

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING AGENDA
WEDNESDAY, MAY 6, 2020
7:30 PM COURTHOUSE COUNCIL CHAMBERS**

ROLL CALL

11 Present 1 Absent-Bill Anderson

PRAYER AND PLEDGE

John Morgan

APPROVAL OF THE MINUTES

[April 15, 2020 Regular Meeting Minutes](#)

John Morgan makes a motion to approve the Minutes of the April 15, 2020 Regular meeting, Cindy Shaw seconds the motion.

11 yeas 0 nays

ITEMS NOT ADDRESSED ON THE AGENDA

Emergency Suspension of the Rules, 2020-192 to be added to the agenda, from Leslie Clark, John Morgan Makes the motion, Cindy Shaw seconds the motion

11 yeas 0 nays

CHIEF EXECUTIVE'S REPORT

Dave Palmer makes an update and there is currently one person who is out of state which is active in Silver Bow County. Thank to all who have made this possible by following the guidelines.

CHIEF EXECUTIVE'S REPORT ON THE SUPERFUND

1.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.

John Morgan state that we will start with a couple of video's to start and then we will read the letters into the public record.

First Video- Jim Fisher, Northey Tretheway, Even Barrett, Ed Simonich, Bill McCregor, Don Peoples, Doug Coe, Sister Mary Jo McDonald, Mary Kay Craig,

Second Video- Sister Mary Jo McDonald

Phone Calls: Brad Newman: Patricia Galley, John Ray, Joe Griffin,

Letters to be read. See Attached Letters

Dan Callahan makes a motion to Note and Place on File, Dan Olsen Seconds the motion.

11 yeas 0 nays

PUBLIC COMMENT ON ANY ITEMS ON THE CONSENT AGENDA

None

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

BID OPENINGS



1.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.

Engineers Estimate \$2,481,561.36

1. Carstonson Contracting \$2,344,028.00
2. Mungus Construction \$1,843,797.75
3. RS Johnson Construction \$1,607,290.90
4. Johnson Excavating \$1,526,740.00
5. First Mark Construction, \$1,964,746.00
6. Blue Sky Construction \$2,171,842.49
7. Bullock Contracting \$1,509,945.50
8. H & H Contracting \$1,459,620.00
9. White Civil Contracting \$2,647,539.00

John Morgan Makes to Public Works Dept and wait for a report back to the Council Cindy Shaw seconds

11 yeas 0 nays

2.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.

- 1.Pavement Maintenance Solutions \$574,969.82
- 2.Hard Drives \$654,894.90
- 3.Gilman Excavating \$533,924.80
- 4.Hollow Construction \$495,965.90

John Morgan Makes to Public Works Dept and wait for a report back to the Council Cindy Shaw seconds

11 yeas 0 nays

3.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.

- 1.Copper City Asphalt \$670,000.00
- 2.Hoffman's R & M Services \$697,500.00
- 3.Hollow Contracting \$667,500.00

John Morgan Makes to Public Works Dept and wait for a report back to the Council. Cindy Shaw seconds

11 yeas 0 nays

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*
-



No segregations

John Morgan makes a motion to approve Consent Agenda Cindy Shaw seconds.

11 yeas 0 nays

2020-192 Emergency Suspension of the Rules

John Morgan makes a motion to refer to the COW next week. Cindy Shaw seconds the motion

11 yeas 0 nays

B. COMMUNICATIONS

1.COMMUNICATION NO. [2020-171](#)

Lori Baker-Patrick, BSB Treasurer requesting Council of Commissioners authorization for the County Attorney to draft a Council Resolution permitting the mailing of a certified letter of Tax Deed Notifications and issuing a Tax Deed.

Concur and Place on File

2.COMMUNICATION NO. [2020-172](#)

Mike Clague, Deputy County Attorney requesting Council of Commissioners to authorize the Chief Executive to sign the contract with the Jana McGill Esq for services provided to the Butte-Silver Bow DUI Court. The contract is to replace the court's defense attorney who took another position.

[2020-172 Agreement](#)

Concur and Place on File

3.COMMUNICATION NO. [2020-173](#)

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 April 22, 2020 in the amount of \$836,549.46 and for the week of May 6, 2020.

Concur and Place on File

4.COMMUNICATION NO. [2020-174](#)

Danette Gleason, Finance and Budget Director requesting Council Chairman John Morgan to approve and sign the following Judiciary claims so the payments can be dispersed for the week of April 29, 2020.

Concur and Place on File

5.COMMUNICATION NO. [2020-175](#)

Sally Hollis, Clerk & Recorder Election Administrator requesting Council of Commissioners to authorize the Chief Executive to appoint the election judges who have agreed to serve for the upcoming June 2nd Primary Election. Also, I respectfully request to reserve the option of adding additional or replacement judges as may deem necessary.

[2020-175 Judges List](#)

Concur and Place on File

6.COMMUNICATION NO. [2020-176](#)

Sally Hollis, Clerk & Recorder Election Administrator requesting Council of Commissioners to authorize the Chief Executive to enter into a contract with Election Systems & Software (ES&S) for



2 Firm Usage Agreement & Maintenance Support for the DS850 and the Election Ware Reporting License from 07-01-2020 thru 06-30-2021.

[2020-176 Invoices](#)

Concur and Place on File

7.COMMUNICATION NO. [2020-177](#)

Kristen Rosa, TIFID Administrator requesting Council of Commissioners to authorize the Chief Executive to sign a Purchase and Sales Agreement with Warehouse Distribution of Butte. The Purchase and Sales Agreement was referenced in the Lease Agreement and outlines the sale of the land and the responsibilities of both BSB and WDB.

[2020-177 Agreement](#)

Concur and Place on File

8.COMMUNICATION NO. [2020-178](#)

Cathy Maloney, BSB County Supt. Of Schools requesting Council Chairman John Morgan to approve the isolation status for the Melrose School District. Included is a letter from the Melrose School Board chair requesting approval and the completed forms from the Office of Public Instruction.

[2020-178 Isolation Forms](#)

Concur and Place on File

9.COMMUNICATION NO. [2020-179](#)

Kristen Rosa, TIFID Administrator requesting Council of Commissioners to authorize the Chief Executive to sign a U.S. Department of Transportation Better Utilizing Investments to Leverage Development (BUILD) Joint Grant Application with the Port of Montana. The grant is in the amount of \$6.4 million and would be submitted by May 18, 2020.

Concur and Place on File

10.COMMUNICATION NO. [2020-180](#)

J.P. Gallagher, BSB Parks & Recreation Director requesting Council of Commissioners to authorize the Chief Executive to sign the GC/CM Contract Amendment AIA-Document A133-2019 Exhibit A with Langlas & Associates as General Contractor/Construction manager of Stodden Park Central Improvement Plan.

[2020-180 Contract](#)

[2020-180 Cash Flow Projection](#)

Concur and Place on File

11.COMMUNICATION NO. [2020-181](#)

Sally Hollis, Clerk & Recorder -Election Administrator informing Council of Commissioners that on June 10, 2020 the Butte-Silver Bow Clerk & Recorder will conduct the 2020 Primary Election Audit in room 208 at the Court House. The following will serve on the board as Captains, Colleen Safratowich and Laura Sargent. Bob Brown and Barb Jenson will be representing the Democratic Party. Mary McLaughlin and Dave Knight will be representing the Republican Party.

Concur and Place on File

12. COMMUNICATION NO. [2020-182](#)



Karen Byrnes, Community Development Director requesting Council of Commissioners authorization for the Community Development Department to apply for Planning and Technical Assistance funds from the U.S. Economic Development Administration (EDA) to contract for development of the Butte Uptown Master Plan.

Concur and Place on File

13. 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.

Refer to Personnel Committee

14. COMMUNICATION NO. [2020-184](#)

Danette Gleason, Finance and Budget Director requesting Council of Commissioners to view the tentative timetable concerning the fiscal year 2021 budget process. The budget schedule is also based on receipt of certified values from the State of Montana, Department of Revenue in late July. The certified values are significant when finalizing a balanced budget.

Concur and Place on File

15. COMMUNICATION NO. [2020-185](#)

Mark Neary, Public Works Director requesting Council of Commissioners to authorize the Chief Executive to sign the Water and Environmental Technologies Missoula Gulch Stormwater Tunnel Access Agreement.

[2020-185 Agreement](#)

Concur and Place on File

16. COMMUNICATION NO. [2020-186](#)

Mark Neary, Public Works Director requesting Council of Commissioners to authorize the Chief Executive to sign Intermountain Construction Services Change Order #2 for Hill Avenue Road Reconstruction.

[2020-186 Change Order](#)

Concur and Place on File

17. COMMUNICATION NO. [2020-187](#)

Mark Neary, Public Works Director requesting Council of Commissioners to authorize the Chief Executive to sign the Notice of Award to Intermountain Construction Services for the Landfill's Cell IV Expansion project.

[2020-187 Notice of Award](#)

Concur and Place on File

18. COMMUNICATION NO. [2020-188](#)

Mark Neary, Public Works Director requesting Council of Commissioners to authorize the Chief Executive to sign the Land Use License Agreement with the DNRC for staging materials for the Big Hole Transmission Line that is being constructed to convey potable water from the Big Water Treatment Plant to Butte.

[2020-188 Agreement](#)



Concur and Place on File

19. COMMUNICATION NO. [2020-189](#)

Mark Neary, Public Works Director requesting Council of Commissioners to authorize the Chief Executive to sign the Water and Environmental Technologies MAC Sanitary Main Extension Agreement. This agreement is for design services for the MAC Center Sanitary Main Extension.

[2020-189 Agreement](#)

Concur and Place on File

20. COMMUNICATION NO. [2020-190](#)

Mark Neary, Public Works Director requesting Council of Commissioners to authorize the Chief Executive to sign the Calumet Asphalt agreement for supplying asphalt oil to the Crusher. A bid opening was held April 15, 2020 with Calumet being the only respondent. Total Value of the contract is \$623,225.00

[2020-190 Agreement](#)

Concur and Place on File

21. COMMUNICATION NO. [2020-191](#)

Kathy Kenison IT Manager requesting Council of Commissioners approval to change the cellular carrier for the local government. BSB currently uses Verizon Wireless as their Cellular carrier. We have found that T-Mobile service to be comparable to Verizon and the signal often a faster 5G connection. The T-Mobile NASPO contract, through the State of Montana, allows BSB to move all phones to unlimited plans on T-Mobile and achieve a significant savings.

[2020-191 Estimate](#)

Concur and Place on File

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

John Morgan makes a motion to suspend the rules and pass the resolutions on final passage. Cindy Shaw seconds.

11 yeas 0 nays

1. RESOLUTION NO. [2020-18](#)

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR 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 OFFICE OF THE CLERK AND RECORDER FROM THE STATE OF MONTANA DEPARTMENT OF ADMINISTRATION FOR THE POSTAGE EXPENDITURES ON RETURN BALLOTS THROUGH THE UNITED STATES POSTAL SYSTEM AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

John Morgan makes a motion to place on final reading, Cindy Shaw seconds the motion.

11 yeas 0 nays

2. RESOLUTION NO. [2020-19](#)

A RESOLUTION AUTHORIZING THE SOLE SOURCE PURCHASE OF SOLARBEES FOR THE CITY-COUNTY OF BUTTE-SILVER BOW, WATER UTILITY DIVISION, AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

John Morgan makes a motion to place on final reading, Cindy Shaw seconds the motion.

11 yeas 0 nays



3.RESOLUTION NO. [2020-20](#)

RESOLUTION RELATING TO FINANCING OF CERTAIN PROJECTS; ESTABLISHING COMPLIANCE WITH REIMBURSEMENT REGULATIONS UNDER THE INTERNAL REVENUE CODE

John Morgan makes a motion to place on final reading, Cindy Shaw seconds the motion.

11 yeas 0 nays

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA

See attached letters

Eldon Beall

Elizabeth Lawson

There are no Phone Calls at this time.

Dave Palmer reminds everyone that we will have a Committee of the Whole Meeting, but Individual meetings at this time.

CALENDAR OF OTHER MEETINGS AND EVENTS

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

ADJOURN

MEETINGS

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

REPORTS

ADJOURN

FINANCE & BUDGET COMMITTEE MEETING REPORT

APRIL 15, 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 8, 2020 was reviewed and approved for the amount of \$1,953,042.47 for the week of April 15, 2020. Also, approved was the check run for April 8, and April 15, 2020 in the amount of \$310,062.61.

