

**MINUTES OF THE REGULAR MEETING OF
THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
FOR May 15, 2019**

ROLL CALL

In attendance: Brendan McDonough, Shawn Fredrickson, Josh O'Neill, Eric Mankins, John Morgan, Michele Shea, Dan Olsen, Bill Andersen, Cindi Shaw, John Sorich and Dan Callahan

Also, in attendance: Dave Palmer, Eileen Joyce, Jason Parish, Laura Sargent and Jennifer Bradford.

PRAYER AND PLEDGE

Led by Commissioner McDonough

PUBLIC COMMENT ON ANY ITEMS ON THE CONSENT AGENDA

R Edward Banderob, GNCDC Inc., HMITF
Communication 19-226

- Bad Idea. Greatest Economic Development need in Butte? Increase customer flow to the existing business and attractions.
- Question the idea of giving the Director of the BLDC while he thinks promoting and recognize Butte as a National Park is a low priority. Predecessor thought It was a high priority and was leading the indicative. There is a better way.

Charlie O'Leary, 3060 Beef Trail Road, Butte, Mt
Communication 19-266

- Like to give some history. In 1990 this was put to a vote of the citizens of Butte.
- Dave Fisher Elected. Charlie in a runoff to be elected to Council.
- 1990 Ec Dev on the ballot. Up to Counties to decided what to do. Voters approved by 59% To BLDC for the next 5 years
- March of 1994. Question before the Voters again. Did pass. 1998 and 1999 not on the Ballot.
- A vote of the Governing Body to 2004.
- Concerns were growing about how dollars were being used. On Ballot in March 2004
- Passed by 65% and other question regarding making changes passed by 80%.
- Process started with RFP's and awards given.
- 08-2010 Election on Ballot to continue Mill Levy. 54% passes. Increase to 2 Mills Failed.



- 2012 to 2018 the governing body to impose the Mill Levy without the consent of the Voters. Have we gotten too comfy with the Taxpayer \$??
- Put this back on the Ballot and let the Voters tell you what to do. They will tell you what they want done.
- Have Petition with signatures. Asking you to follow course for 1 year and place on Ballot in 2020.
- Characterized the BSB was just throwing money out the door. Commissioner Olsen said to throw mud at the wall and see what sticks. Insists that Commissioner Olsen said this. On Committee for 6 years and did not do so just to get rid of 68,000.00. "God Forbid" if we threw mud at the wall. Spent hours going over good packets.

Ron Davis, 105 Solitude Drive, Butte, MT

Communication 19-266.

- Not here to bash BLDC.
- Supports Ec Dev in Butte. Issue is taking money from Butte Business. Many calls about taking money from the Butte business in the chance of getting another business in town.
- Ec Dev thru Sports. Best sport venue in the state. 32 Business give \$500.00 per year with Ec Dev grants to pay for the tourney venues. Tourneys are big business and has worked well every year.
- Beginning of Advantage Butte. Ec Dev to Butte thru a sports venue.
- Business give \$ to the group. In Nov, Jan Feb most business do layoff in these months. Now there are no layoff in these months.
- If money is taken way, we do not get to get it back. Have committed 30,000.00 to this year and need the Ec Dev funds to make up the difference. It is short now, but we will make up the difference and do so every year. When the Tourneys come to Butte we underwrite what the business need.
- Have the best Sport's venue in the State, track, swimming etc....
- MT State High Schools want to have their convention in Butte. Best Conventions are in Butte. Do not want to travel around to different town but want it permanently in Butte.
- Agrees that we need to do more for Ec Dev for Butte. Make several suggestions.
- Gave 10,000.00 and will return more than 10,000,000.00 So do not take this away.
- Since inception this is pushing up to \$50,000,000.00 into this community because of the Public/Private alliance.
- Remind you that if your turn your back us, you will turn your back on the Business that already pay their taxes in Butte.



- Fold Festival, talk about Ec Dev, volunteers every year because he gets to brag about Butte. ‘Old Girl is at her best during Folk Festival.’
- Advantage Butte has never received \$1.00 from TBID. TBID gives all it’s funds to the Civic Center. If Advantage Butte gets TBID money than more \$’s will have to be found to fund the Civic Center.

Larry Hoffman, Butte World Museum of Mining, Butte, MT
Communication No. 19-266.

- Does not think it was the intent of the Mill Levy to cover 40% Administrative Costs.
- The Non-profit’s have never spent on Admin Costs.

Clark Grant, 156 W Granite St, Butte, MT
Communication No 19-220.

- Submission to Land Sales regarding residence at 707 N Wyoming that was slated for demolition.
- This residence should go thru the Tax Deed Sale or be put out for a Development Package.
- Residence is in very poor condition but not beyond repair. Working on buildings in Butte and Walkerville that are in worse shape than this one.
- There will be interest from the Public on this property if it is put out to Tax Deed or Developer’s Package.
- Location of the property and the urban forest is attractive to people in the community.
- This will add another property to the tax records and better than another empty lot.

Julie Jaksha, 3251 S Montana St, Butte, MT Director of Headwaters RC & D
Communication No 19-266.

- Support BLDC getting these funds back. Does support Advantage Butte and the Festivals but is not really Ec Dev.
- Two kinds of Ec Dev. Ec Dev is creating jobs and bringing in business. Jobs are more important than the events and the arts. Good paying jobs and job creation is true Ec Dev and is not tourism.
- It is true that Advantage Butte does keep people working thru the winter months and that they do bring sports venues to Butte.
- With jobs and job creation the support of the other pats like Folk Festival and the arts will follow with other funding available for these. Crowd-Funding.
- Doing an amazing job at pieces of what we are doing but need to work as a group to further the efforts of what is already in place.



- BLDC is doing good works and so are the business receiving the grants, but BLDC is the Ec Dev driver and should set aside the nonprofits and assist them with funding else ware.
- Do not give up on one side or the other. But get a broader look at Ec Dev in Butte.

Ray Rogers, 100 East Broadway, Butte, MT.

Communication 19-266

- BLDC is the lead Ec Dev organization in Butte. We need to trust that they can manage the Ec Dev funds. The reality of Ec Dev is that all communities are competing with other cities and have much more money to work with. Currently BSB contributes 75,000.00 annually to Ec Dev. This is less than the \$ amount that Havre commits to Ec Dev. Locally it has remained at \$46,00.00 since 1981.
- BLDC should be the leader of Ec Dev and have the fiduciary responsibility to develop the funds and use the judgement of how to spend them in the best in the specific Ec Dev.
- Does not discount the value of the past efforts of the business toward Ec Dev however, BLDC can use the funds as a multiplier and increase the \$ amount that is in the fund thereby increasing the \$ amount that can be spent toward Ec Dev growth in both business and jobs.
- Great team at BLDC and stand behind them as the lead Ec Development agency in Butte. Trust them with the Ec Mill Levy money

Mike Paffhausen, Unbiased business owner in Butte, MT

Communication 19-266.

- Not a board Member but is a member of BLDC. All organizations are deserving.
- Many businesses are not impacted positively during Festival. But not negative impact either. There is no impact on many of the business in Butte during the Festivals.
- In the financial business and the Festivals do not impact his business and same can be said of many other businesses in town.
- If BLDC is given the Mill Levy monies to work on true Ec Dev, then all business in Butte will feel the impact. Everyone should have a slice of real Ec Dev.
- Should take advantage of TBID funds. This is what TBID funds are for.
- Comment on Superfund Decree and the Butte Priority Soils consent decree is wrapping up. Delisting process has begun. The superfund site is going away. Butte has an opportunity to move forward thru true Ec Dev.



- Butte will always be the Mining City however there are just 30 years' worth of mining left. True Ec Dev needs to prepare us for the closure of the Mine in Butte. If the Mine closed tomorrow the community would not persevere. Lot of high paying jobs. Lok at BLDC to prepare us for this.
- Was taken away form BLDC and this is not the current BLDC's problem.
- How can Commissioner's' think they could out preform the BLDC???
- Give to the best facility that can work out the best.
- Many successes from BLDC. Butte Elevated Campaign.
- Return the Mill Levy to BLDC.

Karen Byrnes, Director of Community Development for BSB

Communication 19-266.

- Partner daily on projects to drive the Ec forward. Strong together. Ec Team is made up of many partners. Meetings are very important.
- Do not disagree with the work of the other agencies and the work that they all do. Support them all 100%.
- However, this doe not preclude that true Ec Dev is the creation of jobs.
- Not pointed out that the funds when transferred to BLDC would be used for administration AND expanding the existing business here in Butte. Extremely important. By pooling the Funds that will be more funds to support the other tourism end of Ec Dev.
- Support the return of the Funds to BLDC.

Charlie O'Leary again

Communication No 19-266

- Obvious from the number of comments that there should be a Public Hearing regarding this.

APPROVAL OF THE MINUTES:

Regular Meeting Minutes April 17, 2019

Special Meeting Minutes April 10, 2019

Regular Meeting Minutes May 1, 2019

It was moved by Commissioner John Morgan, seconded by Commissioner Brendan McDonough and passed by a unanimous verbal vote to approve the minutes of the

Regular Meeting Minutes April 17, 2019

Special Meeting Minutes April 10, 2019

Regular Meeting Minutes May 1, 2019



ITEMS NOT ADDRESS ON THE AGENDA :

It was moved by Commissioner John Morgan, seconded by Commissioner Cindi Shaw and passed by a unanimous verbal vote to approve Suspension of the Rules to consider placing Communication 19-233 on the Agenda at the May 15, 2019 regular Meeting and was passed by 12 Member having voted aye and 0 Members having voted no, the motion passes.

It was moved by Commissioner John Morgan, seconded by Commissioner Cindi Shaw and passed by a unanimous verbal vote to approve Suspension of the Rules to consider placing Communication 19-23 7 on the Agenda at the May 15, 2019 regular Meeting and was passed by 12 Member having voted aye and 0 Members having voted no, the motion passes

CHIEF EXECUTIVES REPORT

- Officer Down Memorial over on Alaska Street. Granite monument has been donated and there are three flag poles erected. Dedicated tomorrow at 1:30 PM. CE would ask everyone to attend. There have been 18 Police Officers killed in the line of duty in Butte since 1892. That is the most in any jurisdiction in the state of Montana.
- ZuLu Summer at the Mother Lode Theater. It is the movie about the ZuLu Price that come to Butte couple years ago and were recording the whole visit. At the Mother Lode on Saturday night

SUPERFUND REPORT FOR COMMISSIONERS.

CE will have John Sesso report on the events coming up regarding Super Fund. There are quite a few of them. As Mike Pauffahsen said it is an exciting time as we are trying to get out of the Super Fund designation. John Sesso will explain the events that we have going on.

Jon Sesso, Super Fund Coordinator:

- Glad to be back in Butte, after his stay in Helena
- Release of Proposed Plan is the first step in a series that will lead to a Consent Decree. 135 Days. Late August is goal.
- Review the documents in the Remedial Design/Work Plan This is the key document that will explain the work set forth in the Consent Decree. All Departments have been scrubbing through these documents. They only got better.
- Feels that is good and represent a lot of work. Proposed Plan is a separate document representing the changes that we made. Memorializes the Consent Decree from 2006. Important Document.
- Outlines the changes BSB has demanded and ones we have been working on for the last many years and what the Public has asked for and to make sure the clean-up is effective and sustainable as it needs to be.



- **PRESENTATION:** Next Wednesday for the performance standards in Silver Bow Creek. Joe Griffith, Hydro-Geologist.
- **2ND OF TWO PUBLIC HEARINGS SPONSORED BY EPA.**
- Thursday night
- **SET OF DRAFT COMMENTS ON FRIDAY, May 24, 2019**
- Submit formal comments to EPA on the areas that we feel need changes before the Comment Period closes on June 11, 2019
- Feels somethings need to be changed.
- Will submit Communication for the June 5th Agenda. That gives 10 days to process information. Must meet June 11th deadline to submit comments.
- Recommend scheduling a listening session on your day off. On Wednesday, May 29, 2019, in Council Chambers. Talk about the plan, have a good discussion and review the proposed plan. Invite the Public and share our perspective of the proposed plan.
- This will give one week to mull things over and then submit to Council for the CE and Chair's signature in June 5 Regular Meeting.

Chief Executive Palmer:

- Questions??

Commissioner Shea:

- State when and where the Public Hearing is

Jon Sesso, Super Fund Coordinator and CE Dave Palmer:

- Public Hearing is at Montana Tech Auditorium on Thursday, May 23, 2019 starting at 6:00 PM to 8:30 PM.
- That portion is not included at this time but will be included in the amended Record of Decision (ROD).

Commissioner Andersen:

- May 29th Meeting. Additional information?? No date or time was mentioned. I imagine here in Council Chamber at 7:00PM??

Jon Sesso, Super Fund Coordinator:

- That sounds pretty good!! I did not mention a time or place. I think that Council Chambers will work. So, let's just call it. It will be Wed, May 29, 2019 at about 7:00Pm. It will have to be noticed so everyone knows you are meeting. Will put it all in the letter on Friday, the 24th of May.

Commissioner Fredrickson:

- Thank you for your service in MT Legislator. An inspiration to a youngerish person.

Commissioner Sorich:

- 135-day process and to the Court by last August. Right?? What happens between June and August??

Jon Sesso, Super Fund Coordinator.

- EPA makes comments dues by a deadline and then they take their sweet times to respond back. The comments period does not stop dead in its



tracks but continues to the August 2019 deadline. Then there is a submission to the Court within the comments period is complete. 135 days depends on EPA. If they want to ask the court for an extension they can.

- To put our best document forward in this time frame. You say what you like, and we move it on during the comments period.
- We like to do things collectively as a governing body. I can tell you that what local Government says will make a difference.
- Need to say what is best in response to this proposed Plan.
- In review of Plan there is a lot of good in it but there a couple things that we are going to comments on.

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

SECTION 1 BID OPENING COMMUNICATION 19-187

Tom Loggins, Road Foreman requesting Council of Commissioners allow time on the May 15, 2019 Committee of the Whole Meeting to open Bids for Hot Mix Asphalt Supply for the 2019 season.

[19-187.pdf](#)
[Bid.pdf](#)

Mr. Loggins is not hear tonight and Bob Boone, Engineering Tech for Public Works will open the bids.

Proof of Publication verified by County Attorney Joyce.
Engineer's Estimate is: \$ NOT SURE

Bid #1-Cashier's Bid Bond for 10% surety
Jim Gilman Excavating, Butte, MT
\$745,000.00

Bid #2-Bond in amount of 10%
Copper City Asphalt, Butte, MT
\$700,000.00

Commissioner Andersen are both Bids based on the 10,000-ton estimate
Bob Boone Yes
Commissioner Andersen Estimate??
Bob Boone Tom Loggins did not give an estimate
CE Palmer last year was about 65.00 per ton. Price of oil has gone up

It was moved by Commissioner Morgan seconded by Commissioner Shea to refer the bids to the Public Works Department and wait for a report back on their recommendation. It was unanimously passed .



SECTION 2 CONSENT AGENDA

Chief Executive called for any segregations or friendly amendments to the agenda.

Commissioner Morgan segregated 19-208 and 19-199 from Committee of the Whole.

Commissioner Fisher segregated Communication 19-223

Commissioner McDonough segregated Communication 19-206

Commissioner Shaw segregated Communication 19-220 and Communication 19-226.

It was then moved by Commissioner Morgan, seconded by Commissioner Shaw and passed with a unanimous verbal vote to approve the Consent Agenda, Section A, Items 1 thru 3, and Section C, Items 1 through 2 8, exclusion of number 13, 3, 5, 17, 20, and 2 3.

13. COMMUNICATION NO. 19-199

Leslie Clark, Director, Human Resources, requesting Council of Commissioners authorize the Chief Executive to sign the attached Client Agreement between City-County of Butte-Silver Bow and HealthJoy, a provider of health concierge and Teledoc Services.

[19-199.pdf](#)

[Agreement.pdf](#)

Commissioner Morgan:

- Contract has been completely vetted and received by Leslie Clark and the Co Attorney's Office. This is the complete and final document.
- Leslie Clark, Changes recommended to Co Atty Office and HealthJoy did agree.

It was moved by Commissioner John Morgan, seconded by Commissioner Shaw and passed by unanimous verbal vote to approve as amended and place on file.

3. COMMUNICATION NO. 19-206

Commissioner Brendan McDonough requesting Council of Commissioners and Public Works Committee discuss the street maintenance fees that went into effect in October 2018.

[19-206.pdf](#)

Commissioner McDonough:

- Regards to the Street Maintenance fees. With the passage of Senate Bill 243, it creates some options that we should look at regarding the Street Maintenance Fees.
- Agenda refers the Communication No 19-206 to Hold in Abeyance.



It was moved by Commissioner McDonough , seconded by Commissioner Unknown and was passed by unanimous verbal vote to refer this Communication No. 19-206 to the Public Works Department to start that discussion.

5. COMMUNICATION NO. 19-208

Nate Watson, Sr. System Administrator requesting Council of Commissioners authorize the Chief Executive to sign the 1-year renewal contract for the BSB Courthouse and Archives security system through PhotoScan Northwest. This contract covers both software support and service and maintenance from May 2019 through April 2020.

[19-208.pdf](#)

[19-208 Contract.pdf](#)

Commissioner Morgan:

- After discussing this with Finance & Budget Director Danette Gleason there were a few follow-up questions that are warranted on this contract.

It was moved by Commissioner Morgan, seconded by Commissioner Shaw and passed unanimously to have Communication No. 19-208 held in the Committee of the Whole.

17. COMMUNICATION NO. 19-220

Pat Riordan, Land Systems Administrator requesting Council of Commissioners agree with recommendation to deny Council Communication 19-180, request from Clark Grant to consider putting 707 N Wyoming St. through the normal Tax Deed process or consider the Developers Packet option.

[19-220.pdf](#)

[p.pdf](#)

Commissioner Shaw:

- We have received the comments from Clark Grant regarding this property.
- This must go back to HPC for their decision and they must ask for a demolition permit. Was at the land sales meeting regarding this property and there are many pieces to this whole thing. Talk with Mary McCormick regarding this.

Mary McCormick, Historic Preservation.

- Property to BSB on tax deed and want demo permit. It is the property only and sits on a larger property.
- Developers Packets have been very successful in the past at getting properties into the hands of families or Developers for rehabilitation.



- Only person on land sales that wanted the property to go to the Tax sale process or if that did not work then go on to a Developer's Packet.
- Not on a defined lot. BSB owns the house and the parcel. Parcel is 130 acres.
- Very very close to house next door. Neighbors are concerned about drainage problems and structure of house.
- Wants to give the house a chance and let it go thru the process.

Commissioner Shaw:

- Wants to hold in abeyance and see what happens with HPC

Mary McCormick:

- Discusses the process with HPC up to the issuance of a Demo Permit.

Commissioner Fisher:

- Pulled from the October Tax Deed Sale. Already into these 9 months, Why??

Pat Riordan, Land Records:

- Pulled in August of 2018 and were working on Demo Permit. The permit just did not happen.

Commissioner Fisher:

- Is this being dragged out? Need to get something else done quickly.

Pat Riordan, Land Records:

- If we offer in the October of 2019 to February of 2020 for Demo Permit. Dealing with structure for many years. Turned to BSB and was pulled from the Tax Sale due to the lot.
- Further discussion on why the house was pulled from the Tax Sale, how to get a Demo Permit and how to turn it to a Developer's Packet

Commissioner Fisher:

- Substitute Motion to Concur & Place on File.
- Second by unknown.

Commissioner Shaw:

- If we concur with this, we are agreeing to deny Mr. Clark's request. I do not want to do that. You cannot un-ring that bell. Wants to keep it open in the COW until we hear back from HPC.

Commissioner Andersen:

- Makes a 3rd and Final Motion to end all Motions to disagree with Land Sales and put the house back to Land Sales Committee.
- CE Palmer: Dies for lack of a Second.

Motion and votes:

- CE Palmer moves to the Sub Motion to Concur and Place on File.
- Commissioner Fisher reports that this Communication is the same as Communication 19-180 from Clark Grant.
- CE Palmer calls for a Roll Call Vote.
- 1st Vote Commissioner Andersen is not happy with.



- CE wants to re-vote.
- **Sub Motion to Concur and Place on File fails with 5 yea votes being Commissioners Mankins, Fisher, O’Neill, Morgan and Olsen.**
- **The nay votes are Commissioners Fredrickson, Shea, Sorich, McDonough, Andersen, Shaw, and Callaghan.**

CE Palmer moves back to the original Motion to hold Communication 19-220 in the Committee of Whole. The Motion carries with 9 YEA VOTES AND 3 NAYS VOTES being Commissioners Morgan, Olsen and Fisher.

20. COMMUNICATION NO. 19-223

JP Gallagher, Parks and Recreation director requesting Council of Commissioners authorize the Chief Executive to sign a Modification to the Agreement with the Beaverhead-Deer Lodge National Forrest Supervisor for shared costs on management of Thompson Park.

19-223.pdf

19-223.Modification to the Agreement.pdf

Commissioner Fisher:

- Talked with JP regarding the Stipend and it is not that much. JP will get it answered and we will hold this in abeyance.

Motion and votes:

CE Palmer has a motion to HIA and a second from Commissioner Shae to hold in Committee of the Whole with **12 YEARS VOTES. MOTION CARRIES.**

23. COMMUNICATION NO. 19-226

Joe Willauer, BLDC Director requesting Council of Commissioners authorize the Chief Executive to sign the Professional Services Agreement between City-County Butte-Silver Bow and the Butte Local Development Corporation (BLDC) for returning the Economic Development Mill Levy to the BLDC.

19-226.pdf

19-226 Agreement.pdf

19-226 Scope of Practice.pdf

Commissioner Shaw:

- Segregated this Communication as there are many calls for both for and against this. Give us an Opportunity to talk about it.
- There is much discussion for and against the Communication No. 19-226. Full details can be found on the BSB Web Site or from the Video at the Clerk & Recorder’s Office.

Commissioner Andersen:

- **Motion made to Deny the request in Communication 19-226 and Place on File. Commissioner Fisher 2nd.**



- Discussion continues.

Commissioner Morgan”

- **Has many other questions and makes a Sub-Motion to Hold in Abeyance. Commissioner Callaghan makes the 2nd.**
- More discussion on the Communication No. 19-226.
- **Vote on Sub-Motion to Hold this Communication in Abeyance for further discussion. Role call Vote with Commissioners Andersen and Fisher voting Nay. Motion carries.**

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SECTION 3 SUSPENSION OF THE RULES FOR FINAL PASSAGE

It was moved by Commissioner Morgan and seconded by Commissioner Shaw and passed by a verbal vote of 12 year and 0 nay, to suspend the rules for passing Council Communication No. 19-233 by waiving Subsection 7 of Rule XXXVI of the Rules and Order of Business of the Council of Commissioners, thereby having it considered for advanced passage without reference to the Judiciary Committee.

COMMUNICATION NO 19-233



BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING, WEDNESDAY, MAY 15, 2019
7:30 P.M.
COUNCIL CHAMBERS, ROOM 312, BUTTE-SILVER BOW COURTHOUSE

FINDING OF EXISTING EMERGENCY TO PERMIT SUSPENSION
OF RULES TO ALLOW COMMUNICATION NO. 19-233
TO BE ADDED TO THE MAY 15, 2019 AGENDA

In accordance with the provisions of Section 6 of Rule VI of the Rules of Business of the Council of Commissioners of the City and County of Butte-Silver Bow, State of Montana, the Council hereby finds that an emergency condition exists which requires that the Council Rules be suspended to allow Communication 19-233 to be added to the Agenda of the May 15, 2019, Regular meeting of the Council.

The reason for the suspension is as follows:

Communication No. 19-233 is a Communication from Tom Cronnelly, on behalf of Crogs Group, LLC, doing business as OMG! Mongolian Grill and Mango's Food Truck. Mr. Cronnelly is requesting Council's approval to operate a step van as a mobile food truck on public right of ways in compliance with the City-County's zoning regulations. This communication was inadvertently not submitted by the deadline for the May 15, 2019 Agenda, but in order to authorize this mobile food truck to begin operating prior to the Council's next Regular meeting of June 5, 2019, Mr. Cronnelly requests the Council add Communication No. 19-233 to the May 15, 2019 Regular Meeting Agenda and take action to authorize the operation of this mobile food truck on public right of ways. Based upon the foregoing, the Council hereby finds that an emergency exists which requires the suspension of the Council's rules to add Communication No. 19-233 to the Agenda for the May 15, 2019 Regular meeting for action.

Motion to approve suspension of the rules to consider placing Communication No. 19-233 on the Agenda at the May 15, 2019, Regular meeting for action was made by Commissioner John Morgan and seconded by Commissioner John Morgan and 12 members having voted no, the motion passed.

Dated this 15th day of May, 2019.



Linda Sajor
~~Sally J. Rollis~~ LINDA SAJOR
CLERK AND RECORDER, Chief Deputy



It was moved by Commissioner Morgan, seconded by Commissioner Shaw to concur with the Revised Version of Communication 19- 233 and Place on File.

It was moved by Commissioner Morgan, seconded by Commissioner Shaw and was passed by unanimous Roll Call vote *to Place on File this Communication No. 19-233.*



COUNCIL RESOLUTION NO. 19-16

1 A RESOLUTION REQUESTING APPOINTMENT OF A SPECIAL DEPUTY
2 PROSECUTOR FROM THE MONTANA STATE AUDITOR'S OFFICE, DEPARTMENT OF
3 INSURANCE, AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

4 WHEREAS the Butte-Silver Bow County Attorney requests
5 prosecutorial assistance Case #INS-2018-168, a
6 theft insurance fraud case where the Montana
7 State Auditor's Office, Department of Insurance,
8 in its capacity as a criminal justice agency, has
9 conducted an investigation of this matter and has
10 particular expertise in prosecution of such
11 cases; and

12 WHEREAS, it is desired and deemed appropriate that a
13 Special Deputy County Attorney be appointed to
14 assist in the aforementioned case; and

15 WHEREAS, the State Auditor's Office employs duly appointed
16 Special Assistant Attorney General, Evan (Chuck)
17 Evisizer, as part of the staff who acts as
18 special counsel throughout the state on request
19 of the local County Attorney and on approval by
20 the local governing body, which in this matter is
21 the Butte-Silver Bow Council of Commissioners;
22 and

23 WHEREAS, Section 23-1-311, MCA authorizes the State Auditor
24 in his capacity as ex-Officio Commissioner of



It was moved by Commissioner Morgan, seconded by Commissioner Shaw and was passed by unanimous Roll Call vote to *Concur and Place on File this Communication No. 19-237*

SECTION 4 ORDINANCES SECOND READING

SECTION 1. COUNCIL BILL NO. 19-06
COUNCIL ORDINANCE NO. 19-06
AN ORDINANCE AMENDING CHAPTER 2.08 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC ENTITLED "LOCAL GOVERNMENT EMPLOYEES" AND SPECIFICALLY AMENDING SECTION 2.08.070 ENTITLED "TRAVEL" AND DELETING SECTIONS 2.08.080, 2.08.090, 2.08.100, 2.08.130, AND 2.08.140 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

It was moved by Commissioner Morgan, seconded by Commissioner Shaw and was passed by unanimous Roll Call vote for *Council Bill 19-06, Ordinance No. 19-6 on Second Reading and Passed having been fully read at length.*

SECTION 1. COUNCIL BILL NO. 19-07
COUNCIL ORDINANCE NO. 19-07
AN ORDINANCE AMENDING ORDINANCE NO. 325, ALSO KNOWN AS THE "ZONING ORDINANCE" AND TITLE 17 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) WHICH SECTION ADOPTED THE ZONING REGULATIONS OF BUTTE-SILVER BOW, STATE OF MONTANA; SPECIFICALLY AMENDING CHAPTER 17.31 RM-2 RURAL INDUSTRIAL ZONE; PROVIDING FOR THE REPEAL OF ALL PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

It was moved by Commissioner Morgan, seconded by Commissioner Shaw that Council Bill 19-07, Council Ordinance No. 19-07 be placed on second reading and passed, having been deemed fully read at length. The motion passed with a roll call vote of 12 yea and 0 nay.

SECTION 6 ORDINANCES AND RESOLUTIONS FOR FINAL READING

1. COUNCIL RESOLUTION NO. 19-16
A RESOLUTION REQUESTING APPOINTMENT OF A SPECIAL DEPUTY PROSECUTOR FROM THE MONTANA STATE AUDITOR'S OFFICE, DEPARTMENT OF INSURANCE, AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.
[RESOLUTION 19-16.pdf](#)

It was moved by Commissioner Morgan, seconded by Commissioner Shaw that Council Resolution No. 19-16 be placed on Final Reading and passed, having been



deemed fully read at length. The motion passed with a roll call vote of 12 yea and 0 nay

2. RESOLUTION NO. 19-17

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 FROM THE MONTANA DEPARTMENT OF NATURAL RESOURCE AND CONSERVATION (DNRC) AND STATE OF CALIFORNIA DEPARTMENT OF FORESTRY (CALFIRE) FOR WILDFIRE DEPLOYMENT CONTRACT FOR THE SUMMER OF 2018 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. [Resolution no 19-17.pdf](#)

It was moved by Commissioner Morgan, seconded by Commissioner Shaw that Council Resolution No. 19- 17 be placed on Final Reading and passed, having been deemed fully read at length. The motion passed with a roll call vote of 12 yea and 0 nay

3. COUNCIL RESOLUTION NO. 19-18

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. [Resolution 19-18.pdf](#)

It was moved by Commissioner Morgan, seconded by Commissioner Shaw that Council Resolution No. 19- 18 be placed on Final Reading and passed, having been deemed fully read at length. The motion passed with a roll call vote of 12 yea and 0 nay

SECTION 7 SUSPENSION OF THE RULES FOR FINAL PASSAGE

It was moved by Commissioner Morgan and seconded by Commissioner Shaw and passed by a verbal vote of 10 yea and 2 nay, to suspend the rules for passing Council Resolution 19- 20 by waiving Subsection 7 of Rule XXXVI of the Rules and Order of Business of the Council of Commissioners, thereby having it considered for advanced passage without reference to the Judiciary Committee.



1. COUNCIL RESOLUTION NO. 19-20

A RESOLUTION AUTHORIZING AND APPROVING THE TRANSFER OF THE REAL PROPERTY DESCRIBED ON EXHIBIT “A” TO THIS RESOLUTION TO 5M LLC ENTERPRISES, IN ACCORDANCE WITH THE PROVISIONS OF THE BUTTE-SILVER BOW MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

[RESOLUTION 19-20.pdf](#)

[RESOLUTION 19-20 EXHIBIT A.pdf](#)

[RESOLUTION 19-20 EXHIBIT B.pdf](#)

It was moved by Commissioner Morgan, seconded by Commissioner Shaw and passed unanimously by role vote *to have the Resolution 19-20 placed on final reading having been deemed fully read at length.*

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA

R. Ed Banderob: For the greater good of the community. Possibility of doing both Do both work together.

Commissioner Morgan Jennifer Bradford Last Meeting

Commissioner Olsen: For the Record he DID NOT make “the glue to mud” comments.

ADJOURN

It was moved by Commissioner Morgan, seconded by Commissioner Shaw and passed unanimously to adjourn the meeting.

Meeting was adjourned at 10:48 p.m.

Dave Palmer, Chief Executive

ATTEST:

Clerk & Recorder

