

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING AGENDA
WEDNESDAY, SEPTEMBER 16, 2020
7:30 PM VIA WEB-EX**

ROLL CALL 12 Present 0 Absent

PRAYER AND PLEDGE Brenden McDonough

APPROVAL OF THE MINUTES

September 2, 2020 Regular Meeting Minutes

John Morgan makes a motion a motion to approve the minutes, Cindy Shaw seconds the motion.

12 YEAS 0 NAY

ITEMS NOT ADDRESSED ON THE AGENDA

None

CHIEF EXECUTIVE'S REPORT

Dave Palmer says it is an historic day in Butte because the CD was signed by the judge and just wait for the work to begin.

The census for 2020 please complete the form and is important and we receive about \$20,000 per person that is counted in the federal government. Also, we could receive a second seat in the house of representatives. We fell short on the numbers last time.

PUBLIC COMMENT ON ANY ITEMS ON THE AGENDA

Cindy Dolan- calling in regard to 2020-370 the MOU. I wanted to make the comment for Steve Danes. The MOU is important. The people of Butte deserve the best clean-up possible.

CALL INS ARE WELCOME @ 497-5009

WRITTEN COMMENTS WELCOME:

public-input@bsb.mt.gov

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

PUBLIC HEARING

1.COMMUNICATION NO. 2020-357

Angie Mullikin, Public Works Budget Analyst requesting Council of Commissioners to schedule a Public Hearing for September 16, 2020 for the purpose of amending the Fiscal year 2020-2021 budget to allow for increased expenditures of unanticipated revenue.

0 Proponents, 0 Opponents. Closed.

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

Segregations Sorich- 2020-378, Callahan -2020-377

John Morgan makes a motion to approve the consent agenda with exception of 2020-378 and 2020-378 12 yeas 0 nays

B. COMMUNICATIONS

1.COMMUNICATION NO. [2020-361](#)

Dori Skrukud, Community Development Coordinator requesting Council of Commissioners to schedule a Public Hearing for September 23, 2020, regarding Developer's Packet Proposals for city-County Owned Property.

Hold in Abeyance

2.COMMUNICATION NO. [2020-362](#)

Alan Guay, 3239 S. Colorado, Butte MT requesting Council of Commissioners consideration to purchase parcel #2112550 which structurally encroaches on my property located at 18 W. Pacific Parcel #484000. I would also like to purchase the property that abuts that parcel, #1907835 as adjoining.

Refer to Land Sales

3.COMMUNICATION NO. [2020-363](#)

J.P. Gallagher, Parks and Recreation Director requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign the a new 5-year MOU with the Beaverhead-Deer Lodge National Forest for shared responsibility on the maintenance and management of Thompson Park.

[2020-363 MOU](#)

Concur and Place on File

4.COMMUNICATION NO. [2020-364](#)

Pat Holland, BSB Government Buildings Manager requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign a Professional Service Agreement with Rocky Mountain Roofing for repairs to the Mother Lode Theatre roof.

[2020-364 Agreement](#)

Concur and Place on File

5.COMMUNICATION NO. [2020-365](#)

J.P. Gallagher, Parks and Recreation Director requesting Council of Commissioners concurrence and authorization for the Chief Executive to extend the Operating Agreement between Butte-Silver Bow County Government and Mainstreet Uptown Butte Inc, for three additional years to plan and execute the Montana Folk Festival.

[2020-365 Agreement](#)

Concur and Place on File

6.COMMUNICATION NO. [2020-366](#)

Kathy Kenison, BSB IT Manager requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign the Accela Amendment to the Master Service



Agreement Contract. This amendment will extend our first-year contract end date from July 22, 2020 to January 1, 2021 and subsequently extend the end date for year two and three.

[2020-366 Amendment](#)

Concur and Place on File

7.COMMUNICATION NO. [2020-367](#)

Ed Randall, Community Enrichment Director requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign an American Society for the Prevention of Cruelty to Animals (ASPCA) grant application in the amount of \$20,000 for submittal by October 1, 2020.

Concur and Place on File

8.COMMUNICATION NO. [2020-368](#)

Ed Randall, Community Enrichment requesting Council of Commissioners concurrence for Mr. and Mrs. Shea to obtain a Class 3 Kennel License which will be located at 86 Elkhorn Lane in Butte, Montana 59701. The Shea's meet the requirements of the Class 3 Kennel License.

Concur and Place on File

9.COMMUNICATION NO. [2020-369](#)

Leslie Clark, Human Resources Director requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign the Memorandum of Understanding between the City-County of Butte-Silver Bow and the Laborer's International Union of North America, Local No. 1686.

[2020-369 Memorandum](#)

Concur and Place on File

10.COMMUNICATION NO. [2020-370](#)

Dave Palmer, Chief Executive requesting Council of Commissioners to accept this letter as my formal request for your concurrence to sign a Memorandum of Understanding (MOU) between the State of Montana and Butte-Silver Bow on Restoration Projects in the Silver Bow Creek Corridor.

[2020-370 MOU](#)

Concur and Place on File

11.COMMUNICATION NO. [2020-371](#)

Beth Wurm, Human Resources Specialist requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign the Butte-Silver Bow Transit Drug and Alcohol Policy Agreement. This will be effective upon approval from the Council.

[2020-371 Agreement](#)

Concur and Place on File

12.COMMUNICATION NO. [2020-372](#)

Patrick Riordan, Land Systems Administrator requesting Council of Commissioners to Deny Council Communication 2020-353-Request from Cindy and Jerry Beck, 122 Minah Street, Butte MT 59701 to purchase vacant City-County Property identified as Lots Five (5) and Six (6) of the Little Mina Lode.

Concur and Place on File



13.COMMUNICATION NO. [2020-373](#)

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

[2020-373 Agreement](#)

Concur and Place on File

14.COMMUNICATION NO. [2020-374](#)

Lori Casey, Planning Director requesting Council of Commissioners concurrence for a presentation on the Revised Preliminary Flood Insurance Rate Maps for Silver Bow Creek on September 23, 2020 Council Agenda. The presentation is intended to provide an overview of the preliminary maps, the background of why the maps were revised, the plan for public outreach, and the map adoption process.

Hold in Abeyance

15.COMMUNICATION NO. [2020-375](#)

Eric Hassler, Superfund Operations Manager requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign a Topsoil Purchase Agreement with Pyrenees Drilling Consultants, LLC. One bid responded and we found the bid to be in compliance with the standard specifications as defined within the 1997 Butte Hill Revegetation Specifications.

[2020-375 Agreement](#)

Concur and Place on File

16.COMMUNICATION NO. [2020-376](#)

Mark Neary, Public Works Director requesting Council of Commissioners schedule a Bid Opening for October 7, 2020 for the 2020 Roads Mill/Fill Project. This project will rehabilitate South Alabama, South Colorado, South Dakota, and North Montana Streets.

Hold in Abeyance

17.COMMUNICATION NO. [2020-377](#)

Mark Neary, Public Works Director requesting Council of Commissioners permission to dispose of the Hot Plant and the Crusher on the state surplus website. We have found that it is cheaper for BSB to purchase Asphalt and Gravel rather than making it.

Concur and Place on File

Dan Callahan would like to segregate this for further discussion in the Public Works Committee. Would like a change to voice an opinion.

Makes a motion to refer to Public Works Committee, Shea seconds the motion.

Dave Palmer states that we have been looking at this issue for several years. It is a perfect time to sell because it sits on ARCO land and it needs to be dismantled and moved. It is much more feasible to buy it elsewhere. Rumor has it that we would be laying off workers in Public Works, that is not the case. We would be putting these employees on more road maintenance, snow removal and all that we have fallen way behind on.

Jim Fisher- Agrees and it is time to sell.



Mark Neary-The workforce is worried about layoffs. This will not happen. The only intent was to do patches, not big jobs. The hot plant is inefficient. We have to move it and would hire someone to dismantle it. It is the perfect time to sell it since it has to be moved anyway. We could be doing way more road improvements that we have fallen behind on.

Bill Anderson- Seems like there was a lot of improvements made several years ago. Is it operating with those improvements that were made?

Neary- The tanks were removed and there has been upgrades but is far from being efficient.

Anderson- what is the coast difference?

Neary-Last year our costs were very close.

Mr. Sorich makes a substitute motion to concur and place on file. John Morgan seconds the motion.

Mr. Fisher agrees that is the right time to sell.

Mr. O'Neil-Would we have to purchase land?

Mr. Neary-We would.

Dave Palmer- would be much more beneficial to sell while it is up and running. And it has to be moved by next year.

Mr. Neary- we will have several contractors with hot plants and all of them should be comparable.

Ms. Joyce- A resolution would have to be done on the sale of the equipment and or property.

Danette Gleason- we have no funds available now we would have to use reserve funds.

8 yeas, 4 nays- Callahan, Mankins, Fredrickson and Shea.

18.COMMUNICATION NO. [2020-378](#)

Mark Neary, Public Works Director requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign the Fairmont Street Phase 1 Engineering Agreement with Water and Environmental Technologies. This Agreement will provide engineering and construction services for the Phase 1 area of Fairmont Street located between Lafayette and Hancock Avenues and a small section of Gladstone.

[2020-378 Agreement](#)

Concur and Place on File

Mr. Sorich segregated and would like to make a comment, and this has been badly needed, makes a motion to concur and place on file, John Morgan seconds the motion.

12 yeas 0 nays

19.COMMUNICATION NO. [2020-379](#)

Mark Neary, Public Works Director requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign the 2020 CIPP Lining for Sanitary Sewer Lines Agreement with Water and Environmental Technologies.

[2020-379 Agreement](#)

Concur and Place on File

20.COMMUNICATION NO. [2020-380](#)

Mark Neary, Public Works Director requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign the Storm Water Management/BMP Maintenance Agreement with the Butte VA Clinic.

[2020-380 Agreement](#)



Concur and Place on File

21.COMMUNICATION NO. [2020-381](#)

Leslie Clark, Human Resource Director requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign the Memorandum of Understanding between the City-County of Butte-Silver Bow and the Laborer's International Union of North America, Local No. 1686. This MOU addresses the Union's request to reserve one laborer position that is currently vacant due to attrition, to be filled at a later date as budget allows.

[2020-381 MOU](#)

SECTION 3: ORDINANCES AND RESOLUTIONS REFERRED TO JUDICIARY

1.COUNCIL BILL NO. [2020-06](#)

ORDINANCE NO. [2020-06](#)

AN ORDINANCE AMENDING CHAPTER 32 OF TITLE 13 OF THE BUTTE-SILVER BOW MUNICIPAL CODE ENTITLED "STORM WATER MANAGEMENT"; SPECIFICALLY AMENDING SECTIONS 13.32.010, 13.32.020, 13.32.030, 13.32.210, 13.32.220, 13.32.310, 13.32.330, 13.32.340, 13.32.360, 13.32.420, 13.32.430 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

Ordinance No. [2020-06 REDLINE](#)

SECTION 4: ORDINANCES AND RESOLUTION FOR FINAL PASSAGE

1.RESOLUTION NO. [2020-31](#)

A RESOLUTION OF INTENT TO ALTER THE BOUNDARIES OF THE CITY-COUNTY OF BUTTE-SILVER BOW, MONTANA'S SOLID WASTE SPECIAL DISTRICT TO INCLUDE THE BOUNDARIES OF THE TOWN OF WALKERVILLE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

John Morgan makes a motion we move to final read and Cindy Shaw seconds the motion,
12 yeas 0 nays

Ms. Gleason – please see attachment.

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA

PLEASE CALL IN AT 497-5009

No phone calls

John Morgan has a letter, see attached.

CALENDAR OF OTHER MEETINGS AND EVENTS

DUE TO COVID-19 PANDEMIC, COMMITTEE MEETINGS WILL BE BY WEB-EX.

September 16, 2020, Parking Commission, 3:00 pm, Chief Executive Conference Room

September 19, 2019, Animal Services, 5:30 pm, 1st Floor Conference Room

September 21, 2020, Parks & Recreation, 11:30 am, Butte Justice Center

September 22, 2020, Port of Montana, 12:00 pm, Hub Center, Silver Bow

September 22, 2020, Superfund Advisory (SARTA), 6:00 pm, Butte Justice Center



September 22, 2020, Urban Revitalization, 8:30 am, 1st Floor Conference Room
September 23, 2020, Local Emergency Planning, 12:00 pm, Butte Justice Center
September 23, 2020, South Butte TEDD, 3:30 pm, 1st Floor Conference Room
Sept. 23, 2020, Substance Abuse Task Force, 3:30 pm, Emergency Operations Center, 3615 Wynne
September 24, 2020, Planning Board, 5:30 pm, Council Chambers
September 28, 2020, Mental Health LAC, 1:00 pm, 3rd Floor, Library Bldg.
October 6, 2020, Weed Board, 7:00 pm, Weed Office, 25 West Front

ADJOURN

MEETINGS

ALL MEETINGS CAN BE VIEWED BY WEB-EX STARTING AT DESIGNATED TIMES, LISTED BY EACH MEETING. CALL INS ARE WELCOME @ 497-5009.

FINANCE & BUDGET COMMITTEE MEETING

SEPTEMBER 16, 2020

7:00 PM VIA WEB-EX

Public comment on any items on the agenda

Expenditure report for the week of September 16, 2020 was reviewed and approved in the amount of
\$ _____.

We are still meeting remotely but we will be taking Public Comment by calling 497-5009

REPORTS

COMMITTEE OF THE WHOLE REPORT

SEPTEMBER 9, 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. [2020-358](#)

Maria Pochervina Executive Secretary TBID requesting Council of Commissioners concurrence for a presentation of work plan and budget for fiscal year 2021 for the Butte-Silver Bow Tourism Business Improvement District (TBID) on September 9, 2020, and a public hearing on September 23, 2020 and resolution to keep TBID assessment at \$1.00/occupied guest room.

[2020-358 Work Plan](#)

Held



2.COMMUNICATION NO. [2020-335](#)

Eric Hassler, Superfund Operations Manager, requesting Council of Commissioners for a Bid Opening for September 2, 2020 for topsoil that is required for the ongoing operations and maintenance of reclaimed areas.

[2020-335 Bid Specs](#)

Place on File

3.COMMUNICATION NO. [2020-353](#)

Cindy Beck, 122 Minah St. Butte MT requesting Council of Commissioners consideration to purchase Little Minah Load lots 5 & 6 SCC TO3 N-RO8W. We own our home at 122 Minah Street and have lived here for 11 years. We would like to purchase these lots for additional parking and possibly a garage.

Hold in Abeyance

4.COMMUNICATION NO. [2020-357](#)

Angie Mullikin, Public Works Budget Analyst requesting Council of Commissioners to schedule a Public Hearing for September 16, 2020 for the purpose of amending the Fiscal year 2020-2021 budget to allow for increased expenditures of unanticipated revenue.

Hold in Abeyance

5.COMMUNICATION NO. [2020-360](#)

Steve Bullock, Governor requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign the DRAFT Memorandum of Understanding (MOU) between the State of Montana and Butte-Silver Bow on Restoration Projects in the Silver Bow Creek Corridor.

[2020-360 Memorandum](#)

Concur and ask that the final draft of MOU be introduced next meeting and Placed on File

FINANCE & BUDGET COMMITTEE MEETING REPORT

SEPTEMBER 9, 2020

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 August 26, 2020 was reviewed and approved in the amount of \$18,510.88 for 2020, and \$628,726.16 for 2021

<u>Committee Members</u>	<u>Present /Absent</u>
Brendan McDonough Chair	P
Bill Andersen, Vice Chair	A
Dan Callahan	P
Jim Fisher	P
Josh O'Neil	P
Michele Shea	P
Shawn Fredrickson	P



PUBLIC WORKS COMMITTEE MEETING REPORT

SEPTEMBER 9, 2020

6:30 PM

1. 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

2. Petition No. [2020-01](#)

Patrick Riordan, Land Systems Administrator requesting Council of Commissioners authorize a Petition to close and vacate a platted, public alleyway, has been filed with the Land Systems Division of the Planning Department, as provided for the within Ordinance Number 362.

Refer to Public Works

Petition No. [2020-01 Map](#)

Concur and Place on File

PUBLIC WORKS COMMITTEE MEMBERS:

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

JUDICIARY COMMITTEE MEETING REPORT

SEPTEMBER 9, 2020

7:00 PM

1. RESOLUTION NO. [2020-31](#)

A RESOLUTION OF INTENT TO ALTER THE BOUNDARIES OF THE CITY-COUNTY OF BUTTE-SILVER BOW, MONTANA'S SOLID WASTE SPECIAL DISTRICT TO INCLUDE THE BOUNDARIES OF THE TOWN OF WALKERVILLE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

Move to Final Reading



Name	Amount	Reason	Approved	
MIKE MILBY	\$100.00	REFUND DEMO BOND GARAGE 2234 S. DAKOTA	YES	
SHERIE ANN KOHNE	\$200.00	RFUND DEMO BOND GARAGE 3201 KEOKUK	YES	
PAUL KETO	\$200.00	DEMO BOND REFUND GARAGE 2917 OTTOWA	YES	

JUDICIARTY COMMITTEE MEMBERS:

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



Calculation for expansion of the Solid Waste Collection in Walkerville

Total Residential parcels	324	
Cost per parcel annually	\$ 106.50	
Total cost for Walkerville Residents	\$ 34,506.00	
50% of Cost of Improvements/Programs	\$ 17,253.00	MCA 7-11-1008

10% Calculation

Number of Protests	28	
Cost per parcel	\$ 106.50	
Cost of protest	\$ 2,982.00	
10% of the cost	\$ 3,450.60	
Cost of Protests	\$ 2,982.00	
If 10% exceeds the 50% then referendum		
Variance	\$ 468.60	

Davies, Barbara

From: Jomike Novack <jdnovack12@gmail.com>
Sent: Wednesday, September 9, 2020 10:01 PM
To: BSB Public Input
Subject: Copper City Physical Therapy sign

This message did not originate from a Butte-Silver Bow email account and therefore cannot be validated. Please ensure you respond accordingly and proceed with caution.

Hello,

I own the property and business High Altitude Gardens, located at 1842 Harrison Ave. which is directly south of Copper City Physical Therapy.

I wholly disagree with Butte-Silver Bow's attempt to make Mrs. McAdam remove her sign because, to me, it seems completely unreasonable and unjust. While the location of the sign may not satisfy the code/zoning requirements established in prior decades, it deserves to remain in place for several common sense reasons:

1. Does it detract from the surrounding area property values? No.
2. Does it pose a safety risk to motorists driving along Harrison Avenue? No.
3. Is the sign obnoxious or otherwise a distraction? No.
4. Does it contribute to the economic viability of the business? Yes, because it helps people driving northward easily find the location.

The Council of Commissioners should do the right thing and grant Mrs. McAdam an exemption from this draconian enforcement measure.

Regards,

Jomike Novack, MBA

Owner, High Altitude Gardens

This message did not originate from a Butte-Silver Bow email and therefore cannot be validated. Please ensure you respond accordingly and proceed with caution.