

**MINUTES OF THE REGULAR MEETING OF  
THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS  
FOR June 19, 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 and Shawn Fredrickson was Absent.

Also, in attendance: Dave Palmer, Eileen Joyce, Jason Parish, Laura Sargent and Colleen Safratowich.

**PRAYER AND PLEDGE**

Led by Commissioner McDonough

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

R Ed Banderob commented on Communications 19-287 & 19-288.

- Re-submittal of communication to add dust monitoring to the letter to EPS.
- After studies are completed, council will decide to monitor air. To assure air is clean enough to live and work in and not just for the fish.
- Send bill for air monitoring to Arco instead of the tax payers.
- Enact Ordinances for Community Councils and Community Alliances.
- Concerned about the lack of people participating in government.
- There does not exist a clear channel for people to us and participate in the government.
- Charter contains Chapter 3.3 to have council to advise the Councils.
- Initiate Neighborhood alliances 59% of respondents approve of Alliances to work with their Government
- History: 2014 Greeley Coalition requested Council to establish procedure to enable Neigh Councils. Proposed simple procedure 14-08 Ord 14-08. Charter calls for Community Councils.13 pages proposed by the executive department. Controlled and run by the executive branch and cost 100,00.00.

**APPROVAL OF THE MINUTES:**

Regular Meeting Minutes June 5, 2019

Special Meeting Minutes of June 12, 2019

*It was moved by Commissioner John Morgan, seconded by Commissioner Cindi Shaw and passed by a unanimous roll call vote with 11 voting yea and 0 voting nay to*



*approve the minutes of the Regular Meeting Minutes June 5, 2019 and Special Meeting Minutes of June 12, 2019*

## **ITEMS NOT ADDRESSED ON THE AGENDA**

### **SUSPENSION OF THE RULES FOR FINAL PASSAGE**

*It was moved by Commissioner John Morgan, seconded by Commissioner Cindi Shaw and passed by a unanimous roll call vote with 11 voting yea and 0 voting nay to suspend the rules regarding Communication No. 19-294 and place on tonight's Agenda.*

### **CHIEF EXECUTIVES REPORT**

- Stodden Park dedication first 5.5-million-dollar project and it turned out to be a great project. First Class. Another 4.50 Million to accept tonight I hope.
- Flight Night and Bites at the Airport to encourage funding for new flights into Butte.
- Understood that comment period is extended to July 11<sup>th</sup>. Still have time to make comments and they must be in writing and received by 5:00 pm on July 11<sup>th</sup>.

### **SUPERFUND REPORT FOR COMMISSIONERS.**

- CE will have the Super Fund staff discuss any questions from the Commissioners.
- JM reports that newspaper said we accepted the changes that EPA asked to approve. We did not. CE reports that Council only authorized creating the changes that they wanted to the waiver. It has not been submitted yet.
- CE reports that on everyone's desk is the Super Fund Budget. See attached Budget.
- Jon Sesso 4 pages of the budget.



Master SUPERFUND  
BUDGETS FY19-20.xl:

- Seeing none we will move on.

## **SECTION 2 COMMUNICATIONS TO BE READ AND ACTED UPON**

### **1. COMMUNICATION NO. 19-286**

Chief Executive Dave Palmer requesting Council of Commissioners concurrence in the promotion of Kahl Clark to Fire Captain in the Butte-Silver Bow Fire Department.

[19-286.pdf](#)



- Brian Doherty introduces Kahl Clark to Council stating that Kahl finished 1<sup>st</sup> on the Captain's examination.
- Request Concurrence to Kahl to Captain of the Fires Department
- Excellent traits and successful in Department and in the Community
- 

*It was moved by Commissioner Olsen, seconded by Commissioner Shaw to Concur with the Motion of promoting Kahl Clark to Fire Captain and Place on File Communication 19-286 with 11 yea Votes and 0 nay Votes.*

- JF knew Kahl's dad and his father did the statue out front of the Courthouse. Could not promote a better person
- CE agrees.

## BID OPENING

### SECTION 1. COMMUNICATION NO. 19-257

Karen Byrnes, Community Development Director, requesting the Council of Commissioners allow a Request for Proposal (RFP) opening on June 12, 2019 regarding development plans for 40 E Broadway and referral back to review committee for recommendation.

[19-257.pdf](#)

- Proof of Publication is ok by Co Attorney Joyce.
- Karen Byrnes explains that these were Requests for Proposals for 40 E Broadway Street.
- Bitterroot Gateway Development Missoula MT
- Fran Doran West End
- Mike Riley and Tom Warner

*It was moved by Commissioner Morgan, and seconded by Commissioner Shaw and was passed by unanimous Roll Call vote to Refer the RFP's to Community Development this Communication No. 19-257.*

## PUBLIC HEARING

### SECTION 1. COMMUNICATION NO. 19-240

Captain Doug Conway, Law Enforcement Department, requesting Council of Commissioners allow time on the June 19, 2019 Regular Meeting agenda for a Public Hearing for the purpose of receiving comment on the application for, as well as the allocation of the FY19-20 Justice Assistance Grant if/when awarded.

[19-240.pdf](#)

[19-240 Request for Public Hearing.pdf](#)



## [19-240 Petition.pdf](#)

- PROOF OF PUBLICATION IS IN ORDER
- Sheriff Lester Jag Grant received for years and it replaces equipment that is at the end of its life.
- This is not a matching grant. It is a replacement.
- CE Palmer replaces computers in the vehicles?
- Sheriff Lester replaces any equipment that is needed
- Open Public Hearing
- Call for proponents. None
- Call for opponents. None
- Close Public Hearing

## PRESENTATION

### SECTION 1. COMMUNICATION NO. 19-259

Mark Neary, Public Works Director requesting Council of Commissioners allow time on the June 19, 2019 Regular Meeting Agenda for a presentation on county wide Maintenance District Workplan update for FY 2019 and Workplan for FY 2020.

## [19-259.pdf](#)



Workplan 2019 -  
Final.pptx

- Council thanks to Public Works for all their hard work over this winter
- Discussion over the changes of the procedures over single parcels
- JF is certain we are making progress and does not want changes
- BMCD street maintenance out of road fund there is some consideration and is still in public works committee
- BMCD agrees that council made a good decision.
- DO thank you. Support road maintenance and should come from a specific funds. Get more maintenance done and still have some back log to take care of.
- Danette Gleason Equipment funds on FEMA rates page 12.
- BA many questions regarding pages 12 charges and costs associated with the numbers on these pages
- DG answers all questions.
- JS asks about more personnel
- MN says we must use the staff on hand
- MN Tom Loggins and road crew and metro guys did much work and a great job



## SECTION 2 CONSENT AGENDA

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

Commissioner Morgan segregated Communication 19-275, 19-285, 19-290, and 19-293.

Commissioner McDonough segregated 19-287.

*It was then moved by Commissioner Morgan, seconded by Commissioner Shaw and passed with a unanimous roll vote to approve the Consent Agenda, Section A, Items 1 thru 4, and Section B, Items 1 through 25, with the exclusion of number 8, 18, 19, 22 and 25.*

### 8. COMMUNICATION NO. 19-275

JP Gallagher, BSB Parks & Recreation Director requesting Council of Commissioners authorize the Chief Executive to sign the agreement with Timberline Security for services of locking park gates, bathrooms, and tennis courts in Butte-Silver Bow parks, trails and mine yards every night during the summer months.

[19-275.pdf](#)

[19-275 Contract](#)

*Concur and Place on File.*

- JP GALLAGHER reports that the Water Co has been closing the gates, but they are not locked, and the bathrooms are not locked
- There has been much vandalism especially in restrooms.
- Can add cameras but have good technology out there but Parks has many properties and the last cameras were stolen. A small group of people causing the problems.
- JS should protect the Parks as they are the crown jewel of Butte.
- BA wants to abstain from vote as he works at Timberline Security
- JO who is doing the work now?
- DP they are working now.
- JO Are police patrols helping?
- Lester reports that they try to respond but Clark's is large, and cameras have not worked there either

*It was moved by Commissioner Morgan, and seconded by Commissioner Shaw and was passed by unanimous Roll Call vote to Refer the RFP's to Community Development this Communication No. 19-257.*

### 18. COMMUNICATION NO. 19-285



Judge Jerome McCarthy, Butte City Court requesting Council of Commissioners authorize the Chief Executive to sign a Professional Services Lease Agreement between Butte-Silver Bow and Lee's Office City.

[19-285.pdf](#)

[19-285 Lease](#)

*Concur and Place on File.*

- Danette Gleason spoke with Judge McCarthy about this and would like to Note and Place on File this communication as in the 2020 Budget there is \$'s set aside that will purchase a copy outright instead of lease the copier.

***It was moved by Commissioner Morgan, and seconded by Commissioner Shaw and was passed by unanimous Roll Call vote to Note and Place on File this Communication No. 19-285.***

19. COMMUNICATION NO. 19-287

Greeley Neighborhood Community Development Corporation Inc requesting Council of Commissioners to in act Council Bill No. 19----, Ordinance No. 19---- Community Council and Council Bill No. 19----, Ordinance No. 19---- Neighborhood Community Alliances.

[19-287.pdf](#)

[19-287 Ord # 1](#)

[19-287 Ord # 2](#)

*Refer to Judiciary Committee.*

- BMCD reports that this communication is a re-submission of a discussion submitted about 6 years ago and motions to Note and Place this communication on File.
- JF makes a sub-motion to refer the communication the Rules Committee and let them see what they can find out.

***It was moved by Commissioner Fisher, and seconded by Commissioner Anderson as a sub motion to move to the Rules Committee and did fail by a 5 yea vote and a 6 nay vote the sub motion dies.***

***It was moved by Commissioner McDonough, and seconded by Commissioner Callahan and was passed by Roll Call vote of 7 yeas and 4 nay votes to Note this Communication and Place it on File.***

22. COMMUNICATION NO. 19-290

Karen Byrnes, Community Development Director requesting Council of Commissioners authorize the Chief Executive for a seasonal/ temporary closure of the alley submitted by Julie



Jaksha, Regional Director of Headwaters RC&D. We are seeking approval of the pilot project for June 27<sup>th</sup> to September 10<sup>th</sup>.

[19-290.pdf](#)

[19-290 Closure](#)

*Refer to the Public Works Committee.*

- Karen Byrnes discusses that this is not an alley closure. It is a re-use of a public alley. Encourages people to look at the alley in a different way. All changes will be done by donations and no taxpayer dollars. Not a problem to flush the ally and clean it good
- JM asks who the leader to the project will be
- KB reports that Julie Jaksha Regional Director of Headwaters RC& D will be the leader of the project.
- Jon Wick discusses that the project does not directly affect his store but will get referral business from having people around the area. Yes, there will be much Art work in the area.
- MS is in favor of the project as it does not use taxpayer monies and is a community project
- CS on the surface she like the project but what happens from 10:00 pm to 7:00am? Increase of patrols??
- Lester reports that patrols can be increased and that he already met with Karen and Julie and Dave Palmer about the project and concerns can be addressed.

***It was moved by Commissioner Morgan, and seconded by Commissioner Shaw and was passed by unanimous Roll Call vote to Concur and Place on File this Communication No. 19-290.***

#### 25.COMMUNICATION NO. 19-293

Judge James F. Kilmer, Butte Silver Bow Justice Court requesting Council of Commissioners authorize the Chief Executive to sign the attached Professional Services Agreement between the City and County of Butte Silver Bow and Lee's Office City.

[19-293.pdf](#)

[19-293 Lease](#)

*Concur and Place on File.*

- Danette Gleason asks to have this Communication held I the Committee of the Whole to give her time to discuss it with Judge Kilmer.

***It was moved by Commissioner Morgan, and seconded by Commissioner Shaw and was passed by unanimous Roll Call vote to Hold in the Committee of the Whole this Communication No. 19-293.***



## SECTION 3 COMMUNICATIONS TO BE READ AND ACTED UPON

### 2. COMMUNICATION NO. 19-271

Geoffrey J Gallus, Butte Area Rising Coalition requesting Council of Commissioners allow time on the Agenda to address the matter of supporting our local CCC/Job Corp facility.

[19-271.pdf](#)

- Letter to Council on desks.
- Cindy PerdueDolan asks to have certain changes made to this letter before it is mailed. Updates from Senator Daines office.
- Geoff Gallus refuses to make any changes.
- JM wants letter forward to Council Secretary to put on letterhead. Geoff will email.
- JM wants to hold in COW until the
- 

*It was moved by Commissioner Morgan, and seconded by Commissioner Shaw and was passed by unanimous Roll Call vote to Hold in the Committee of the Whole this Communication No. 19-271.*

### 3. COMMUNICATION NO. 19-286

Chief Executive Dave Palmer requesting Council of Commissioners concurrence in the promotion of Kahl Clark to Fire Captain in the Butte-Silver Bow Fire Department.

[19-286.pdf](#)

- See previous discussion on this Communication.

## SECTION 3: ORDINANCES AND RESOLUTIONS FOR SECOND READING

### 1. COUNCIL BILL NO. 19-9

ORDINANCE NO. 19-9

AN ORDINANCE AMENDING CHAPTER 10.48 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "MISCELLANEOUS DRIVING RULES" AND SPECIFICALLY DELETING SECTION 10.48.350 ENTITLED "JAKE BRAKES PROHIBITED" AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

[Ordinance No 19-9.pdf](#)

*It was moved by Commissioner Morgan, and seconded by Commissioner Shaw and was passed by unanimous Roll Call vote that Ordinance 19-9 be placed on second reading and passed, having been deemed fully read at length.*





## SECTION 6 ORDINANCES AND RESOLUTIONS FOR FINAL READING

### 1. COUNCIL BILL NO. 19-03

#### COUNCIL ORDINANCE NO. 19-03

AN ORDINANCE AMENDING CHAPTER 9.24 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC), ENTITLED “WEAPONS”, AND SPECIFICALLY AMENDING SECTION 9.24.030 G 1 ENTITLED “DEFINITIONS”-“REGULATED AREA” AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

[Ordinance 19-3.pdf](#)

[Ordinance 19-3 Redline.pdf](#)

[Ordinance 19-3 Map.pdf](#)

*It was moved by Commissioner Morgan, and seconded by Commissioner Shaw and was passed by unanimous Roll Call vote that Ordinance 19-3 be placed on FINAL reading and passed, having been deemed fully read at length.*

### 2. COUNCIL RESOLUTION NO. 19-21

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF REAL PROPERTY OWNED BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, DESCRIBED AS THE NORTH 26' OF THE EAST 13' OF LOT 21 AND THE NORTH 2' OF THE EAST 15 ½' OF THE NORTH 26' OF LOT 21 AND THE NORTH 26' OF LOT 22 OF BLOCK 6 OF THE SMITH AND KESSLER ADDITION TO THE CITY-COUNTY OF BUTTE-SILVER BOW MONTANA TO THE ADJOINING OWNERS, BART AND DANA WACKERBARTH d/b/a RSM1 LLC, PURSUANT TO POLICIES ADOPTED BY THE COUNCIL OF COMMISSIONERS AND PROVIDING FOR AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

[Resolution No. 19-21.pdf](#)

*It was moved by Commissioner Morgan, and seconded by Commissioner Shaw and was passed by unanimous Roll Call vote that Resolution 19-21 be placed on second reading and passed, having been deemed fully read at length.*

## PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA

- R. Ed Banderob comments on hate and vandalism causing problems in Butte. Not really going to have a change in attitude until the local government become more receptive to the community suggestions.
- Public participation is up to you. Thank you.

None.



**ADJOURN**

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

Meeting was adjourned at 10:05 p.m.

---

---

Dave Palmer, Chief Executive

ATTEST:

---

Clerk & Recorder

