

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

ROLL CALL

12 Present 0 Absent

PRAYER AND PLEDGE

John Morgan

PUBLIC COMMENT ON ANY ITEMS ON THE CONSENT AGENDA

See attached Letters

Phone line Open: Evan Barrett, Comment on Communication No. 2020-152, I request that the Council postpone the Open Hearing until we can all meet in person. We have many older people who want to voice there opinion on the CD. There is no need to rush this thing. Lets take the time to get the public process figured out during this pandemic. Please segregate this communication and table it for now.

APPROVAL OF THE MINUTES

[March 18, 2020 Regular Meeting Minutes](#)

11 Yea) Nay John Morgan makes motion and Cindy Shaw Seconds the motion.

ITEMS NOT ADDRESSED ON THE AGENDA

2020-155 Motion to the Emergency Suspension of the Rules to add this to the agenda. John Morgan make motion and Cindy Shaw seconds the motion. 12 Yeas 0 Nays

CHIEF EXECUTIVE'S REPORT

It has been very busy with the COVID-19. The count is 11 in BSB County, Montana has 217 confirmed cases, 19 are hospitalized and 5 Deaths. The State Suicide Prevention Hotline, took in 6581 calls last year, and from March 31, 2020 until now there were 715 calls. There are some other issues all related to this Corona Virus.

CHIEF EXECUTIVE'S REPORT ON THE SUPERFUND

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

PUBLIC HEARINGS

1.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.

2.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.



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. [2020-140](#)

Mike Clague, Deputy County Attorney requesting Council of Commissioners authorize the Chief Executive to sign the Memorandum of Understanding between the partners of the proposed Veterans Court. The Memorandum of Understanding is required for a U.S. Department of Justice Grant.

[2020-140 Memorandum](#)

Concur and Place on File

2. COMMUNICATION NO. [2020-142](#)

George Everett, Executive Director Mainstreet Uptown Butte requesting Council of Commissioners authorize the Chief Executive to sign the Agreement to temporarily close vehicle traffic one block of West Park Street between the intersection of Park and Main and Dakota Street to hold the Butte Farmers' Market each Saturday from 8:00am to 1:00 pm from May 16 through October 3, 2020.

[2020-142 Agreement](#)

Concur and Place on File

3. COMMUNICATION NO. [2020-143](#)

Danette Gleason, Finance & Budget Director requesting Council of Commissioners to review and note that the Finance & Budget Director has completed the obligations to report to the Council of Commissioners under the Procedures Regarding Municipal Securities Disclosure and place on file.

[2020-143 Disclosures](#)

Note and Place on File

4. COMMUNICATION NO. [2020-144](#)

Doug Conway, BSB: Law Enforcement Captain requesting Council of Commissioners authorize the Chief Executive to sign the updated contract between the BSB City-County Government and the Silver Bow Towing Association for abandoned vehicle removal. The only update to the contract is to the fee payment to the tower for removal of and abandoned vehicles when requested.

[2020-144 Contract](#)

Concur and Place on File

5. COMMUNICATION NO. [2020-146](#)

Dan Olsen, BSB Commissioner District 5 requesting Council of Commissioners authorize the Chief Executive's concurrence for the 2019-2020 Economic Mill Levy Grants that were reviewed and agreed upon after our March 11, 2020 Economic Development Meeting.



Concur and Place on File

6. COMMUNICATION NO. [2020-147](#)

Ed Banderob, 2601 Grand Ave requesting Council of Commissioners to authorize the Chief Executive to have the BSB Health Director ask Budget Authority for Emergency Funding for Equipment, Supplies, First responders and Health Personnel Planning, Preparing, Training and Practicing Emergency Procedures to deal with Coronavirus in Butte-Silver Bow.

Note and Place on File

7.COMMUNICATION NO. [2020-148](#)

Jim Kambich, Assistant Airport Manager requesting Council of Commissioners to authorize the Chief Executive to enter into a contract 2020 loan renewal package for the historical property on loan to Butte-Silver Bow from the National Museum of the United State Air Force (NMUSAF).

[2020-148 Contract](#)

Concur and Place on File

8.COMMUNICATIOON NO. [2020-149](#)

Mark Neary, Public Works Director requesting Council of Commissioners to authorize the Chief Executive to sign the 2020 Water Master Plan Update Agreement with HDR Engineering.

[2020-149 Agreement](#)

Concur and Place on File

9.COMMUNICATION NO. [2020-150](#)

Mark Neary, Public Works Director requesting Council of Commissioners to authorize the Chief Executive to sign the Dewey Phase III Engineering Agreement with HDR Engineering with HDR Engineering.

[2020-150 Agreement](#)

Concur and Place on File

John Morgan make motion to refer it to the April 15, 2020 Regular Meeting

12 Yeas 0 Nays

10.COMMUNICATION NO. [2020-151](#)

Dave Palmer, Chief Executive requesting Council of Commissioners to be allowed to enter into necessary professional service agreements due to quarantine and isolation measures. These agreements will be used only if needed and presented to Council at a later date.

Concur and Place on File

11.COMMUNICATION NO. [2020-152](#)

John Morgan, Council of Commissioners Chair informing Council of Commissioners and the Chief Executive that we will schedule a meeting to receive comments on the Butte Priority Soils CD for April 15th, 2020. The public is invited and encouraged to submit written comments, starting immediately, all of which would be read into the public record on April 15th, 2020.

Concur and Place on File

John Morgan: I placed this communication so that we could get some communication going. There



was rumors that we were going to vote on the CD and that is not correct. Hopefully we will continue to keep the government going thru this pandemic. I in no way wanted to make decisions for the Council and want and need all the feedback from all commissioners and the public for the record. People can submit communications on the CD anytime and I encourage that.

Dave Palmer: I agree with Mr. Morgan that we definitely need to keep things going forward. Please call in and submit written letters to the council.

John Sorich: Supports John Morgan's Communication.

Jim Fisher: I think that we need to wait and have a live Public Hearing, so that we can have any and all people come to us in person. I do not support this.

O'Neil: I would like to move forward on the CD and have the Public Hearing on April 15th.

Eric Mankins: People have had the opportunity to voice their opinions.

Brenden McDonough: I would like to extend the Public Hearing, We and have it postponed until this Pandemic is over.

Cindy Shaw: There is a mystery of how long this pandemic may go on. Let's keep it on the Agenda and let people know that we do want to hear all of the people.

Dan Olsen: We need to keep this going and get this settled and through to the EPA.

Bill Anderson: We have quite a few people who are elderly and they do not have access to watch this online.

Michele Shea: I think we need to encourage public comment now and again in a couple of weeks. We will do it as many times as we see fit.

Jim Fisher makes a motion to place on file and Anderson seconds the motion.

Brenden McDonough: I think we need a place holder on the agenda, and people are thinking that this will not have other public hearing in the future.

Brenden McDonough. Hold in Abeyance and accept public hearings as long as the public deems possible. Bill Anderson seconds.

John Sesso: I would like to experiment with the process on April 15th, its going to be awhile before we get back to normal business. I don't think we have rushed anything and will definitely hear all public comments.

John Morgan: makes motion to concur and hold the public meeting April 15 and reassess on May 6th and do what would be necessary to make it move forward for more comments or vote on it.

12 Yeas 0 Nays

12.COMMUNICATION NO. 2020-153

John Morgan, Council of Commissioners Chair informing Council of Commissioners and the Chief Executive that there will be changes of Butte-Silver Bow Council of Commissioner meetings starting April 1, 2020. These changes are based upon major events related to Covid-19 and the orders of the Governor.

Note and Place on File

2020-155 Emergency Suspension of the Rules

Expenditure list will be listed on the Website.

John Morgan makes a motion to Note and Place on File. Cindy Shaw Seconds the motion.

12 Yeas 0 Nays

SECTION 3: ORDINANCES AND RESOLUTIONS SUSPENSION OF THE RULES FINAL PASSAGE



1.COUNCIL BILL NO. 2020-02
ORDINANCE NO. 2020-02

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 SECTIONS 10.40.040 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

John Morgan makes motion and Cindy Shaw Seconds. Place on 2nd reading, 12 Yeas 0 Nays

1.RESOLUTION NO. 2020-12

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW HEALTH DEPARTMENT FROM THE U.S. FOOD AND DRUG ADMINISTRATION GRANT AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

John Morgan makes motion to on final reading and pass Shaw seconds.
12 yeas 0 nays

2.RESOLUTION NO. 2020-13

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW HEALTH DEPARTMENT FROM THE NATIONAL ASSOCIATION OF CHRONIC DISEASE DIRECTORS TO PROVIDE SERVICES UNDER THE NACDD GRANT AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

John Morgan makes motion to on final reading and pass Shaw seconds.
12 yeas 0 nays

John Morgan make motion to suspend the rules of 2020-12 and 2020-13 with out judiciary meeting.

12 Yeas 0 Nays

1.RESOLUTION NO. 2020-16

A RESOLUTION AUTHORIZING THE ELECTION ADMINISTRATOR FOR THE CITY-COUNTY OF BUTTE-SILVER BOW, MONTANA TO CONDUCT THE JUNE 2, 2020 PRIMARY ELECTION AS A MAIL BALLOT ELECTION.

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA

CALENDAR OF OTHER MEETINGS AND EVENTS

April 1, 2020, Airport Authority, 12:00 pm, Bert Mooney Airport Authority Admin. Office

April 1, 2020, Butte AIDS Support Services, 7:00 pm, Community Center

April 1, 2020, Board of Health, 7:00 am, Health Dept. Conference Room



April 2, 2020, Civic Center, 12:00 pm, Civic Center Hospitality Room
April 2, 2020, East Butte RRA, 9:00 am, 1st Floor Conference Room, *ad hoc basis*
April 7, 2020, Fire Advisory Committee, 5:30 pm, Butte 1st Floor Conference Room
April 7, 2020, Historic Preservation Commission, 5:30 pm, Council Chambers
April 7, 2020, Weed Board, 7:00 pm, Weed Office, 25 West Front
April 8, 2020, Land Sales Committee, 1:30 pm, First Floor Conference Room
April 8, 2020, Law Enforcement Commission, 4:00 pm, Chief Executive Conference Room
April 8, 2020, Public Library Board, 5:00 pm, 3rd Floor, Library Bldg.
April 9, 2020, Greenway Service District Board, 4:30 pm, Anaconda Comm. Service Bldg.
April 10, 2020, TIFID, 12:00 pm, Business Development Center
April 13, 2020, Archives, 12:00 pm, Archives Center
April 13, 2020, Fair Board, 6:00 pm, Perkins or HOPS Meeting Room
April 14, 2020, Superfund Advisory (SARTA), 6:00 pm, Butte Justice Center
ADJOURN

MEETINGS

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

REPORTS

COMMITTEE OF THE WHOLE MEETING REPORT

MARCH 25, 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. COMMUNICATIONS

1.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.

Cross Reference with Resolution 2020-06 and Place on File

2.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

3.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

4.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

5. COMMUNICATION NO. **2020-102**

Karen Sullivan, Health Department Officer requesting Council of Commissioners to schedule a Public Hearing for March 18, 2020 for the purpose of amending the fiscal year 2019-2020 budget to allow for increased expenditures of unanticipated revenue resulting from a grant, the U.S. Food & Drug Administration, Health Department budget, 1000.000.3311.21.000.

Place on File

6. COMMUNICATION NO. **2020-103**

Karen Sullivan, Health Department Officer requesting Council of Commissioners to schedule a Public Hearing for March 18, 2020 for the purpose of amending the fiscal year 2019-2020 budget to allow for increased expenditures resulting from an MOU for Community Participants to attend Disability Inclusive Health Communities Summit Training by the National Association of Chronic Disease Directors, Developmentally Disabled budget, 2984.000.3311.17.000.

Place on File

7.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.

Hold in Abeyance

8.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.

Hold in Abeyance

9.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.

Hold in Abeyance

10.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.
Hold in Abeyance

11.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.
Hold in Abeyance

ADJOURN

FINANCE & BUDGET COMMITTEE MEETING REPORT

MARCH 25, 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 March 25, 2020 was reviewed and approved for the amount of \$ 763,571.26 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	A
Josh O'Neil	P
Michele Shea	P

PUBLIC WORKS COMMITTEE MEETING REPORT

MARCH 25, 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. **2020-90**

Eldon Beall 315 S. Dakota Street Butte, Mt requesting Council of Commissioners provide 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.
Put in Suspense File for one year

2.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 Refer to Public Works Director to ask MDT to consider a speed study

PUBLIC WORKS COMMITTEE MEMBERS:

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

JUDICIARY COMMITTEE MEETING REPORT

MARCH 25, 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. [2020-46](#)

Michele Shea, District 2 Commissioner 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.

Cross Reference with Resolution 2020-15 and Place on File

2.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.

Hold in Abeyance.

3. COMMUNICATION NO. [2020-116](#)

Eldon Beall, 315 South Dakota Street requesting Council of Commissioners to amend Council Bill 19-5, Ordinance No. 562 Section 3-4 of the B-SB MC.

Note 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 Committee until Public Hearing is scheduled.

2. COUNCIL BILL NO. 2020-02

ORDINANCE NO. **2020-02**

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 SECTIONS 10.40.040 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

Move to Second Reading

JUDICIARTY COMMITTEE MEMBERS:

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

