

**SEPTEMBER 8, 2020 CONTINUATION OF SEPTEMBER 2, 2020  
REGULAR MEETING AGENDA  
VIA WEB-EX  
5:00 PM**

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS  
REGULAR MEETING AGENDA  
WEDNESDAY, SEPTEMBER 2, 2020**

**ROLL CALL** 9 Present 3 Absent  
John Morgan, Bill Anderson, Dan Olsen

**PRAYER AND PLEDGE** Brenden McDonough

**APPROVAL OF THE MINUTES**

[August 19, 2020 Regular Meeting Minutes](#)

Cindy Shea makes a motion to approve the minutes, Brenden McDonough seconds the motion.

**ITEMS NOT ADDRESSED ON THE AGENDA**

Even Barrett – Urges the Council to discuss and have Mr. Palmer sign the MOU.

Northey Trethewey – Also urges Mr. Palmer to sign the MOU on behalf of the people of Butte.

**CHIEF EXECUTIVE’S REPORT**

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

**CALL INS ARE WELCOME @ 497-5009**

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

**BID OPENINGS**

1.COMMUNICATION NO. **2020-335**

Eric Hassler, Superfund Operations Manager, requesting Council of Commissioners for a Bid Opening for September 2, 2020 for topsoil that is required for the ongoing operations and maintenance of reclaimed areas.

[2020-335 Bid Specs](#)

**PUBLIC HEARING**

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.

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

*Refer to Public Works*



Public Hearing was held  
No Proponents  
No Opponents

## **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*

Cindy Shaw makes a motion to Approve the Consent agenda with the exceptions of 19-578,2020-04,2020-354, 2020-358, 2020-360.

Brenden McDonough seconds the motion.

9 yea 0 nay

### **B. COMMUNICATIONS**

#### 1. COMMUNICATION NO. [2020-350](#)

Kathy Kenison, Butte-Silver Bow IT Manager requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign the Century Link Non-Disclosure Agreement.

Century link is providing BSB with a digital map of their existing infrastructure to be used to determine Broadband availability in the Silver Bow County area.

[2020-350 Agreement](#)

*Concur and Place on File*

#### 2. COMMUNICATION NO. [2020-351](#)

Karen Byrnes, Community Development Director requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign the lease agreement between the Butte-Silver Bow Business Development Center and 360 Office Solutions with respect to the Business Development Center's Kyocera Task alfa 3553 ci copier.

[2020-351 Agreement](#)

*Concur and Place on File*

#### 3. COMMUNICATION NO. [2020-352](#)

Mollie Maffei, Deputy County Attorney requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign two easements for an overhead electric and underground line granting Northwestern Energy permission to access property adjacent to its substation on Montana Street to install and maintain an overhead and underground utility line.

[2020-352 Easement](#)

*Concur and Place on File*

#### 4. COMMUNICATION NO. [2020-353](#)

Cindy Beck, 122 Minah St. Butte MT requesting Council of Commissioners consideration to purchase Little Minah Load lots 5 & 6 SCC TO3 N-RO8W. We own our home at 122 Minah Street and have lived here for 11 years. We would like to purchase these lots for additional parking and possibly a garage.

*Refer to Land Sales*



5. COMMUNICATION NO. [2020-354](#)

Dave Palmer, Chief Executive requesting Council of Commissioners to accept this letter as my formal request for your concurrence in the following appointments and reappointments to the Butte-Silver Bow Fire Commission. Appointments are for Lowell Stuck and Tom Little. Reappointment is for Steve McArthur.

*Concur and Place on File*

Mr. Fisher reads letter from Nike Nasheim and Steve McArthur. Feels that the Committee listened and answered questions and sees no reason not to move forward.

Mr. Fisher makes a motion to Concur and Place on File, Brenden McDonough seconds the motion.  
8 yeas 1 nay

6. COMMUNICATION NO. [2020-355](#)

Mark Neary, Public Works Director requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign the HDR Task Order 16 for Supervisory Control and Data Acquisition (SCADA) upgrades for the Water Treatment Plants.

[2020-355 Task Order](#)

*Concur and Place on File*

7. COMMUNICATION NO. [2020-356](#)

Mark Neary, Public Works Director requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign the 2021 MS4 Compliance Amendment with Water and Environmental Technologies. This amendment sets the activities and costs for 2021 for MS4 Storm Water compliance required by the Department of Environmental Quality.

[2020-356 Amendment](#)

*Concur and Place on File*

8. COMMUNICATION NO. [2020-357](#)

Angie Mullikin, Public Works Budget Analyst requesting Council of Commissioners to schedule a Public Hearing for September 16, 2020 for the purpose of amending the Fiscal year 2020-2021 budget to allow for increased expenditures of unanticipated revenue.

*Hold in Abeyance*

9. COMMUNICATION NO. [2020-358](#)

Maria Pochervina Executive Secretary TBID requesting Council of Commissioners concurrence for a presentation of work plan and budget for fiscal year 2021 for the Butte-Silver Bow Tourism Business Improvement District (TBID) on September 9, 2020, and a public hearing on September 23, 2020 and resolution to keep TBID assessment at \$1.00/occupied guest room.

[2020-358 Work Plan](#)

*Hold in Abeyance*

Mr. O'Neil segregated this and would like to discuss upping the fee from \$1.00 to \$2.00.

Mr. Fisher agrees but need to talk with the hotelers.

Mr. Mankins wants to know how viable it would be to get another airline to Butte.

Mr. O'Neil makes a motion to Hold in Abeyance and Cindy Shaw seconds the motion.

9 yeas 0 nays

10. COMMUNICATION NO. [2020-359](#)

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Kristen Rosa, TIFID Administrator requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign the Purchase and Sale Agreement with Warehouse Distribution of Butte. The Purchase and Sale Agreement was referenced in the lease Agreement and outlines the sale of the land and the responsibilities of both BSB and WDB.

[202-359 Agreement](#)

*Concur and Place on File*

11.COMMUNICATION NO. [2020-360](#)

Steve Bullock, Governor requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign the DRAFT Memorandum of Understanding (MOU) between the State of Montana and Butte-Silver Bow on Restoration Projects in the Silver Bow Creek Corridor.

[2020-360 Memorandum](#)

*Refer to the Committee of the Whole*

Mr Fisher segregated this and questioned the fact that the CD is not yet signed by the Judge. Bullock could possibly use the money for something else. We need the money that would be left over if there is any.

Dave Palmer states that a representative will be here from the state to answer any questions. Along with Jon Sesso.

Mr. Fisher makes a motion to Refer to the Committee of the Whole, Cindy Shaw seconds the motion.

9 yea 0 nay

### **SECTION 3: ORDINANCES AND RESOLUTION SUSPENSION OF THE RULES FOR FINAL PASSAGE**

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.

Mr. Palmer: Hold in Abeyance

2.RESOLUTION NO. [2020-45](#)

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF REAL PROPERTY FORMALLY KNOWN AS 611 S. IDAHO STREET, OWNED BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, DESCRIBED AS LOT TWENTY-FIVE (25) OF BLOCK FOUR (4) OF THE TRAVONIA ADDITION, PARCEL NO. 0000043610, TO THE CITY-COUNTY OF BUTTE-SILVER BOW MONTANA TO BREITENFELDT INVESTMENTS LLC, IN ACCORDANCE WITH THE PROVISIONS OF THE BUTTE-SILVER BOW MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

Cindy Shaw makes a motion to place on final reading, Brenden McDonough seconds the motion.

9 yeas 0 nays

### **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, COMMITTEE MEETINGS 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.**

### ECONOMIC DEVELOPMENT MEETING

SEPTEMBER 2, 2020  
6:00 PM VIA WEB-EX

1. BLDS REPORT- Joe Willauer

2. 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

### FINANCE & BUDGET COMMITTEE MEETING

SEPTEMBER 2, 2020  
7:00 PM VIA WEB-EX

Public comment on any items on the agenda

Expenditure report for the week of August 26, 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

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### COMMITTEE OF THE WHOLE REPORT

AUGUST 26, 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*

Cindy Shaw makes a motion to Concur and Place on File if they comply with the stipulations outlined in the Resolution 2020-15. Brenden McDonough seconds the motion.

9 yea 0 nay

2. 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

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Program.

*Hold in Abeyance*

Cindy Shaw makes a motion to Concur and Place on File if they comply with the stipulations outlined in the Resolution 2020-15. Brenden McDonough seconds the motion.

9 yea 0 nay

**3.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.

*Cross reference with Communication No. 2020-341 and Place on File*

**4.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.

*Place on File*

**5.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.

*Place on File*

**6.COMMUNICATION NO. 2020-335**

Eric Hassler, Superfund Operations Manager, requesting Council of Commissioners for a Bid Opening for September 2, 2020 for topsoil that is required for the ongoing operations and maintenance of reclaimed areas.

[2020-335 Bid Specs](#)

*Hold in Abeyance*

**7.COMMUNICATION NO. 2020-337**

Mark Neary, Public Works Director, requesting Council of Commissioners schedule a Bid Opening for August 26, 2020 for the Dig and Replacement of sewer lines on Clark, Zeralda, Alabama, Hornet, Waukesha, Quartz, Rampart and Cedar Lake Streets. This project is funded through the Treasure State Endowment Program with a 50% match from BSB.

*Place on File*

**FINANCE & BUDGET COMMITTEE MEETING REPORT**

AUGUST 26, 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 August 26, 2020 was reviewed and approved in the amount of \$3,743.16 for 2020, and \$1,210,788.59 for 2021

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

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## **PUBLIC WORKS COMMITTEE MEETING REPORT**

AUGUST 26, 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 additional information is gathered by Commissioner McDonough.*

### 2.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](#)

*Hold in Abeyance until the Public Hearing on September 2, 2020*

### **PUBLIC WORKS COMMITTEE MEMBERS:**

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

## **JUDICIARY COMMITTEE MEETING REPORT**

AUGUST 26, 2020

7:00 PM



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.

*Move to Final Reading*

2.RESOLUTION NO. **2020-45**

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF REAL PROPERTY FORMALLY KNOWN AS 611 S. IDAHO STREET, OWNED BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, DESCRIBED AS LOT TWENTY-FIVE (25) OF BLOCK FOUR (4) OF THE TRAVONIA ADDITION, PARCEL NO. 0000043610, TO THE CITY-COUNTY OF BUTTE-SILVER BOW MONTANA TO BREITENFELDT INVESTMENTS LLC, IN ACCORDANCE WITH THE PROVISIONS OF THE BUTTE-SILVER BOW MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

*Move to Final Reading*

Name	Amount	Reason	Approved	
100 NNRP LLC	\$6322.17	REFUND/REDEPTION OF TAX ASSINGMENT TAKEN PARCEL PLUS INTEREST	YES	
LINCOLN ROOFS AND CONSTRUCTION	\$30.00	REFUND BUILDING PERMIT	YES	
KIMBERLY COOK	\$600.00	DEMO BOND REFUND N. MAIN STREET	YES	
UDAP INDUSTRIES	\$9350.00	REFUND PAVING BOND #451 FOR 1703 WATERLINE RD	YES	
LEVI MORK	\$200.00	REFUND DEMOBOND 821 HIGHLAND	YES	
DAVID BROTHERS	\$1000.00	BOND REFUND/RIGHTOF WAY BOND DRIVEWAY @2625 SILVER BOW BLV.	YES	



JUDICIARTY COMMITTEE MEMBERS:

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



**Davies, Barbara**

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**From:** Palmer, Dave  
**Sent:** Tuesday, September 8, 2020 4:51 PM  
**To:** Commissioners  
**Subject:** FW: BSB Fire Commission Inquiry

All this is for your information.  
Dave

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**From:** Steve McArthur <scubasteve4469@yahoo.com>  
**Sent:** Tuesday, September 8, 2020 11:23 AM  
**To:** Nasheim, Mike <mnasheim@bsb.mt.gov>; Palmer, Dave <dpalmer@bsb.mt.gov>; Miller, Jeff <jmiller@bsb.mt.gov>  
**Subject:** BSB Fire Commission Inquiry

**This message did not originate from a Butte-Silver Bow email account and therefore cannot be validated. Please ensure you respond accordingly and proceed with caution.**

Mr. Nasheim:

I sincerely apologize for not getting back to you sooner, but a series of cascading events in my personal life distracted me from the requisite attention I should have been paying to other issues in a number of areas. Again, I apologize.

As a point of clarification, the members of the Butte-Silver Bow Fire Commission *do not* discuss the particulars of *any* candidate/applicant with any individuals, community officials, etc. Any deliberations held by the BSB Fire Commission regarding hiring, promotions, possible disciplinary actions, etc. are done within the sanctity of an official meeting. The BSB Fire Commission places the highest of premiums on the maintenance of stringent confidentiality standards.

Also, the BSB Fire Commission would *never* (barring a formal court order) recommend that the written documents pertaining to any individual's application materials, promotions documents or other relevant materials be released for any type of public consumption. These written documents are considered to be personnel materials and again, are treated as confidential in nature and, as such, are secured, maintained and archived by officials of Butte-Silver Bow County's Personnel Department. The BSB Fire Commission entrusts the Personnel Department with all such documents pertaining to official business under the purview of the Fire Commission.

In closing, I hope this information satisfies your questions and I am sorry that it took so long to get back to you.

Sincerely,

STEVE McARTHUR  
Chairman  
Butte-Silver Bow Fire Commission

copies to:



1. Approval of Minutes 19AUG2020

A.Yes 9/12 ( 75%)  
B.No 0/12 ( 0%)  
C.Abstain 0/12 ( 0%)

No Answer 3/12 ( 25%)

	A	B	C
-----			
cshaw	X		
emankins	X		
jfisher	X		
jsorich	X		
Mark Neary			
Michele Shea	X		
Shawn Fredrickson	X		
ejoyce			
bmcdonough	X		
joneill	X		
dpalmer			
dcallahan	X		

1. Bid Opening

A. Yes 9/13 ( 69%)  
B. No 0/13 ( 0%)  
C. Abstain 0/13 ( 0%)

No Answer 4/13 ( 31%)

	A	B	C
-----			
cshaw	X		
emankins	X		
jfisher	X		
jsorich	X		
Mark Neary			
Michele Shea	X		
Shawn Fredrickson	X		
ejoyce			
bmcdonough	X		
joneill	X		
dpalmer			
Danette Gleason			
dcallahan	X		

1. Approval Consent agenda

A.Yes 9/13 ( 69%)  
B.No 0/13 ( 0%)  
C.Abstain 0/13 ( 0%)

No Answer 4/13 ( 31%)

	A	B	C
-----			
cshaw	X		
emankins	X		
jfisher	X		
jsorich	X		
Mark Neary			
Michele Shea	X		
Shawn Fredrickson	X		
ejoyce			
bmcdonough	X		
joneill	X		
dpalmer			
Danette Gleason			
dcallahan	X		

1.2020-04 Concur and place on file

A.Yes 9/13 ( 69%)

B.No 0/13 ( 0%)

C.Abstain 0/13 ( 0%)

No Answer 4/13 ( 31%)

	A	B	C
-----			
cshaw	X		
emankins	X		
jfisher	X		
jsorich	X		
Mark Neary			
Michele Shea	X		
Shawn Fredrickson	X		
ejoyce			
bmcdonough	X		
joneill	X		
dpalmer			
Danette Gleason			
dcallahan	X		

1.2020-04 Concur and place on file  
 A.Yes 9/13 ( 69%)  
 B.No 0/13 ( 0%)  
 C.Abstain 0/13 ( 0%)  
 No Answer 4/13 ( 31%)

	A	B	C
cshaw	X		
emankins	X		
jfisher	X		
jsorich	X		
Mark Neary			
Michele Shea	X		
Shawn Fredrickson	X		
ejoyce			
bmcdonough	X		
joneill	X		
dpalmer			
Danette Gleason			
dcallahan	X		

1.COMMUNICATION NO. 2020-354 concur and POF

A.Yes 8/13 ( 62%)  
B.No 1/13 ( 8%)  
C.Abstain 0/13 ( 0%)

No Answer 4/13 ( 31%)

	A	B	C
-----			
cshaw	X		
emankins	X		
jfisher	X		
jsorich	X		
Mark Neary			
Michele Shea	X		
Shawn Fredrickson	X		
ejoyce			
bmcdonough	X		
joneill		X	
dpalmer			
Danette Gleason			
dcallahan	X		

1.COMMUNICATION NO. 2020-358 HIA

A.Yes 8/13 ( 62%)

B.No 0/13 ( 0%)

C.Abstain 0/13 ( 0%)

No Answer 5/13 ( 38%)

	A	B	C
-----			
cshaw	X		
emankins	X		
jfisher	X		
jsorich	X		
Mark Neary			
Michele Shea			
Shawn Fredrickson	X		
ejoyce			
bmcdonough	X		
joneill	X		
dpalmer			
Danette Gleason			
dcallahan	X		

1.COMMUNICATION NO. 2020-360 refer to COW

A.Yes 9/13 ( 69%)

B.No 0/13 ( 0%)

C.Abstain 0/13 ( 0%)

No Answer 4/13 ( 31%)

	A	B	C
-----			
cshaw	X		
emankins	X		
jfisher	X		
jsorich	X		
Mark Neary			
Michele Shea	X		
Shawn Fredrickson	X		
ejoyce			
bmcdonough	X		
joneill	X		
dpalmer			
Danette Gleason			
dcallahan	X		

1. RESOLUTION NO. 2020-45

A.Yes 9/13 ( 69%)

B.No 0/13 ( 0%)

C.Abstain 0/13 ( 0%)

No Answer 4/13 ( 31%)

	A	B	C
-----			
cshaw	X		
emankins	X		
jfisher	X		
jsorich	X		
Mark Neary			
Michele Shea	X		
Shawn Fredrickson	X		
ejoyce			
bmcdonough	X		
joneill	X		
dpalmer			
Danette Gleason			
dcallahan	X		