

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING AGENDA
WEDNESDAY, AUGUST 5, 2020
7:30 PM VIA WEB-EX**

ROLL CALL

PRAYER AND PLEDGE

ITEMS NOT ADDRESSED ON THE AGENDA

CHIEF EXECUTIVE'S REPORT

**PUBLIC COMMENT ON ANY ITEMS ON THE AGENDA
CALL INS ARE WELCOME @ 497-5009**

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

BID OPENINGS

1.COMMUNICATION NO. [2020-315](#)

Mark Neary, Public Works Director requesting Council of Commissioners for a Bid Opening that has been advertised for the Hansen and Mercury Streets Rehabilitation Project that will be held August 5, 2020 at the Regular Council Meeting.

PUBLIC HEARINGS

1.COMMUNICATION NO. [2020-290](#)

Danette Gleason, Finance and Budget Director requesting Council of Commissioners permission to schedule a public hearing to begin on August 5, 2020 to discuss a possible rate increase for the solid Waste Collection District fees to cover the cost of the contract services with McGree Corporation.

2. COMMUNICATION NO. [2020-291](#)

Danette Gleason, Finance and Budget Director requesting Council of Commissioners permission to schedule a public hearing for the adoption of the fiscal year 2021 Final Budget and establish the user rates for Metro Sewer System, Storm Water system, Solid Waste Disposal and Road Maintenance District. The public hearing will begin on August 5, 2020 and be continued until the Council sets a date to adopt the fiscal year 2021 budget and fix the rate and levies.

3. 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.



4. RESOLUTION NO. [2020-36](#)

JOINT RESOLUTION CREATING THE BIG SKY PASSENGER RAIL
AUTHORITY FOR THE PURPOSE OF PROVIDING FOR THE
PRESERVATION AND IMPROVEMENT OF ABANDONED RAIL SERVICE IN
SOUTHERN MONTANA

PETITIONS

1. Petition No. [2020-01](#)

Patrick Riordan, Land Systems Administrator requesting Council of Commissioners authorize a Petition to close and vacate a platted, public alleyway, has been filed with the Land Systems Division of the Planning Department, as provided for the within Ordinance Number 362.

Refer to Public Works

Petition No. [2020-01 Map](#)

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. [2020-308](#)

Mollie Maffei, Deputy County Attorney requesting Council of Commissioners to authorize the Chief Executive to sign a Modification of Covenants and adjoining deed. This is for property located at 328 East Broadway Street. These parcels are now vacant land which used to have houses on them and are developable. Atlantic Richfield has agreed to release the covenants for potential development.

[2020-308 Agreement](#)

Concur and Place on File

2. COMMUNICATION NO. [2020-309](#)

Ed Lester, BSB Sheriff requesting Council of Commissioners to authorize the Chief Executive to sign the submission and required signatures in reference to the Bureau of Justice Assistance - FU2020 Edward Byrne Memorial Justice Assistance Grant (JAG) Application for FY 2020 (federal), FY 2021 (BSB).

[2020-309 Grant](#)

Concur and Place on File

3. COMMUNICATION NO. [2020-310](#)

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 Butte Natural Resource Damage Council, Jon Sesso.

Concur and Place on File



4.COMMUNICATION NO. [2020-311](#)

Cari Coe, Historic Clark Chateau requesting Council of Commissioners requesting Council of Commissioners authorization to submit a Montana Cultural Trust grant with the Montana Arts Council for \$10,000. This grant application requires 1:1 matching funds, which may be cash or in-kind. The \$10,000 match will occur through in-kind services, and a \$2000 private donation that has already been secured.

[2020-311 Grant](#)

Concur and Place on File

5.COMMUNICATION NO. [2020-312](#)

Leslie Clark, Human Resources Director requesting Council of Commissioners to authorize the Chief Executive to sign the Collective Bargaining Agreement between the City-County of Butte-Silver Bow and the International Association of Fire Fighters, AFL-CIO, Local No. 96 for the period July 1, 2019 through June 30, 2021.

[2020-312 Agreement](#)

[2020-312 Redline Agreement](#)

Concur and Place on File

6.COMMUNICATION NO. [2020-313](#)

Linda Sager, Chief Deputy Clerk and Recorder requesting Council of Commissioners approval to destroy certain local government records. These records are from July 2010 through December 2018.

Concur and Place on File

7.COMMUNICATION NO. [2020-314](#)

Angie Mullikin, Budget Analyst, Public Works Department requesting Council of Commissioners to authorize the Chief Executive to sign the agreement for the FWP Recreational Trails Program. This agreement is the result of a successful grant application approved by Council on January 22, 2020 in Council communication 2020-29.

[2020-314 Agreement](#)

Concur and Place on File

8.COMMUNICATION NO. [2020-316](#)

Jim Keenan, Chief Water Operator requesting Council of Commissioners to authorize the Chief Executive to sign the Professional Services Agreement for the Moulton Creek Dam #1 Hydraulic Analysis, between Pioneer Technical Services and Butte-Silver Bow.

[2020-316 Agreement](#)

Concur and Place on File

9.COMMUNICATION NO. [2020-317](#)

Dave Palmer, Chief Executive requesting Council of Commissioners to accept this letter as my formal request for you to review and authorize the Chief Executive to sign the Montana State University FY2021 Extension Services Agreement. BSB will contribute funds for the support of extension work in agriculture and natural resources, family and consumer sciences, 4-H, and related fields.

[2020-317 Agreement](#)

Concur and Place on File



10.COMMUNICATION NO. [2020-318](#)

Pat Riordan, Land System Administrator requesting Council of Commissioners to approve Council Communication #2020-224 - request from Todd Breitenfeldt, Breitenfeldt Investments LLC, PO Box 883, Whitehall MT 59759 to purchase City-County Property at 611 S Idaho Street. The Land Sales Committee recommends this sale be approved pursuant to Chapter 3.12 of the Butte-Silver Bow Municipal Code and Montana Code Annotated 7-8-4201.

Concur and Place on File

11.COMMUNICATION NO. [2020-319](#)

John Weitzel, Weitzel Signs requesting Council of Commissioners approval to place one double faced, flag mount sign over the sidewalk located at 128 W. Granite Street. This is on behalf of Paige and Austin Goodall who own Highland Chiropractic.

[2020-319 Drawings](#)

Concur and Place on File

12.COMMUNICATION NO. [2020-320](#)

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 Historic Preservation Commission.

Concur and Place on File

13.COMMUNICATION NO. [2020-321](#)

Dave Palmer, Chief Executive requesting Council of Commissioners to accept this letter as my formal request for your concurrence in the following reappointments to the Butte-Silver Bow Fire Commission.

Concur and Place on File

14.COMMUNICATION NO. [2020-322](#)

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

Concur and Place on File

15.COMMUNICATION NO. [2020-323](#)

Leslie Clark, Human Resource Director requesting Council of Commissioners to authorize the Chief Executive to sign the Collective Bargaining Agreement between the City-County of Butte-Silver Bow and the Teamsters, Local No. 2 for the period June 1, 2020 through May 31, 2022.

[2020-323 Agreement](#)

[2020-323 Redline Agreement](#)

Concur and Place on File



16.COMMUNICATION NO. [2020-324](#)

Eileen Joyce, County Attorney requesting Council of Commissioners to authorize the Chief Executive to sign the Interagency Pretrial Services Agreement with the State of Montana court Administrator's office in order to allow the Pre-Trial Services program to continue operating in Butte-Silver Bow.

[2020-324 Agreement](#)

Concur and Place on File

17.COMMUNICATION NO. [2020-325](#)

Eileen Joyce, County Attorney requesting Council of Commissioners to authorize the Chief Executive to sign the Pre-Trial Services Agreement with Community Counseling and Correctional Services (CCCS) in order to allow CCCS to continue to provide pre-trial services to individual charge with criminal offenses in Butte-Silver Bow.

[2020-325 Agreement](#)

Concur and Place on File

18.COMMUNICATION NO. [2020-326](#)

Eileen Joyce, County Attorney requesting Council of Commissioners to authorize the Chief Executive to sign a Professional Services Agreement with Community Counseling and Correctional Services, Inc regarding the Residential Substance Abuse Treatment Program (RSAT) currently in place in our local detention facility.

[2020-326 Agreement](#)

Concur and Place on File

19.COMMUNICATION NO. [2020-327](#)

Mark Neary, Public Works Director requesting Council of Commissioners to authorize the Chief Executive to sign an Agreement between Butte-Silver Bow and Northwestern Energy for the construction of an electrical line to the new Bus Wash.

[2020-237 Agreement](#)

Concur and Place on File

SECTION 3: ORDINANCES AND RESOLUTIONS FINAL READING

1. RESOLUTION NO. [2020-15](#)

A RESOLUTION ESTABLISHING PROCEDURES FOR THE SALE AND DISPOSITION OF REAL PROPERTY ACQUIRED BY THE CITY-COUNTY OF BUTTE-SILVER BOW, MONTANA THROUGH TAX DEED, DURING THE PERIOD OF TIME BETWEEN A FIRST AND SECOND TAX SALE AUCTION AS PROVIDED BY CHAPTER 3.20 OF THE BUTTE-SILVER BOW MUNICIPAL CODE AND BY TITLE 7, CHAPTER 8, PART 23 AND TITLE 7 CHAPTER 25 OF THE MONTANA CODE ANNOTATED (MCA) AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION 4: SUSPENSION OF THE RULES FINAL PASSAGE

1.RESOLUTION NO. [2020-35](#)

A RESOLUTION AUTHORIZING AND APPROVING THE EXCHANGE OF REAL PROPERTY LOCATED IN AND OWNED BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, AS DESCRIBED ON EXHIBIT "A" ATTACHED AND INCORPORATED HEREIN, TO THE ADJOINING OWNERS, EDWARD C. AND DEBBIE J. NEWGARD, PURSUANT TO POLICIES ADOPTED BY THE COUNCIL OF COMMISSIONERS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.



2.RESOLUTION NO. [2020-36](#)

JOINT RESOLUTION CREATING THE BIG SKY PASSENGER RAIL AUTHORITY FOR THE PURPOSE OF PROVIDING FOR THE PRESERVATION AND IMPROVEMENT OF ABANDONED RAIL SERVICE IN SOUTHERN MONTANA

3.RESOLUTION NO. [2020-37](#)

A RESOLUTION APPROVING AND ACCEPTING THE DONATION OF CERTAIN PARCELS OF REAL PROPERTY LOCATED IN BUTTE-SILVER BOW, MONTANA, MORE PARTICULARLY DESCRIBED IN EXHIBIT “1” ATTACHED HERETO AND INCORPORATED HEREIN FROM EDWARD C. AND DEBBIE J. NEWGARD FOR THE BENEFIT OF THE PUBLIC AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

4.RESOLUTION NO. [2020-38](#)

A RESOLUTION REQUESTING APPOINTMENT OF SPECIAL DEPUTY PROSECUTORS FROM THE PROSECUTOR’S SERVICES BUREAU OF THE DEPARTMENT OF JUSTICE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA

PLEASE CALL IN AT 497-5009

CALENDAR OF OTHER MEETINGS AND EVENTS

DUE TO COVID-19 PANDEMIC, CALENDAR OF OTHER EVENTS WILL RESUME AT A LATER DATE.

ADJOURN

MEETINGS

ALL MEETINGS CAN BE VIEWED BY WEB-EX STARTING AT DESIGNATED TIMES, LISTED BY EACH MEETING. CALL INS ARE WELCOME @ 497-5009.

FINANCE & BUDGET COMMITTEE MEETING

AUGUST 5, 2020

7:00 PM VIA WEB-EX

Public comment on any items on the agenda

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

We are still meeting remotely but we will be taking Public Comment by calling 497-5009

REPORTS

COMMITTEE OF THE WHOLE REPORT

JULY 22, 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: BID OPENINGS, PUBLIC HEARINGS, AND /OR PRESENTATIONS

PUBLIC HEARINGS

1. COMMUNICATION NO. [2020-300](#)

Mark Neary, Public Works Director requesting Council of Commissioners permission to schedule a public hearing for July 22, 2020 for the purpose of soliciting comments on the Preliminary Engineering Report of Basin Creek Dam #1.

Held

1. RESOLUTION NO. [2020-15](#)

A RESOLUTION ESTABLISHING PROCEDURES FOR THE SALE AND DISPOSITION OF REAL PROPERTY ACQUIRED BY THE CITY-COUNTY OF BUTTE-SILVER BOW, MONTANA THROUGH TAX DEED, DURING THE PERIOD OF TIME BETWEEN A FIRST AND SECOND TAX SALE AUCTION AS PROVIDED BY CHAPTER 3.20 OF THE BUTTE-SILVER BOW MUNICIPAL CODE AND BY TITLE 7, CHAPTER 8, PART 23 AND TITLE 7 CHAPTER 25 OF THE MONTANA CODE ANNOTATED (MCA) AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

Held

SECTION 2. COMMUNICATIONS

1.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

2.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 contaminates present in the Butte-Silver Bow Community.

Move to Suspense File until 2/1/2021

3.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

4.COMMUNICATION NO. [2020-224](#)

Todd Breitenfeldt, Breitenfeldt Investment, LLC (BILLC) requesting Council of Commissioners to approve the purchase of a vacant lot addressed at 611 S. Idaho - Lot numbered twenty-four in block #4 of the Travonia Addition, Butte, MT, Parcel No. 1054300- which BILLC owns as a rental, and then immediately will sell it as a nice single-family home. This project will greatly enhance the look of (and the property values of) the neighborhood.

Hold in Abeyance



5.COMMUNICATION NO. [2020-243](#)

Steve Maloney, 109 North Montana Street requesting Council of Commissioners approval for the survey of lot Assessment Code # 0001892400. This survey will facilitate a possible future purchase of this lot.

Cross reference with Communication No. 2020-296 and Place on File

6.COMMUNICATION NO. [2020-258](#)

Lori Casey, Planning Director requesting Council of Commissioners to be advised that the Butte-Silver Bow Planning Board, who serves as the Zoning Commission, has rendered a recommendation regarding Zone Change Application No. 180, regarding licensed community residential facilities.

[2020-258 Zone Change](#)

Hold in Abeyance

7.COMMUNICATION NO. [2020-260](#)

Sean Kuech, Citizen requesting Council of Commissioners permission to purchase the property at 103 Sutter Street, Butte MT for \$500.00. I plan to immediately begin renovating the house.

Cross reference with Communication No. 2020-297 and Place on File

8.COMMUNICATION NO. [2020-263](#)

David Bjornson, Bjornson, Jones & Mungus PLLC requesting Council of Commissioners for time on the July 15, 2020 Regular Meeting Agenda, for a Public Hearing regarding an opportunity for public comment on whether these proposed rehabilitations of existing affordable housing projects meet a community housing need. Revonda Stordahl will be attending to answer questions.

Place on File

9.COMMUNICATION NO. [2020-268](#)

Eric Gonder, FOG Inspector requesting Council of Commissioners for time on the July 15, 2020 Regular Meeting Agenda, for a presentation on Fats, Oils and Grease (FOG) Program.

Place on File

10.COMMUNICATION NO. [2020-274](#)

Danette Gleason, Finance and Budget Director requesting Council of Commissioners for time on the July 15, 2020 agenda to make a presentation on the fiscal year 2021 budget.

Place on File

11.COMMUNICATION NO. [2020-282](#)

Lisa Warden, 7 West Pacific, Butte MT requesting Council of Commissioners to purchase two small pieces of land from Butte-Silver Bow in the amount of \$300. These two stripes are too small to put anything on and I have been maintaining them for the past three years.

Hold in Abeyance

12.COMMUNICATION NO. [2020-290](#)

Danette Gleason, Finance and Budget Director requesting Council of Commissioners permission to schedule a public hearing to begin on August 5, 2020 to discuss a possible rate increase for the solid Waste Collection District fees to cover the cost of the contract services with McGree Corporation.

Hold in Abeyance



13.COMMUNICATION NO. [2020-291](#)

Danette Gleason, Finance and Budget Director requesting Council of Commissioners permission to schedule a public hearing for the adoption of the fiscal year 2021 Final Budget and establish the user rates for Metro Sewer System, Storm Water system, Solid Waste Disposal and Road Maintenance District. The public hearing will begin on August 5, 2020 and be continued until the Council sets a date to adopt the fiscal year 2021 budget and fix the rate and levies.

Hold in Abeyance

14.COMMUNICATION NO. [2020-302](#)

Shawn Fredrickson, Commissioner District #1 requesting Council of Commissioners concurrence to have the City-County of Butte-Silver Bow, Montana participate in the effort to create a regional rail authority authorized by Section 7-14-1621 of the Montana Code Annotated. I would also request that a public hearing be scheduled for August 5, 2020.

Hold in Abeyance

FINANCE & BUDGET COMMITTEE MEETING REPORT

JULY 22, 2020

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

Ladies and Gentlemen,

We, your Council of Commissioners, and Chairman John Morgan, respectfully recommends as follows: Expenditure report for the week of July 22, 2020 was reviewed and approved for the amount of \$324,823.90 for 2020, and \$464,845.42 for 2021

<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	P

PUBLIC WORKS COMMITTEE MEETING REPORT

JULY 22, 2020

6:30 PM

1.COMMUNICATION NO. [2020-139](#)

Brenden, McDonough, Commissioner District 8 requesting Council of Commissioners to consider that a speed study be conducted by the Montana Department of Transportation on Highway 2 from the nine-mile to Pipestone Pass. With the upcoming recreational season approaching, I ask that a study and decision be made in a timely manner to address the safety concerns for the spring and summer season.

Hold in Abeyance until report from MDT and Mr. Neary

PUBLIC WORKS COMMITTEE MEMBERS:



Dan Olsen, Chairman P
 Jim Fisher P
 Dan Callahan P
 Brendan McDonough P
 Eric Mankins P
 Shawn Fredrickson P

JUDICIARY COMMITTEE MEETING REPORT

JULY 22, 2020

7:00 PM

SECTION 1. CLAIMS APPROVAL

Name	Amount	Reason	Approved	
GREG SUND QUALITY PLUMBING	\$151.50	REFUND ON PLUMBING PERMIT/626 SLALOM- ALREADY PURCHASED @ #2069	Yes	

1.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.

Cross Reference with Resolution No. 2020-31 and Place on File

1.RESOLUTION NO. [2020-15](#)

A RESOLUTION ESTABLISHING PROCEDURES FOR THE SALE AND DISPOSITION OF REAL PROPERTY ACQUIRED BY THE CITY-COUNTY OF BUTTE-SILVER BOW, MONTANA THROUGH TAX DEED, DURING THE PERIOD OF TIME BETWEEN A FIRST AND SECOND TAX SALE AUCTION AS PROVIDED BY CHAPTER 3.20 OF THE BUTTE-SILVER BOW MUNICIPAL CODE AND BY TITLE 7, CHAPTER 8, PART 23 AND TITLE 7 CHAPTER 25 OF THE MONTANA CODE ANNOTATED (MCA) AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

Hold in Abeyance

2.RESOLUTION NO. [2020-31](#)

A RESOLUTION OF INTENT TO ALTER THE BOUNDARIES OF THE CITY-COUNTY OF BUTTE-SILVER BOW, MONTANA’S SOLID WASTE SPECIAL DISTRICT TO INCLUDE THE BOUNDARIES OF THE TOWN OF WALKERVILLE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

Hold in Abeyance

JUDICIARTY COMMITTEE MEMBERS:

Chairman: Brendan McDonough P
 Vice Chairman: Shawn Fredrickson P
 Michele Shea P



Dan Olsen P
Eric Mankins P
John Sorich P

PERSONNEL COMMITTEE MEETING REPORT

JULY 22, 2020

5:00 PM

1. COMMUNICATION NO. [2020-183](#)

Michael A Nasheim, Butte-Silver Bow Employee requesting Council of Commissioners to review the hiring process for Butte-Silver Bow, especially with the hiring procedures associated with internal candidates. I am requesting the Council refer this issue to the Personnel Committee for discussion.

Hold review letter and will reschedule another meeting.

Jim Fisher, Chair P
John Sorich, Vice Chair P
Bill Anderson A
Dan Olsen P
Dan Callahan P
Michele Shea P
Josh O’Neil P
Shawn Fredrickson P
Eric Mankins P
Leslie Clark P
Dave Palmer P
Jeff Miller P

