

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING AGENDA
WEDNESDAY, MAY 20, 2020
7:30 PM COURTHOUSE COUNCIL CHAMBERS**

ROLL CALL

PRAYER AND PLEDGE

APPROVAL OF THE MINUTES

[May 6, 2020 Regular Meeting Minutes](#)

[Letters from May 6, 2020 Agenda \(1\)](#)

[Letters from May 6, 2020 Agenda \(2\)](#)

ITEMS NOT ADDRESSED ON THE AGENDA

CHIEF EXECUTIVE’S REPORT

CHIEF EXECUTIVE’S REPORT ON THE SUPERFUND

PUBLIC COMMENT ON ANY ITEMS ON THE AGENDA

SECTION 1: 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. [2020-193](#)

Jack Whelan, Baseball Committee Chairman requesting Council of Commissioners authorization to waive the license fees and charges as the Butte American Legion Baseball Committee would like to sponsor a firework stand at the north side of the Civic Center parking lot on June 24, through July 5, 2020. We are non-profit organization and proceeds will be used to support the youth of our community.

Concur and Place on File

2. COMMUNICATION NO. [2020-194](#)

Aubrey Jaap, BSB Public Archives Assistant Director requesting Council of Commissioners authorization to apply for a National Endowment for the Humanities "Cares: Cultural Organizations" grant for \$26,177.05. This grant application does not require any matching funds.

[2020-194 Grant Review](#)

Concur and Place on File



3.COMMUNICATION NO. [2020-195](#)

Doug Conway, BSB Law Enforcement Captain requesting Council of Commissioners authorization to apply for grant funding in reference to the Bureau of Justice Assistance US Department of Justice Bulletproof Vest Partnership (BVP-FY 2020 Program. The award request is \$10,320.00 will require a 50% match (5,160.00).

Concur and Place on File

4.COMMUNICATION NO. [2020-196](#)

Doug Conway, BSB Law Enforcement Captain requesting Council of Commissioners to authorize the Chief Executive to sign acceptance of grant funding in reference to the Bureau of Justice Assistance US Department of Justice Coronavirus Emergency Supplemental Funding Program awarded as 2020-VD-BX-0283. The award of \$50,044 will not require a match.

[2020-196 Grant Acceptance](#)

Concur and Place on File

5.COMMUNICATION NO. [2020-197](#)

Cari Coe, BSB Public Archives Program Director requesting Council of Commissioners authorization to apply for a National Endowment for the Humanities "Cares: Cultural Organizations" grant for \$29,580.88. This grant application does not require any matching funds. If awarded, this grant will help offset staffing costs during the COVID-19 shutdown, and to allow the hiring of a temporary intern to develop interactive online historic tours and exhibits.

[2020-197 Grant Review](#)

Concur and Place on File

6.COMMUNICATION NO. [2020-198](#)

Dave Schultz, 1201 W. Copper requesting Council of Commissioners to formalize their deliberation process to assure they are fully informed before voting on matters of significance. Presently the Council is subject to hearing the selective information the Chief Executive or his staff choose to convey, and this has led to uninformed decisions by the Council on important issues.

[2020-198 Memo](#)

Note and Place on File

7.COMMUNICATION NO. [2020-199](#)

Mollie Maffei, Deputy County Attorney requesting Council of Commissioners to authorize the Chief Executive to sign an easement granting Northwestern Energy access to replace a line for service in Brown's Gulch. This has been approved by the Public Works Department.

[2020-199 Easement](#)

Concur and Place on File

8.COMMUNICATION NO. [2020-200](#)

Mark Neary, Public Works Director requesting Council of Commissioners to authorize the Chief Executive to sign the Agreement and the Notice to Proceed to Intermountain Construction for the Landfill Cell IV expansion.

[2020-200 Agreement](#)

[2020-200 Notice to Proceed](#)

Concur and Place on File



9.COMMUNICATION NO. [2020-201](#)

Mark Neary, Public Works Director requesting Council of Commissioners to authorize the Chief Executive to sign the Purchase Agreement for Asphalt Hot Mix Supply which was awarded to the lowest bidder Hollow Contracting.

[2020-201 Agreement](#)

Concur and Place on File

10.COMMUNICATION NO. [2020-202](#)

Mark Neary, Public Works Director requesting Council of Commissioners to authorize the Chief Executive to sign the Renewable Resource Grant. This grant will provide funding assistance for the repairs needed on the Parapet Wall at Basin Creek Dam #1. The amount of funds available for these grants is up to \$125,000 and does not require a match.

[2020-202 Grant](#)

Concur and Place on File

11.COMMUNICATION NO. [2020-203](#)

Mark Neary, Public Works Director requesting Council of Commissioners to authorize the Chief Executive to sign the Northwestern Energy construction contract for a gas line to the new shops. The total value of this agreement is \$86,189 to be paid in advance by Butte-Silver Bow.

[2020-203 Agreement](#)

Concur and Place on File

12.COMMUNICATION NO. [2020-204](#)

Mark Neary, Public Works Director requesting Council of Commissioners to authorize the Chief Executive to sign the McGree Corporation Agreement for Solid Waste Collection Services This contract will allow McGree Trucking to continue solid waste collection services for Butte-Silver Bow.

[2020-204 Agreement](#)

Concur and Place on File

13.COMMUNICATION NO. [2020-205](#)

Mark Neary, Public Works Director requesting Council of Commissioners to authorize the Chief Executive to sign the Form of Agreement and the Notice of Award for Hollow Contracting to perform Chip Sealing Roads for 2020.

[2020-205 Agreement](#)

[2020-205 Notice of Award](#)

Concur and Place on File

14COMMUNICATION NO. [2020-206](#)

Mark Neary, Public Works Director requesting Council of Commissioners for time on the Council of Commissioners June 3, 2020 Council of Commissioners Regular Meeting to open bids for materials for the Dewey Phase 3 Water Line Replacement.

Hold in Committee of the Whole until June 3, 2020



15.COMMUNICATION NO. [2020-207](#)

Mark Neary, Public Works Director requesting Council of Commissioners for time on the Council of Commissioners June 3, 2020 Council of Commissioners Regular Meeting to open bids for materials for the Big Hole Transmission Line.

Hold in Abeyance until June 3, 2020

16.COMMUNICATION NO. [2020-208](#)

Karen Sullivan, Health Officer requesting Council of Commissioners to authorize the Chief Executive to sign the Memorandum of Understanding between the Montana Department of Public Health and Human Services' Addictive and Mental Disorders Division and the Butte-Silver Bow Health Department.

[2020-208 Memorandum](#)

Concur and Place on File

17.COMMUNICATION NO. [2020-209](#)

Karen Sullivan, Health Officer requesting Council of Commissioners to authorize the Chief Executive to sign the Agreement between Butte-Silver Bow Health Department and Lee's Office City.

[2020-209 Agreement](#)

Concur and Place on File

18.COMMUNICATION NO. [2020-211](#)

Dave Palmer, Chief Executive requesting Council of Commissioners concurrence in the following re-appointment to the Tourism Business Improvement District Board of Trustees. This dedicated citizen has graciously agreed to serve on the board as follows.

Concur and Place on File

19.COMMUNICATION NO. [2020-212](#)

Dave Palmer, Chief Executive requesting Council of Commissioners concurrence in the following re-appointment to the Public Library Board. This dedicated citizen has graciously agreed to serve on the board as follows.

Concur and Place on File

20.COMMUNICATION NO. [2020-213](#)

Dave Palmer, Chief Executive requesting Council of Commissioners concurrence in the following re-appointment to the Greenway Service District. This dedicated citizen has graciously agreed to serve on the board as follows.

Concur and Place on File

21.COMMUNICATION NO. [2020-214](#)

Dave Palmer, Chief Executive requesting Council of Commissioners concurrence in the following re-appointment to the Archives Board. This dedicated citizen has graciously agreed to serve on the board as follows.

Concur and Place on File



22.COMMUNICATION NO. [2020-215](#)

Mark Neary, Public Works Director requesting Council of Commissioners to authorize the Chief Executive to pursue the Montana Department of Commerce TSEP grant funds in the amount of up to \$500,000 and associate documents for submittal on or before the June 12, 2020 deadline.

Concur and Place on File

23. COMMUNICATION NO. [2020-216](#)

Julia Crain, Superfund Date Administrator requesting Council of Commissioners to authorize the Chief Executive to sign the Amendment No. 1 to the State of Montana Department of National Resources and Conservation Contract No. RD-WMM-605, and extend the term to December 31, 2020

[2020-216 Amended Grant](#)

Concur and Place on File

24.COMMUNICATION NO. [2020-217](#)

Jon Sesso, Superfund Coordinator requesting Council of Commissioners to authorize the Chief Executive to approve the Superfund Division to pursue Montana DNRC RDG funds in the amount up to \$500,000 for the grant application for submittal by June 1, 2020.

Concur and Place on File

25.COMMUNICATION NO. [2020-218](#)

Mollie Maffei, Deputy County Attorney requesting Council of Commissioners to authorize the Chief Executive to sign an easement granting Fatbeam access to install fiber optic service on Parkmont. This has been approved by the Public Works.

[2020-18 Easement](#)

Concur and Place on File

26.COMMUNICATION NO. [2020-219](#)

Kristen Rosa, TIFID Administrator requesting Council of Commissioners to authorize the Chief Executive to sign an Option to Purchase Agreement with Oriden, LLC. The Option to Purchase Agreement is for a 160-acre parcel in Montana Connections located North of REC Silicon. The proposed use of the property is for energy development.

[2020-219 Agreement](#)

Concur and Place on File

27. COMMUNICATION NO. [2020-220](#)

J.P. Gallagher, Parks and Rec Director requesting Council of Commissioners to authorize the Chief Executive to sign the Construction Management (Appendix A) Scope of work, with Water Environmental Technologies Inc. (WET).

[2020-220 Scope of Work](#)

Concur and Place on File

28.COMMUNICATION NO. [2020-221](#)

Danette Gleason, Finance and Budget Director requesting Council of Commissioners for time on the June 3, 2020 Council of Commissioners agenda to give a presentation on an alternative method for assessing fees for the Countywide Road Maintenance District.

Hold in the Committee of the Whole until June, 3 2020



29. COMMUNICATION NO. [2020-222](#)

Danette Gleason, Finance and Budget Director requesting Council of Commissioners and the Chief Executive to review the Finance and Budget Expenditure Approval Lists for the Week of May 13, 2020 in the amount of \$1,620,178.55 and for the week of May 20, 2020, which will be available after 6:00 pm on Tuesday May 19, 2020

Concur and Place on File

SECTION 2: COMMUNICATIONS TO BE READ AND ACTED UPON

1. COMMUNICATION NO. [2020-210](#)

Dave Palmer, Chief Executive respectively requests the Council of Commissioners authorization to sign the Consent Decree (CD) for the Butte Priority Soils Operable Unit.

SECTION 3: ORDINANCES AND RESOLUTIONS FOR INTRODUCTION

1. COUNCIL BILL NO. [2020-03](#)

ORDINANCE NO. [2020-03](#)

AN ORDINANCE ESTABLISHING A NEW CHAPTER OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) TO BE NUMBERED 12.17 AND TO BE ENTITLED “PARKLET/PEDLET PERMITS” AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2. COUNCIL BILL NO. [2020-04](#)

ORDINANCE NO. [2020-04](#)

AN ORDINANCE AMENDING CHAPTER 8.02 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (BSB-MC) ENTITLED “VACANT BUILDINGS”, AND SPECIFICALLY AMENDING SECTIONS 8.02.020, 8.02.030, ENACTING A NEW SECTION 8.028.040, AND AMENDING BY RENUMBERING THE PRIOR SECTION 8.02.040 TO 8.04.050, RENUMBERING 8.02.050 TO 8.02.060, RENUMBERING AND AMENDING 8.02.060 TO 8.02.070, RENUMBERING 8.02.070 TO 8.02.080, RENUMBERING AND AMENDING 8.02.080 TO 8.02.090 AND APROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION 4: ORDINANCES AND RESOLUTIONS SUSPENSION OF THE RULES FINAL PASSAGE

1. RESOLUTION NO. [2020-21](#)

A RESOLUTION AMENDING THE BUDGET DURING FISCAL YEAR 2019-2020 IN ACCORDANCE WITH SECTION 7-6-4032, MONTANA CODE ANNOTATED (MCA) PROVIDING FOR AN EMERGENCY BUDGET APPROPRIATION; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW LAW ENFORCEMENT DEPARTMENT FROM THE UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS FOR CORNAVIRUS EMERGENCY SUPPLEMENTAL FUNDING TO BE APPROPRIATED FOR EXPENDITURES RELATED TO LOCAL LAW ENFORCEMENT DEPARTMENT AND DETENTION CENTER AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.



2. RESOLUTION NO. [2020-22](#)

A RESOLUTION DIRECTING THE BUTTE-SILVER BOW LAND RECORDS DEPARTMENT TO MAIL NOTICE OF PENDING TAX DEED ISSUANCE TO ALL PERSONS CONSIDERED INTERESTED PARTIES FOR EACH PROPERTY FOR WHICH THERE HAS BEEN ISSUED A TAX CERTIFICATE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 15-18-212, MCA; FURTHER DIRECTING THE TREASURER TO ISSUE A TAX DEED FOR THOSE PARCELS OF PROPERTY WHERE THERE HAS BEEN ISSUED A TAX CERTIFICATE AND THE EXPIRATION DATE OF THE REDEMPTION PERIOD HAS EXPIRED AND THE REQUIRED PAYMENTS HAVE NOT BEEN MADE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA

CALENDAR OF OTHER MEETINGS AND EVENTS

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

ADJOURN

MEETINGS

THE COMMITTEE OF THE WHOLE MEETING WILL BE MAY 27, 2020 BUT THE OTHER SMALLER MEETINGS WILL RESUME AT A LATER DATE DUE TO COVID-19.

REPORTS

COMMITTEE OF THE WHOLE REPORT

MAY 13, 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

1. COMMUNICATION NO. [2020-192](#)

Leslie Clark, Human Resource Director requesting Council of Commissioners authorization for a presentation by Lori Fearon of Payne West Insurance regarding the July 1, 2020 Butte-Silver Bow health insurance renewal.

Presentation was held



SECTION 2. COMMUNICATIONS

1.COMMUNICATION NO. 2020-157

Eldon Beall, 315 S. Dakota Street requesting Council of Commissioners pull Communication No. 19-443 and Communication No. 2020-90 out of the Suspense File to be placed on the next Public Works Committee agenda.

Move Communication No. 19-443 and 2020-90 to the Committee of the Whole

2.COMMUNICATION NO. 2020-164

Mark Neary, Public Works Director requesting Council of Commissioners for time on the May 6, 2020 Regular Meeting Agenda to open bids for the 1-15 crossing Jack and Bore for the Big Hole Transmission Line for the Water Utility Division.

Place on File

3.COMMUNICATION NO. 2020-165

Mark Neary, Public Works Director requesting Council of Commissioners for time on the May 6, 2020 Regular Meeting Agenda to open bids for Chip Sealing roads for the 2020 season.

Place on File

4.COMMUNICATION NO. 2020-166

Mark Neary, Public Works Director requesting Council of Commissioners for time on the May 6, 2020 Regular Meeting Agenda to open bids for Asphalt Mix Supply for the 2020 season.

Place on File

5.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

6.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

7.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

8.COMMUNICATION NO. 2020-125

Danette Gleason, Finance and Budget Director requesting Council of Commissioners for time on the April 8, 2020 Committee of the Whole Meeting for opening proposals for a private placement direct bank loan. This loan, in the amount of \$1,850,000, is needed to cover costs associated with Phase I of the Public Safety Communication System Modernization Project.

Place on File



9.COMMUNICATION NO. 2020-128

Mark Neary, Public Works Director requesting Council of Commissioners for time on the Council of Commissioners April 1, 2020 Council of Commissioners Regular Meeting to open bids for Asphalt Oil Supply for the 2020 season.

Place on File

10.COMMUNICATION NO. 2020-129

Mark Neary, Public Works Director requesting Council of Commissioners to hold a bid opening on April 15, 2020 related to the Cell IV Expansion project for the Landfill.

Place on File

11.COMMUNICATION NO. 2020-130

Mark Neary, Public Works Director requesting Council of Commissioners to hold a Public Hearing to be held on April 1, 2020 regular meeting, for Sole Source of Solar Bee's for the Basin Creek Reservoir. We hope to purchase the Solar Bee's in Fiscal Years 2020 and 2021.

Place on File

12.COMMUNICATION NO. 2020-132

Jim Fisher, Commissioner District 6 requesting Council of Commissioners to consider drafting a Resolution that would amend the Butte-Silver Bow Charter pursuant to the attached certificate #2, to eliminate the twelve (12) elected Council of Commissioners and the elected Chief Executive positions. Those positions would be replaced with a Legislative Commission consisting of five (5) City-County Representatives elected at large by the electors of Butte-Silver Bow County Montana.

Note and Place on File

ADJOURN

FINANCE & BUDGET COMMITTEE MEETING REPORT

MAY 6, 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 April 22, 2020 was reviewed and approved for the amount of \$836,549,.46 for the week of May 6, 2020.

