

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS  
REGULAR MEETING AGENDA  
WEDNESDAY, JULY 1, 2020  
7:30 PM COURTHOUSE COUNCIL CHAMBERS**

**ROLL CALL**

11 Present 1 Absent- Bill Anderson

**PRAYER AND PLEDGE**

Brenden McDonough

**APPROVAL OF THE MINUTES**

[June 17, 2020 Regular Meeting Minutes](#)

John Morgan makes a motion to approve the minutes, Cindy Shaw seconds the motion

11 yeas 0 nays

**ITEMS NOT ADDRESSED ON THE AGENDA**

None

**CHIEF EXECUTIVE'S REPORT**

Dave Palmer states that the pipe at the pool has been repaired, and when weather allows the pool will be open. We have had a few more cases of Covid-19, hopefully the numbers will stay down.

**PUBLIC COMMENT ON ANY ITEMS ON THE AGENDA**

None

For comments regarding communication 2020-248, we will go to the phone lines when we reach the public comment portion of that communication.

Dave Palmer move 2020-249 to the beginning of the meeting.

John Morgan talks about the process tonight; the candidates will be moved over to a virtual lobby and when it is their turn to interview, they will be moved into the virtual room.

Candidates will be interviewed in alphabetical order.

See attached questions each of the candidates have been asked in this order.

Adrianna Atcheson

Lisa Dennehy

Luwanna Johnson

Thomas Walker

Commissioners will vote for the top (2) candidates

Morgan- Dennehy and Johnson

Shaw-Johnson and Walker

McDonough-Dennehy and Johnson

Callahan- Atcheson and Johnson

Mankins Atcheson and Dennehy

Fisher- Dennehy and Johnson

O'Neil Atcheson and Dennehy

Sorich-Dennehy and Johnson

Shea- Dennehy and Johnson

Fredrickson- Dennehy and Johnson

Olsen- Johnson and Atcheson

Top 2 Candidates



9 votes for Luwanna Johnson and 8 votes for Liza Dennehy.

McDonough- Dennehy

Shaw – Johnson

Callahan – Johnson

Olsen – Johnson

Mankins – Dennehy

Fisher – Dennehy

O’Neil –Dennehy

Morgan – Dennehy

Sorich – Dennehy

Shea – Johnson

Fredrickson – Dennehy

7- Liza Dennehy 4-Luwanna Johnson –

John Morgan makes a motion that we appoint Liza Dennehy as the Public Administrator for BSB and Place on File.

11 yeas 0 nays

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

### **PUBLIC HEARING**

#### **1.COMMUNICATION NO. 2020-248**

Dylan Pipinich, Assistant Planning Director requesting Council of Commissioners permission to conduct a public hearing on Wednesday, July 1, 2020 on the Montana Connections Subdivision.

#### [2020-248 Analysis](#)

Dylan Pipinich says that we have been approved for a subdivision.

Fisher- Its industrial and yet a subdivision why are we going through this public hearing.

Christen Rosa – 280-acre parcel currently and we want to sell as smaller parcels between 7 and 55 acres.

Morgan- Who is paying for the improvements and what kind of work for BSB?

Rosa- BSB will not be doing the work, and we will bid this out later this summer, our of taxes of public infrastructure.

No Proponents

No Opponents

Dave Palmer closes public hearing.

## **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**

*Shaw segregates 2020-270, Sorich segregates 2020-261*

*John Morgan makes a motion to approve consent agenda with exclusions Shaw seconds the motion.*

*11 yea 0 nays*



## B. COMMUNICATIONS

### 1.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.

*Refer to Land Sales and hold in the Committee of the Whole*

### 2.COMMUNICATION NO. [2020-261](#)

Ed Banderob, 2601 Grand Avenue requesting Council of Commissioners to send a communication to both branches of the State of Montana Legislature requesting that Foster Homes be excluded (like Day Cares) from the definition of Community Residential Facilities by State Law.

*Note and Place on File*

John Sorich segregated this out because of the Foster Homes if this can be done through the state. John Sorich makes a substitute motion that we draft a letter to our local delegation to see if this is possible. Olsen seconds

John Morgan asks that who will draft the letter and any person can contact a representative and find out information that way.

John Sesso- The process has already started, several commissioners have already spoken with a few of our delegates. When the representative are back in session we will address at that time. I don't think you need a letter.

McDonough makes a substitute motion to note and place on file , Morgan seconds the motion.

Sorich: After hearing Sesso speak I will withdraw my motion. Olsen seconds. Fisher agrees with John Morgan, that this is a state issue not ours.

11 yeas 0 nays

### 3.COMMUNICATION NO. [2020-262](#)

Shawn Fredrickson, Commissioner District #1 requesting Council of Commissioners for time on the July 8, 2020 Committee of the Whole agenda for a presentation from David Strohmiere, Missoula County Commissioner, on the Big Sky Passenger Rail Authority.

[2020-262 Documentation](#)

*Hold in Abeyance*

### 4.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.

*Hold in Abeyance*

### 5.COMMUNICATION NO. [2020-266](#)

Dan Dennehy, BSB Emergency Management Director requesting Council of Commissioners to authorize the Chief Executive to sign the Change Order from Motorola Solutions for the BSB Radio System Upgrade. The Change Order extends the contract period from June 31, 2020 to December 30, 2020. There is no change in the contract price for the Change Order.

[2020-266 Change Order](#)

*Concur and Place on File*

### 6.COMMUNICATION NO. [2020-267](#)



Mollie Maffei, Deputy County Attorney requesting Council of Commissioners to authorize the Chief Executive to sign the easement granting Northwestern Energy access to install electrical service to the O'Rourke Building. The easement is 10 feet on the Eastern side of the BSB Parking Lot behind the courthouse. This has been approved by the Public Works Dept.

[2020-267 Easement](#)

*Concur and Place on File*

7.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.

*Hold in Abeyance*

8.COMMUNICATION NO. [2020-269](#)

Danette Gleason, Finance and Budget Director requesting Council of Commissioners to review the weekly Expenditure Approval lists for the week of June 24, 2020 in the amount of \$1,697,896.11 and for the week of July 1, 2020 which will be available after 6:00 p.m. on Tuesday, June 30, 2020.

*Concur and Place on File*

9.COMMUNICATION NO. [2020-270](#)

Pat Riordan, Land System Administrator requesting Council of Commissioners rescind Resolution No. 19-24 authorizing the sale of property at 611 S, Idaho Street, Tax Parcel No. 43610, Butte Mt 59701. The Resolution authorizing this sale required performance of certain conditions which were not fulfilled and is now unattainable.

*Concur and Place on File*

Cindy Shaw talked to Eileen Joyce and wants to refer to county attorney to draft a resolution to rescind and Place on File Morgan seconds the motion

11 yeas 0 nays

10.COMMUNICATION NO. [2020-271](#)

Julia Crain, Superfund Data Administrator requesting Council of Commissioners to authorize the Chief Executive to sign the State of Montana Department of Justice Natural Resource Damage Program Contract No. 80007-10293, Modification No. 4. This contract provides funding for the Butte Hill Tree Planting Program, which installs plants on reclaimed areas to mitigate stormwater-related erosion impacting Silver Bow Creek

[2020-271 Agreement](#)

*Concur and Place on File*

11.COMMUNICATION NO. [2020-272](#)

Dylan Pipinich, Assistant Planning Director requesting Council of Commissioners to authorize the Chief Executive to sign Change Order # 3 for the County Shops Relocation Project. Change Order #3 adds \$9,070.00 to the contract price with no contract time increase.

[2020-272 Change Order](#)

*Concur and Place on File*

12.COMMUNICATION NO. [2020-273](#)

Eileen Joyce, County Attorney requesting Council of Commissioners to authorize the Chief Executive to sign the contract between the City County of Butte-Silver Bow, Montana and Community Correctional and Counseling Services, Inc (CCCS). The purpose of this contract is to



have CCCS provide mental health services for individuals in crisis within the community and to individuals in the custody of the City-County.

[2020-273 Agreement](#)

[2020-273 Exhibit A](#)

*Concur and Place on File*

13.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.

*Hold in Abeyance*

14.COMMUNICATION NO. [2020-275](#)

Dave Palmer, Chief Executive requesting Council of Commissioners to accept my formal request for your concurrence in the following reappointments to the Historic Preservation Committee. Steve Hinick and Jennifer Peterson.

*Concur and Place on File*

15.COMMUNICATION NO. [2020-276](#)

Dave Palmer, Chief Executive requesting Council of Commissioners to accept my formal request for your concurrence in the following appointment of Kami Johnson to the Tourism Business Improvement District Board.

*Concur and Place on File*

16.COMMUNICATION NO. [2020-277](#)

Dave Palmer, Chief Executive requesting Council of Commissioners to accept my formal request for your concurrence in the following appointment of Jay Doyle to the Airport Authority Board.

*Concur and Place on File*

17.COMMUNICATION NO. [2020-278](#)

Mark Neary, Public Works Director requesting Council of Commissioners to authorize the Chief Executive to sign the contract and Notice to Proceed to H&H Contracting, Inc. of Butte Montana, for the Big Hole Transmission Main Replacement I-15 Crossing Project.

[2020-278 Contract](#)

[2020-278 Notice to Proceed](#)

*Concur and Place on File*

18.COMMUNICATION NO. [2020-279](#)

Mark Neary, Public Works Director requesting Council of Commissioners to authorize the Chief Executive to sign the contract with Belmont Senior Center. The Butte-Silver Bow Transit Coordination Plans provides that Butte-Silver Bow will serve as the lead agency for transportation services for the Belmont Senior Center.

[2020-279 Agreement](#)

*Concur and Place on File*

19.COMMUNICATION NO. [2020-280](#)



Kristen Rosa, TIFID Administrator requesting Council of Commissioners to authorize the Chief Executive to sign an Amendment to the Professional Services Contract for rail design and construction oversight services with RailPros.

[2020-280 Amendment](#)

*Concur and Place on File*

20.COMMUNICATION NO. [2020-281](#)

Kristen Rosa, TIFID Administrator requesting Council of Commissioners to authorize the Chief Executive to sign a Professional Services Agreement renewal with the Pintler Group. The TIFID Board voted unanimously at their June 12th Board meeting for Council to approve.

[2020-280 Amendment](#)

*Concur and Place on File*

### **SECTION 3: COMMUNICATIONS TO BE READ AND ACTED UPON**

1.COMMUNICATION NO. [2020-249](#)

John Morgan, Chairman, BSB Council of Commissioners informing the Council of the process to appoint an interim Public Administrator on July 1st and to set the Declaration of Nomination to be Monday June 22nd thru Friday July 3rd in the Clerk and Records office.

### **SECTION 4: ORDINANCES AND RESOLUTIONS REFERED TO JUDICIARY**

1.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.

### **SECTION 5: ORDINANCES AND RESOLUTIONS SECOND READING**

1.COUNCIL BILL NO. [2020-05](#)

ORDINANCE NO. [2020-05](#)

AN ORDINANCE AMENDING ORDINANCE 204, Section 4 and CHAPTER 10.40, ENTITLED "SPEED LIMITS", OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) SPECIFICALLY AMENDING SECTION 10.40.040 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

[Council Bill 2020-05 Ordinance No. 2020-05 Redline](#)

John Morgan makes a motion to second reading and passed, Shaw seconds the motion.

11 yeas 0 nays

**PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA**

PLEASE CALL IN AT 497-5009

**No calls**

**Dave Palmer would like to thank Mike Thatcher and Kathy Dunst, with CCCS for working with individuals in crisis.**

**See attached letters**

**CALENDAR OF OTHER MEETINGS AND EVENTS**



**DUE TO COVID-19 PANDEMIC, COMMITTEE MEETINGS WILL RESUME AT A LATER DATE.**

**ADJOURN**

**John Morgan makes a motion to adjourn Cindy Shaw seconds the motion.  
MEETINGS**

**FINANCE & BUDGET COMMITTEE MEETING**

*JULY 1, 2020*

*6:00 PM BUTTE-SILVER BOW COURTHOUSE COUNCIL CHAMBERS*

Public comment on any items on the agenda

Expenditure report for the week of July 1, 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

**ECONOMNIC DEVELOPMENT COMMITTEE MEETING**

*JULY 1, 2020*

*5:45 PM BUTTE-SILVER BOW COURTHOUSE COUNCIL CHAMBERS*

Public comment on any items on the agenda

**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.

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

**REPORTS**

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**COMMITTEE OF THE WHOLE REPORT**

*JUNE 24, 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. [19-578](#)**

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.  
*Hold in Abeyance*

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. [2020-90](#)

Eldon Beall, Citizen requesting Council of Commissioners for more clarification on speed limits around Emma Park which is also a Bus Route by Butte High School. Also, we are asking that the snow be plowed around the park by Parks and Rec and or by the city.  
*Cross Reference with Council Bill 2020-05 Ordinance 2020-05 and Place on File*

5.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*

6.COMMUNICATION NO. [2020-226](#)

Mark Neary, Public Works Director requesting Council of Commissioners for time on the June 17, 2020 Regular Meeting agenda for a presentation on County wide Maintenance District Workplan update for FY2020 and Workplan for FY2021.  
*Place on File*

7.COMMUNICATION NO. [2020-238](#)

Tyler Currence, Housing Solutions, LLC requesting Council of Commissioners permission to hold a Presentation and Public Hearing on the July 8, 2020 in the Committee of the Whole Meeting. This presentation is relating to Montana housing for a new affordable senior development in Butte named Washoe Place.  
*Hold in Abeyance*

8.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.  
*Hold in Abeyance*

9.COMMUNICATION NO. [2020-248](#)

Dylan Pipinich, Assistant Planning Director requesting Council of Commissioners permission to conduct a public hearing on Wednesday, July 1, 2020 on the Montana Connections Subdivision.



2020-248 Analysis

*Hold in Abeyance*

10.COMMUNICATION NO. [2020-249](#)

John Morgan, Chairman, BSB Council of Commissioners informing the Council of the process to appoint an interim Public Administrator on July 1st and to set the Declaration of Nomination to be Monday June 22nd thru Friday July 3rd in the Clerk and Records office.

*Hold in Abeyance*

11.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*

**FINANCE & BUDGET COMMITTEE MEETING REPORT**

JUNE 17, 2020

*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 Council of Commissioners, and Chairman John Morgan, respectfully recommends as follows: Expenditure report for the week of June 10, 2020 was reviewed and approved for the amount of \$711,316.42 for the week of June 17, 2020.





**PUBLIC COMMENT NOT ON THE AGENDA  
REGULAR MEETING  
July 1, 2020**

**Chief Executive Dave Palmer, Chairman Morgan and Council of Commissioners: Despite what recommendation regarding consumption of Alcohol Consumption in Emma Park or any other Public Property owned by Butte-Silver Bow, J.P. Gallagher at the February 12, 2020 Committee of the Whole Meeting was Ludicrous. The Council of Commissioners constitutes the Governing Body with Powers to Pass Ordinances, Adopt Regulations and not the Parks and Recreation Director or Committee. MT Code of Ordinances Sections: 9.20.010- Prohibited-Exemptions. The use and Consumption of Alcoholic Beverages on "Property" owned by the local Government of the City and County of Butte-Silver Bow, Montana is Prohibited, except upon Approval of such use by the Council of Commissioners or by the Appropriate Board or Commission etc. As set forth in Section: 19.20.020: and provided, further, such use is Authorized only where proof of Adequate on-premises liability insurance coverage Authorizing such use and Compliance. All request for authorization to allow the use and consumption of Alcoholic Beverages shall comply with all applicable laws and regulations of the State of Montana, and all Local Ordinances of the City-County. Our Opinion is: That Butte-Silver Bow is Breaking there own Ordinances. That the Parks and Recreation Board does not have the Authority to Allow Consumption of Alcohol in Parks and other Public Properties for "Daily" Consumption of Alcoholic Beverages. We have seen the same people for weeks, days at a time, for hours loitering taking over the Gazebo so it can't be used by other people. The Damage that is being done is because of Drinking and the "Excessive" Loitering. They have Spray Painted the Large Pine Trees as well as another they have Carved a Giant Initial in it. Recently on Sunday June 28, 2020, my neighbor saw a person trying to pry the boards up in the Gazebo, when he went to see what was going on the Male ran and Jumped into a Van and Sped off. The city-county, passed Ordinance and Chapter 9.16- Park Restrictions: 9.16.010-9.16.080. to "Run Out" the Drinking in Heritage Park, Mural Park, the exterior around the Bus Transfer Station and "The landscaped area in front of the Civic Center" as it's referred to in the Ordinance which the last two aren't parks. As it states in 9.16.010, "to prohibit certain activities". We also agree that the Taxpayers should not pay for every Tom, Dick and Harry to use the Electricity and basicly is "Theft of Services", to Charge Cell Phones, Plug in Radios, Boom Boxes etc.**

**We also agree that the Taxpayers shouldn't have to pay for Insurance because of the Liability of the same groups of people sitting, drinking and loitering in the park all day and may be Injured on Public Property. The Gazebo isn't in ADA Compliance. There are certain groups of people that could frequent Emma Park, but can't because of the lack of Restrooms. The Elderly, Disabled, Small Children etc. That's why Trees, Planted areas are used as Toilets and very Unsanitary.**

Sincerely,  
  
Eldon Beall  
315 S. Dakota St.  
Butte, MT. 59701  
406.491.4355

## Contact Butte-Silver Bow

### Contact Information

Please complete the form below to submit your questions / comments to Butte-Silver Bow. If you would like to contact us by phone or email, refer to the "Staff Directory" for contact information for specific departments and staff.

First Name Robert

Last Name Jangula

Address1 111 Star Lane

Address2 Field not completed.

City Butte

State MT

Zip 59701

Phone Number 4064909475

Email Address rdeyddrgn@gmail.com

### Questions or Comments

Please select the department(s) or service(s) related to your message: Chief Executive, Council of Commissioners, Planning, Zoning Please leave your comments or questions below. To whom it may concern.

I am involved in the foster care system, my wife and I have 3 foster children in our house. If this zoning change passes, i believe it would be extremely detrimental to foster care in general, but would also make all foster houses extremely unsafe, not just from biological parents of the foster children that a house has, but from any disgruntled parents of children in the foster system, that might not know where their biological children are. They could potentially attack any foster houses, and you would be advertising where those foster houses are to everyone. If you want this change for halfway houses or treatment facilities, I believe you should work on getting the descriptions changed in the Montana Code, excluding foster care from these definitions, before proceeding with this any further.

Thank you.

Robert Jangula

Attach a File Field not completed.

Email not displaying correctly? [View it in your browser.](#)

<<http://www.co.silverbow.mt.us/Admin/FormCenter/Submissions/Edit?id=3442&categoryID=0&formID=57&displayType=SubmissionsView&startDate=&endDate=&dateRange=Last30Days&searchKeyword=&currentPage=0&sortFieldID=0&sortAscending=False&selectedFields=&parameters=CivicPlus.Entities.Core.ModuleParameter&submissionDataDisplayType=0&backURL=%2fAdmin%2fFormCenter%2fSubmissions%2fIndex%2f57%3fcategoryID%3d20>>

Messages and attachments sent to or from this email account pertaining to the City-County of Butte-Silver Bow business may be considered public or private records depending on the message content (Article II Section 9, Montana Constitution; 2-6 MCA).