

**MINUTES OF THE REGULAR MEETING OF  
THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS  
FOR March 06, 2019**

**ROLL CALL**

In attendance: Brendan McDonough, John Sorich, Cindi Shaw, Shawn Fredrickson, Josh O'Neill, Eric Mankins, John Morgan, Michele Shea, Dan Olsen, Jim Fisher

Also, in attendance: Jason Parish, Colleen Safratowich, Eileen Joyce, Danette Gleason.

Absent: Bill Andersen and Dan Callaghan

**PRAYER AND PLEDGE**

Led by Commissioner McDonough

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

None

**APPROVAL OF THE MINUTES**

**Regular Meeting Minutes March 06, 2019**

*It was moved by Commissioner Morgan, seconded by Commissioner Shaw and passed by a unanimous verbal vote to approve the minutes of the Regular meeting of March 06, 2019.*

**ITEMS NOT ADDRESSED ON THE AGENDA**

None

**CHIEF EXECUTIVE REPORT**

- Chief Executive Palmer: Meeting on March 19, 2019 for the Butte Brownfield Grant for the kick-off the Grant process. The meeting is at BLDC at Noon.
- Senate Bill 243 hearing is on March 14, 2019 regarding the Road and Maintenance Districts in Helena.
- Like to recognize the people in the Audience from the American Legion. 100<sup>th</sup> Anniversary this year.

- Emails from Ed Banderob regarding the Emergency Declaration for the flooding that may occur in the Greely Neighborhood because of the heavy snow pack. This communication will be on the Agenda in 2 weeks.
- Monitoring the problem and are keeping it in close check.

**BID OPENING-COMMUNICATION NO. 19-39 Title and Lien Search Tax Deed Process.**

There was Proof of Publication for the 17<sup>th</sup> and 24<sup>th</sup> of February 2019. There is only one bid from Summit Valley Title Company. Open the Bid and Hold in Abeyance until we come to Communication to be Read and Acted Upon.

Patsy Coats received one Bid for the Tax Deed Process. Summit Valley Title's Bid is for \$250.00 per Parcel.

Award the Bid to the Bidder tonight so she can proceed with the Tax Deed Process.

Chief Executive will get Motion under the Read and Acted Upon Section.

*It was then moved by Commissioner Morgan, seconded by Commissioner Shaw and moved to the Read and Acted Upon Section of the Agenda later tonight for further action and passed by unanimous verbal vote.*

**PUBLIC HEARING: COMMUNICATION NO 19-68 amending the fiscal year 2018-2019 budget to allow for increased expenditures of unanticipated revenue.**

There was proof of publication for the 24<sup>th</sup> of February and 03<sup>rd</sup> of March 2019.

Staff Report Karen Sullivan

- Approached by the State last year to establish a new program called Healthy Young Parents. People under age 24 establishing families before they may be ready to do so.
- Teen Pregnancy rate. Girls age 15-19. Teen pregnancy rate 31.6 per 1,000 girls and women. State rate is 26.3. Butte is substantially higher.
- Description of Healthy Young Parent Program
- \$28,045.00 unanticipated revenue.
- No questions

Open the Public Hearing

Proponents: None

Opponents: None

Close the Public Hearing

**Before entertaining a motion for approval of the Consent Agenda, Chief Executive Palmer called for any friendly amendments or segregations.**

Commissioner Shea segregated Communication # 3 19-95

Commissioner O'Neill segregated Communication # 13 19-106



***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 through 4, and Section B, Items 1 through 17, with the exception of, #3 19-95 and # 13 19-106.***

**3. COMMUNICATION NO. 19-95**

Leslie Clark, Human Resources Director requesting Council of Commissioners concur and authorize the Chief Executive to sign the amended contract for the Employee Assistance Program Services in place with the Sapphire Resource Connection. This will extend the term of the original contract for three years, August 1, 2019 through July 31, 2022. 19-95.pdf 19-95 Amendment.pdf

Commissioner Shea has been working with Leslie Clark to get questions answered. Commissioner Shea still has more questions and wants to Hold this in Abeyance in the Committee of the Whole.

***It was then moved by Commissioner Shea, seconded by Commissioner Morgan and passed with a unanimous verbal vote to Hold Communication 19-95 in the Committee of the Whole.***

**13. COMMUNICATION NO. 19-106**

Angie Mullikin, Public Works Budget Analysis requesting Council of Commissioner's concurrence and authorization for the Chief Executive to sign a contract between Butte-Silver Bow and Debbie Sharkey, dba D & D Dustbuster for janitorial services for Corral located at 1700 Civic Center Road. 19-106.pdf 19-106 Contract.pdf

Commissioner O'Neill recused himself from this communication as he is related to the owner of the business.

***It was then moved by Commissioner Morgan, seconded by Commissioner Shaw and passed with a unanimous verbal vote to Concur and Place on File Communication 19-105 in the Committee of the Whole. Commissioner O'Neill abstained from the Vote.***

**SECTION 3 COMMUNICATIONS TO BE READ AND ACTED UPON.**

**1. COMMUNICATION NO. 19-103** Danette Gleason, Finance & Budget Director requesting Council of Commissioners allow a time on the March 6, 2019 Regular Meeting Agenda for a presentation regarding the Fiscal Year 2018 Audit Findings and Financial report. 19-103.pdf



- Julie Connors took over running the financial statements. Very Helpful. Wendy McGrath is also available for questions. Also, Pat Burke from Newland and Company is here to explain the audit.
- Basic Financial Statement is passed out to each Commissioner. Please see statement attached to the March 06, 2019 Agenda.
- Pat Burke discusses the Opinion of the Audit.
- Unmodified or Clean Opinion. Report schedule of Federal Grants.
- Schedule of Federal Assistance. 2.8 million. Not carried over from year to year.
- Report on internal controls. State Compliant. 3 areas in deviancies and one compliance matter.
- Complied with internal controls.
- Question none
- Auditors Comments
- 4 areas with lack of segregation, Parking, Civic Center, Landfill and Health Department.
- Law enforcement Payroll problems.
- Health Department accounts receivable.
- Civic Center advertising contracts not approved by Council and CE
- Report on last years' audits shows improvement.
- CE Palmer takes the improvements seriously and is making changes.
- Questions JM Regards to Law Enforcement time cards dates were incorrect.
- Pat Burke Yes. Shift Work is hard to follow.
- Law Suit over time sheets. Police Department is working on this issue.
- Karen Sullivan responds to Auditors Comments. This comment was in the Audit last year. Purchase of new software package to complete reconciliation comments. Live date is May 11,2019. Connect to A-Alert to assist with customer reconciliations.
- Anaconda and Dillon are working to get their billing and payroll systems improved. Dillon is a stand-alone clinic now.
- Ed Lester addresses the Payroll problem
- JS asks about the number of contracts still unsigned at the Civic Center
- JM question on the General Fuel Tax
- DG That is the original amount.
- CE would like to thank Pat Burke, Danette and her staff and Wendy for all their hard work.
- JM would like to thank the F & B Staff for their hard work. And Pat for applying for the RFP and getting the selection.

***It was then moved by Commissioner Morgan, seconded by Commissioner Shaw and passed with a unanimous verbal vote to Note Communication 19-95 and Place on File.***

## 2. COMMUNICATION NO. 19-107



Chairman John Morgan requesting Council of Commissioners authorize the beginning interviews for the Interim Coroner position on March 13, 2019. Also request that the Commissioners appoint an "acting officer", Wednesday, March 6, 2019 to serve until the vacancy is filled by the chosen candidate on March 13, 2019. 19-107.pdf

- JM explains the process to follow to fill this interim position for the Coroner. Advertising for the position went out and the application process will end on March 13, 2019 at noon. HR Department will forward applications to the Council and the interviews will take place at the COW Meeting that night.
- Persons applying must be over 18 years of age and live in BSB
- Charter requires that we appoint an acting officer. There are two Deputies Lori and Marci. Held meeting with CE, Co atty and JM to check out the rules. Both Lori and Marci are going to apply for the position and want to uphold the integrity of the Office. Both Lori and Mari have agreed that Lori should be the Acting Coroner.
- Questions
- JS wants list of questions for the candidates.
- JM will create list. Forward your questions to JM. Appicates will answer the same questions, applicants can remain in Council after their individual interview. They will be called in from the hall way.

***This motion has two parts. The first is to appoint Lori Durkin as the Acting Coroner. The second is to Hold Communication 19-107 in the COW pending the interviews on March 13, 2019. It was then moved by Commissioner Morgan, seconded by Commissioner Shaw and passed with a unanimous verbal vote to Hold IN Abeyance until March 13, 2019.***

CE Lori is in the Audience and Congratulations and look forward to working with you.

### 3. COMMUNICATION NO. 19-111

Karen Byrnes, Community Development Director requesting Council of Commissioners authorize forgiveness of two liens regarding 846 S. Main St. in the amount of \$412.20 and \$10,750. 19-111.pdf 19-111 Letter.pdf

- Karen Byrnes reports that liens were placed on these properties back in 1982 by Community Development. 6 or 7 liens on properties.
- Liens were placed until sale.
- Hanging out there this long as properties have not change hand, only transferred through family members or contracts for deed. Benefits was over due to the length of time
- Time to remove these from the books and move on with this property. Have a party interested in the property.



- If you are wondering why all properties were not included, Karen wants to have a chance to recoup any funds that she can. Approach on individual basis as they come up. She feels this is the best course of action
- Questions
- JM Mark Yellenich letter states that he purchased a single-family dwelling at this address. Why was the lien not settled at this time?
- JB the property was not purchased thru a title company or recorded thru the Clerk & Recorder's office. When he states he purchased the property, he purchased it thru a contract for deed with someone believed to have ownership of the property. It is very confusing, and she has asked same questions herself. When he says he has purchased the property, he is saying that he is in the process and making payments to someone and this document was not filed with the Clerk & Recorder.
- JM should we be doing this? It seems like Yellenich is paying money to someone and there is a legal issue between them?
- KB yes there is a legal issue. But this lien goes back further than that. It goes back at least 3 previous owners. We are only now aware of it and has happened a few times before without our knowledge at all. Good idea that we are cleaning it up and move forward. She is not aware of the purchase price and thinks it could be less than the amount of the liens. Have the same questions and further asked what the intent is regarding this property? If you have further questions, she will dig deeper to see what she can find.
- JM he should be paying us rather than another party. And all we have is the paper
- KB discusses the way we have run the housing re-hab project.
- JS is this the only lien?
- KB no this is the only lien
- JF who is paying taxes?
- KB don't know
- JF are the taxes current?
- BK yes
- JM what happens if we do not accept this?
- KB the property owner would walk away, and we would be here releasing the lien when it comes back to BSB. Or if it is sold the title company would do the same thing.

***It was then moved by Commissioner Fisher, seconded by Commissioner Shaw and passed with a verbal vote of Commissioners JS, JF CS, BM, and EM voting yea and Commissioners MS, SF, JO, JM and DO voting nay to Concur with Communication 19-111 and Place on File. Chief Executive Palmer voted yae to break the tie and the Communication No 19-111 to vote to Concur and Place on File.***

## 2. BID OPENING

COMMUNICATION NO. 19-39



Patsy Coates, Property Specialist requesting Council of Commissioners authorize a Bid Opening on March 6, 2019 for the Title and Lien Search Tax Deed Process and ask Council to award the bid the same night to the lowest bidder. 19-39.pdf

- CE Palmer wants to know if PC has had time to review all the Bids.
- PC laughs.
- PC please award the Bid to Summit Valley Title for 250.00 per parcel.

*It was then moved by Commissioner Morgan, seconded by Commissioner Shaw and passed with a unanimous verbal vote to Approve of Bid for the Title and Lien Search Tax Deed Process to Summit Valley Title Company and Concur with Communication 19-95 and Place on File.*

## **ORDINANCES AND RESOLUTIONS REFERRED TO JUDICIARY**

### **1. COUNCIL ORDINANCE NO. 19-05**

**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.**

### **2. COUNCIL RESOLUTION NO. 19-12**

**A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE OLR MINOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.**

### **3. COUNCIL RESOLUTION NO. 19-13**

**A RESOLUTION REQUESTING DISTRIBUTION OF BRIDGE AND ROAD SAFETY AND ACCOUNTABILITY (BaRSAA) PROGRAM FUNDS, REPEALING RESOLUTION 18-21 TO REALLOCATE BaRSSA FUNDS DISTRIBUTED IN FY18 TO A NEW PROJECT OUTLINE IN THE RESOLUTION AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.**

## **SECTION 5 ORDINANCES SECOND READING**

### **SECTION 1. COUNCIL BILL NO. 19-04**

**COUNCIL ORDINANCE NO. 19-04**



AN ORDINANCE AMENDING SECTION 17.060.030 OF BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) WHICH SECTION ADOPTED THE ZONING MAP OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR A CHANGE TO THE OFFICIAL ZONING DISTRICT MAP BY REZONING APPROXIMATELY FIVE AND ONE-HALF ACRES FROM R-1 (SINGLE-FAMILY RESIDENCE) ZONE TO C-2 (COMMUNITY COMMERCIAL). THE AREA OF LAND IS LEGALLY DESCRIBED AS LOTS 5A-1 AND 5A-2 OF CERTIFICATE OF SURVEY 1059B-RB; LOT 6A OF CERTIFICATE OF SURVEY 953B-RB; AND LOTS 1-7 BLOCK 2 AND VACATED EVANS STREET ADJACENT, BELLEVUE ADDITION SECTION 30 TOWNSHIP 3 NORTH, RANGE 7 WEST, OF THE P.M.M. OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, COMMONLY LOCATED SOUTH OF THE 1900 BLOCK OF HARVARD AVENUE, EAST OF PINION STREET, AND NORTH OF INTERSTATE 15-90, PROVIDING FOR AN EFFECTIVE DATE HEREIN.

*It was moved by Commissioner Morgan, seconded by Commissioner Shaw that Council Bill 19-04, Council Ordinance No. 19-04 be placed on second reading and be passed, having been deemed fully read at length. The motion passed with a roll call vote of 10 yea and 0 nay.*

## SECTION 6 ORDINANCES AND RESOLUTIONS FINAL READING

### 1. COUNCIL BILL 19-01

#### COUNCIL ORDINANCE NO. 19-01

AN ORDINANCE AMENDING CHAPTER 13.12 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "SOLID WASTE MANAGEMENT FACILITY", SPECIFICALLY AMENDING SECTIONS 13.12.020, 13.12.040, AND 13.12.070 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. Ordinance 19-01 Amended.pdf

Ordinance 19-01 Redline (2).pdf

*It was moved by Commissioner Morgan, seconded by Commissioner Shaw that Council Resolution No. 19-01 be placed on final reading and be passed, having been deemed fully read at length. The motion passed with a roll call vote of 10 yea and 0 nay.*

### 2. COUNCIL BILL 19-02

#### COUNCIL ORDINANCE NO. 19-02



AN ORDINANCE ESTABLISHING A NEW CHAPTER OF THE BUTTE-SILVER BOW MUNICIPAL CODE (BSB-MC) TO BE NUMBERED 8.10 AND TO BE ENTITLED "COVERED LOADS", ESTABLISHING PROCEDURES AND PROVISIONS FOR ENFORCEMENT AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

Ordinance 19-02 Amended.pdf

Ordinance 19-02 Redline (2).pdf

*It was moved by Commissioner Morgan, seconded by Commissioner Shaw that Council Resolution No. 19-02 be placed on final reading and be passed, having been deemed fully read at length. The motion passed with a roll call vote of 10 yea and 0 nay.*

### 3. COUNCIL RESOLUTION 19-03

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 RESIDENTIAL METALS ABATEMENT PROGRAM TRUST AS PART OF THE ALLOCATION AGREEMENT BETWEEN ATLANTIC RICHFIELD CO. AND BUTTE-SILVER BOW FOR THE PURPOSE OF CONTINUING OPERATIONS OF THE RESIDENTIAL METALS PROGRAM PROVIDING FOR AN EFFECTIVE DATE HEREIN. Resolution 19-03.pdf

*It was moved by Commissioner Morgan, seconded by Commissioner Shaw that Council Resolution No. 19-03 be placed on final reading and be passed, having been deemed fully read at length. The motion passed with a roll call vote of 10 yea and 0 nay.*

### 4. COUNCIL RESOLUTION NO. 19-07

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE OLR MINOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. Resolution 19-07.pdf

*It was moved by Commissioner Morgan, seconded by Commissioner Shaw that Council Resolution No. 19-07 be placed on final reading and be passed, having been deemed fully read at length. The motion passed with a roll call vote of 10 yea and 0 nay.*



5. COUNCIL RESOLUTION NO. 19-08

A RESOLUTION REQUESTING DISTRIBUTION OF BRIDGE AND ROAD SAFETY AND ACCOUNTABILITY (BaRSAA) PROGRAM FUNDS, REPEALING RESOLUTION 18-21 TO REALLOCATE BaRSSA FUNDS DISTRIBUTED IN FY18 TO A NEW PROJECT OUTLINE IN THE RESOLUTION AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. Resolution 19-08.pdf

*It was moved by Commissioner Morgan, seconded by Commissioner Shaw that Council Resolution No. 19-08 be placed on final reading and be passed, having been deemed fully read at length. The motion passed with a roll call vote of 10 yea and 0 nay.*

6. COUNCIL RESOLUTION NO. 19-09

A RESOLUTION REQUESTING DISTRIBUTION OF BRIDGE AND ROAD SAFETY AND ACCOUNTABILITY (BaRSAA) PROGRAM FUNDS, REPEALING RESOLUTION 18-22 TO REALLOCATE BaRSAA FUNDS DISTRIBUTED IN FY18 TO A NEW PROJECT OUTLINED IN THE RESOLUTION AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. Resolution 19-09.pdf

*It was moved by Commissioner Morgan, seconded by Commissioner Shaw that Council Resolution No. 19-09 be placed on final reading and be passed, having been deemed fully read at length. The motion passed with a roll call vote of 10 yea and 0 nay.*

**ADJOURN**

Meeting was adjourned at 9:17a.m.

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Dave Palmer, Chief Executive

ATTEST:

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Clerk & Recorder



