissioners approval of the Tax Deed Public Auction to be held on February 5, 2020, and to request the County Attorney's Office to prepare a Council Resolution to be Read and Acted Upon, the same night as the Tax Deed Public Auction.

Hold in Abeyance

8.COMMUNICATION NO. [19-582](#)

Ed Banderob, Greeley Neighborhood Community Development Corporation requesting Council of Commissioners to invite a Montana DPHHS' Toxicologist to give a Presentation relative to the Hazards/Risks to human health of heavy metals contaminants present in the Butte-Silver Bow Community.

Hold in Abeyance

9.COMMUNICATION NO. [2020-04](#)

Michael Townsend, Citizen requesting Council of Commissioners to consider the repurchase of my home located at 105 West Porphyry. I will comply with all Rules and Regulations of the County Enrichment Program.

Hold in Abeyance



10.COMMUNICATION NO. [2020-15](#)

Mark Neary, Public Works Director requesting Council of Commissioners to authorize a bid opening on January 22, 2020 for a 12 Yard Dump Truck / Plow Truck and Sander for TIFID.
Concur and Place on File

11.COMMUNICATION NO. [2020-26](#)

Nikia Greene, Remedial Project Manager US EPA Region 8 Montana Office requesting Council of Commissioners time on the February 5, 2020 Agenda for a brief presentation regarding EPA's review of the recent cross-section pilot study in Butte and Columbia titled "Meconium identified high level of metals in newborns from a mining community in the U.S."
Hold in Abeyance

12.COMMUNICATION NO. [2020-46](#)

Michele Shea, Commissioner District 2 requesting Council of Commissioners consider establishing a process providing for the sale and disposition of real property during the period between a first tax sale auction and a second tax sale auction. This would require that the County Attorney prepare and introduce such a resolution as provided.
Hold in Abeyance

13.COMMUNICATION NO. [2020-48](#)

Josh O'Neill, Commissioner District No. 7 intends to make a Motion of Reconsideration of Communication No. 2020-04 from the council meeting on January 8, 2020.
Place on File

FINANCE & BUDGET COMMITTEE MEETING REPORT

JANUARY 29, 2020

*7:00 PM BUTTE-SILVER BOW COURTHOUSE COUNCIL CHAMBERS
COUNCIL OF TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COMMISSIONERS*

Ladies and Gentlemen,

We, your Committee of the Finance and Budget Committee, respectfully recommend as follows: Expenditure report for the week of January 29, 2020 was reviewed and approved for the amount of \$ 850,922.34 for FY 2020.

| <u>Committee Members</u> | <u>Present /Absent</u> |
|---------------------------|------------------------|
| Brendan McDonough Chair | P |
| Bill Andersen, Vice Chair | A |
| Dan Callahan | P |
| Jim Fisher | P |
| Josh O'Neil | P |
| Michele Shea | A |



PUBLIC WORKS COMMITTEE MEETING REPORT

JANUARY 29, 2020

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen,

We, your Committee of the Whole Committee, respectfully recommend as follows:

1. COMMUNICATION NO. [19-513](#)

Shawn Fredrickson, Commissioner District #1 requesting Council of Commissioners to consider reducing the speed limit to 15 miles per hour on Blacktail Lane between Rampart Drive and Redwood Drive.

Hold in Abeyance, pending County Attorneys' response.

PUBLIC WORKS COMMITTEE MEMBERS:

Dan Olsen, Chairman P

Jim Fisher P

Dan Callahan P

Brendan McDonough P

Eric Mankins P

Shawn Fredrickson A

JUDICIARY COMMITTEE MEETING REPORT

JANUARY 29, 2020

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen,

We, your Committee of the Whole Committee, respectfully recommend as follows:

SECTION 1. CLAIMS APPROVAL

| Name | Amount | Reason | Approved | |
|-------------|--------------------|---|-----------------|--|
| JOE PATRICK | Total \$1000.00 | STREET OPEN FOR 2320 YALE/DEMO BOND #467 | YES | |



1. COUNCIL BILL No. [2020-01](#)
ORDINANCE NO. [2020-01](#)

AN ORDINANCE AMENDING TITLE 15 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “BUILDINGS AND CONSTRUCTION”; AMENDING CHAPTER 15.04 ENTITLED “BUILDING CODE”; AMENDING CHAPTER 15.05 ENTITLED “ADOPTION OF INTERNATIONAL ENERGY CONSERVATION CODE”, AMENDING CHAPTER 15.07 ENTITLED “INTERNATIONAL EXISTING BUILDING CODE”; AMENDING CHAPTER 15.12 ENTITLED “SIGN CODE”, AMENDING CHAPTER 15.14 ENTITLED “MECHANICAL CODE”; AMENDING CHAPTER 15.15 ENTITLED “INTERNATIONAL FUEL GAS CODE”; AMENDING CHAPTER 15.16 ENTITLED “PLUMBING CODE”; AMENDING SECTION 15.20 ENTITLED “VIOLATION - PENALTY”, AND ADDING NEW SECTIONS TO BE NUMBERED 15.04.035,15.04.065 AND 15.16.020 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

Move to Final Reading

JUDICIARTY COMMITTEE MEMBERS:

| | | |
|----------------|-------------------|---|
| Chairman: | Brendan McDonough | P |
| Vice Chairman: | Shawn Fredrickson | A |
| | Michele Shea | P |
| | Dan Olsen | P |
| | Eric Mankins | P |
| | John Sorich | P |

