

**MINUTES OF THE REGULAR MEETING OF
THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
FOR June 5, 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 Jim Fisher 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 TIEMS ON THE CONSENT AGENDA

CE Palmer if you are here to comment on the ROD in the to be read and acted upon part of the Agenda, please wait until we get to that part of the Agenda.

R Edward Banderob, GNCDC Inc., HMITF
Communication 19-243

- Refund of 1,000.00 Grant to be used Alma Higgins task force was request the BSB Arborist to implement and move this forward in BSB. Denied by this local government. Regretfully return the funds as not able to use them in a meaning way.

CHIEF EXECUTIVES REPORT

- Kenyon-Connell Memorial at the Fire Station all are invited at 1:00 PM on Sunday, June 9, 2019.
- Ridge water Opening on Saturday June 8, 2019 baring any snow storms that may come through. Depending on the weather.
- June 18, 2019 at 1:00 PM ribbon cutting for the Central Improvement District Plan for the Stodden Park Area. All are invited and encouraged to attend.

SUPERFUND REPORT FOR COMMISSIONERS.

- CE will have the Super Fund staff discuss any questions from the Commissioners. If the questions are regarding the Consent Decree, we will hold them until the Communication come up to be read and acted upon.
- Seeing none we will move on.



APPROVAL OF THE MINUTES:

Regular Meeting Minutes May 15, 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

SECTION 2 CONSENT AGENDA

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

Commissioner Shaw segregated 19-251.

Commissioner Morgan segregated Communication 19-243.

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 31, exclusion of number 10 and 18.

10. COMMUNICATION NO. 19-243

Greeley Neighborhood Community Development Corporation, Inc's request for the B-SB Arborist – Kathleen Humpa to participate and work with The People as a member of the 2018-2019 Instigating GNCDCInc. – Enhancement – Alma Higgins – VEEP Task Force to implement and move said program throughout the Greater Butte Silver Bow Community forward was denied.

Refer to the Chief Executive's Office and Place on File.

[19-243.pdf](#)

[19-243 Invoice](#)

John Morgan has had some problems figuring the captions on Ed's Banderob's Communications. Will work with Ed to find a successful way to get these captions more correct. With that we will amend the Caption to read "Refund of \$1,000.00 Grant from BSB Ec Mill Levy Development Fund to be used for the Alma Higgins Vegetative Environment Enhancement Program."

It was moved by Commissioner Morgan, seconded by Commissioner Shaw and was passed by unanimous Roll Call vote to Note and Place on File this Communication No. 19-243; it was further moved by Chief Executive Palmer to Concur and Place on File Shaw and was passed by unanimous Roll Call vote to Note and Place on File this Communication No. 19-243 as amended.



18. COMMUNICATION NO. 19-251

Dave Palmer, Chief Executive requesting Council of Commissioners concur with the reappointments to the Butte Natural Resource Damage Restoration Council.

Concur and Place on File.

[19-251.pdf](#)

Commissioner Shaw makes a Friendly Amendment to this item to reflect that the 6 appointments to the Natural Resource Damage Restoration Council terms will last until December 31, 2020.

It was moved by Commissioner Shaw, seconded by Commissioner Morgan and was passed by unanimous Roll Call vote to Concur and Place on File this Communication No. 19-251 as amended.

SECTION 2 COMMUNICATIONS TO BE READ AND ACTED UPON

1. COMMUNICATION NO. 19-264

Julia Crain, Super Fund Division requesting Council of Commissioners authorize the Chief Executive to submit formal comment to the 2019 Proposed Plan to amend the 2006 Record of Decision for Butte Priority Soils Operable Unit.

[19-264.pdf](#)

[19-264 Memo.pdf](#)

[19-264 Comment.pdf](#)

[19-264 Greeley Comment.pdf](#)

- CE Palmer starts the discussion of by inviting Jon Sesso to discuss the changes that they recommend in the Memo to Arco.
- After a full discussion it was moved:

It was moved by Commissioner Olsen, seconded by Commissioner McDonough to Concur as amended and Place on File Communication 19-264 with 10 yeas Votes and 1 nay Vote by Commissioner Andersen and Place on File.

SECTION 3: ORDINANCES AND RESOLUTIONS REFERED TO JUDICIARY

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](#)

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](#)

SECTION 4 ORDINANCES SECOND READING

SECTION 1.

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, seconded by Commissioner Shaw and was passed by unanimous Roll Call vote for Council Bill 19-03, Ordinance No. 19-03 on Second Reading and Passed having been fully read at length.

2. COUNCIL BILL NO. 19-08
ORDINANCE NO. 19-08

AN ORDINANCE REPEALING CHAPTER 15.06 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (BSB-MC) AND REPLACING IT BY ESTABLISHING A NEW CHAPTER OF THE BUTTE-SILVER BOW MUNICIPAL CODE (BSB-MC) TO BE NUMBERED 8.14 AND TO BE ENTITLED "DANGEROUS BUILDINGS", ESTABLISHING PROCEDURES AND PROVISIONS FOR ENFORCEMENT AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

[Ordinance No 19-08.pdf](#)

It was moved by Commissioner Morgan, seconded by Commissioner Shaw and was passed by Roll Call vote with 10 yea Votes and 1 nay Vote from Commissioner Olsen for Council Bill 19-08, Ordinance No. 19-08 on Second Reading and Passed having been fully read at length.



SECTION 6 ORDINANCES AND RESOLUTIONS FOR FINAL READING

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.

[Ordinance 19-06.pdf](#)

[Ordinance 19-06 Redline.pdf](#)

It was moved by Commissioner Morgan, seconded by Commissioner Shaw that Council Bill 19-06 Ordinance No. 19-06 be placed on Final Reading and passed, having been deemed fully read at length. The motion passed with a roll call vote of 10 yea and 1 nay from Commissioner Andersen.

2. COUNCIL BIL 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.

[ORDINANCE 19-07.pdf](#)

[Ordinance 19-07 Redline.pdf](#)

It was moved by Commissioner Morgan, seconded by Commissioner Shaw that Council Bill No. 19-07 Council Ordinance No. 19-07 be placed on Final Reading and passed, having been deemed fully read at length. The motion passed with a roll call vote of 11 yea and 0 nay.

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA

None.

ADJOURN



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

Meeting was adjourned at 9:38 p.m.

Dave Palmer, Chief Executive

ATTEST:

Clerk & Recorder