

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING AGENDA
WEDNESDAY, SEPTEMBER 18, 2019
7:30 PM**

ROLL CALL

PRAYER AND PLEDGE

PUBLIC COMMENT ON ANY ITEMS ON THE CONSENT AGENDA

APPROVAL OF THE MINUTES

[Meeting Minutes August 21, 2019](#)

[Meeting Minutes Special Meeting September 11 2019.pdf](#)

ITEMS NOT ADDRESSED ON THE AGENDA

SUPERFUND REPORT TO THE COMMISSIONERS

CHIEF EXECUTIVE'S REPORT

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

SECTION 1. PUBLIC HEARING

COMMUNICATION NO. 19-399

Pat Riordan Land Records Street Closure Petition No. 18-3 by Montana Tech per Ordinance No. 362

[Legal Description](#)

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*



B. COMMUNICATIONS

1. COMMUNICATION NO. 19-440

Gabriel Offut, Butte Halloween LLC. requesting council of commissioners authorize the chief executive to sign the application for the 2019 Halloween carnival in the parking lot at Park and Dakota as well as road closure for this event. All approvals have been received..

[19-440 Application](#)

Concur and Place on File.

2.COMMUNICATION NO.19-441

Angie Monaghan, Citizen requesting Council of Commissioners authorize the Chief Executive to discuss the Animal Control Ordinance that she deems unreasonable and unnecessary and would like changes to the ordinance.

Refer to the Committee of the Whole

8.COMMUNICATION NO. 19-442

Doug Conway, Administrative Captain Butte-Silver Bow Law Enforcement Department requesting Council of Commissioners authorize the Chief Executive to execute an Agreement for Law Enforcement Services with Montana Booking Agency, LLC

[19-442 Agreement](#)

Concur and Place on File.

3. COMMUNICATION NO. 19-443

Eldon Ball, Citizen requesting Council of Commissioners authorize the Chief Executive to amend and include Emma Park BSB County, Code of Ordinances Chapter 9.16 Park Restrictions and to include penalties and or fines etc.

Refer to Judiciary Committee

4. COMMUNICATION NO.19-445

Karen Byrnes, Community Development Director recommends that the Council of Commissioners authorize the forgiveness of the lien regarding 536 Caledonia Streett in the amount of \$6,110.46.

Concur and Place on File

5.COMMUNICATION NO. 19-446

Karen Sullivan, Health Officer Butte-Silver Bow requesting Council of Commissioners authorize the Chief Executive authorization of a contract amendment between the Montana Department of Public Health and Human Services and the Butte-Silver Bow Health Department to add \$5000.00 additional funding to the current Planning Contract.

Concur and Place on File.



6.COMMUNICATION NO. 19-447

John Sorich, County Commissioner #4 requesting Council of Commissioners authorize the Chief Executive to discuss a letter regarding a traffic study and stop sign to be installed on Eagle And Gladstone Streets.

Refer to Public Works Committee

7. COMMUNICATION NO. 19-448

Dave Palmer, Chief Executive requesting Council of Commissioners issue a proclamation declaring September 22-28, 2019 as Adult Education and Family Literacy Week in Butte-Silver Bow, Montana.

[19-448 Letter](#)

Concur and Place on File.

8. COMMUNICATION NO. 19-449

Karen Byrnes, Community Development Director requesting Council of Commissioners authorize the Chief Executive to sign the attached contract amendment for Montana Precision Products, to assist with job creation.

[19-449 Contract](#)

Concur and Place on File.

9. COMMUNICATION NO. 19-451

Bill Melvin, Butte Civic Center Manager requesting Council of Commissioners authorize the Chief Executive to sign the attached Agreement between the Butte Civic Center and Montana Tech to process ticket sales for Montana Tech football games.

[19-451 Agreement](#)

Concur and Place on File.

10. COMMUNICATION NO. 19-452

Leslie Clark, Director, Human Resources requesting Council of Commissioners authorize the Chief Executive to sign the attached Collective Bargaining Agreement between the City-County of Butt- Silver Bow and the Montana Nurses Association, Local No.37 for the period of July 1, 2017 through June 30, 2020.

[19-452 Agreement](#)

[19-452 Agreement Redline](#)

[19-452 Summary Agreement](#)

Concur and Place on File.

11. COMMUNICATION NO. 19-453

Captain Doug Conway, Butte-Silver Bow Law Enforcement Department requesting Council of Commissioners authorize the Chief Executive to authorize the implementation and acquire the requisite "wet" signatures in reference to the grant award for the Selective Traffic Enforcement Program from the MT Department of Transportation through the US Department of Transportation.

[19-453 Agreement](#)

Concur and Place on File.



12. COMMUNICATION NO. 19-454

Mike Clague, Deputy County Attorney requesting Council of Commissioners authorize the Chief Executive to approve and sign the contract accepting the grant from the Department of Transportation for funding of the DUI Court from October 1, 2019 through September 30, 2020.
Concur and Place on File.

13. COMMUNICATION NO. 19-456

William Joyce, Chairman, SARTA Board requesting Council of Commissioners authorize the Chief Executive to consider Council Concurrence in Decision by the Superfund Advisory and Redevelopment Trust Authority to Provide Financial Assurance for the Praxis Project.
Concur and Place on File

14. COMMUNICATION NO. 19-457

Eric Mankins, Commissioner District 9 requesting Council of Commissioners authorize the Chief Executive to discuss a change in the zoning ordinances, allowing within Butte-Silver Bow County in all residential zoning districts including R-1, R-2, R-3, R-4S, and R-C.
Refer to the Judiciary Committee

15. COMMUNICATION NO. 19-458

Ellen Crain, Director Archives Department requesting Council of Commissioners authorize the Chief Executive to authorize for approval for a three-year contract with Johnson Controls.

[19-458 Contract](#)

Concur and Place on File.

16. COMMUNICATION NO. 19-459

Mark Neary, Public Works Director requesting Council of Commissioners authorize the Chief Executive to sign the Storm Water Management/BMP Maintenance Agreement for Sutey LLC.

[19-459 Agreement](#)

Concur and Place on File.

17. COMMUNICATION NO. 19-460

Eileen Joyce, Butte-Silver Bow County Attorney requesting Council of Commissioners authorize a public hearing to be conducted at 7:30 p.m. on September 25, 2019 for the purpose of hearing all objections to Resolution No. 19-59 which is a Resolution of Intent to change the holidays observed by the City-County of Butte Silver Bow, Montana: Specifically authorizing a holiday for the Friday after Thanksgiving in exchange for not having a holiday on Columbus Day.

Concur with the request and hold in the Committee of the Whole Pending Public Hearing

18. COMMUNICATION NO. 19-461

James Kilmer, Justice Court requesting Council of Commissioners authorize the Butte Justice Court to become a Court of Record and refer this matter to the County Attorney so the resolution can be completed.

Concur with request and refer to County Attorney's Office to draft a Resolution.



19. COMMUNICATION NO. 19-462

Kristen Rosa, TIFID Administrator requesting Council of Commissioners authorize the Chief Executive to sign a change order with Intermountain Construction Services for construction services for the Civil Site Work project in the Montana Connections Park.

[19-462 Order # 2](#)

Concur and Place on File.

20. COMMUNICATION NO. 19-463

Mollie Maffei, Deputy County Attorney requesting Council of Commissioners authorize the Chief Executive to sign Consent for Access naming several additional parcels for testing on Black Tail Creek. (Reference Communication No. 19-142)

[19-142 Parcels](#)

Concur and Place on File.

21. COMMUNICATION NO. 19-464

Dan Dennehy Butte-Silver Bow Office of Emergency Management requesting Council of Commissioners authorize the Chief Executive to sign Homeland Security Grants.

[19-464 Grant 1](#)

[19-464 Grant 2](#)

Concur and Place on File.

SECTION 3: COMMUNICATIONS TO BE READ AND ACTED UPON

1. COMMUNICATION NO. 19-455

Sheriff Ed, Lester Butte-Silver Bow Law Enforcement Department requesting Council of Commissioners authorize the Chief Executive to confirm Donal Lewis as a permanent member of the Butte-Silver Bow Law Enforcement Department.

SECTION 4: ORDINANCES AND RESOLUTIONS REFERRED TO JUDICIARY

COUNCIL RESOLUTION NO. 19-58

A RESOLUTION AUTHORIZING THE SOLE SOURCE PURCHASE OF NINE (9) EXPRESSVOTE MARKING DEVICES FOR THE CITY-COUNTY OF BUTTE-SILVER BOW, MONTANA BSB” CLERK AND RECORDER’S ELECTION ADMINISTRATION AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

COUNCIL RESOLUTION NO. 19-59

A RESOLUTION OF INTENT TO DECLARE THE DAY AFTER THANKSGIVING AS A LEGAL HOLIDAY FOR THE CITY-COUNTY OF BUTTE-SILVER BOW, MONTANA IN EXCHANGE FOR NOT OBSERVING COLUMBUS DAY AS A LEGAL HOLIDAY AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.



SECTION 5: ORDINANCES AND RESOLUTIONS FINAL READING

1.COUNCIL RESOLUTION NO 19-50

A RESOLUTION APPROVING GROWTH POLICY AMENDMENT NO. 33 TO APPROVE CHANGES TO THE BUTTE-SILVER BOW COUNTY GROWTH POLICY LAND USE MAP OF THE 1987 BUTTE-SILVER BOW MASTER PLAN; INCORPORATING, BY REFERENCE, THE CHANGES TO THE MAP AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2.COUNCIL RESOLUTION NO. 19-51

A RESOLUTION ESTABLISHING CRITERIA FOR THE CLASSIFICATION OF UNSOLD TAX-DEED LANDS; DETERMINING THAT CERTAIN PROPERTY SHOULD BE HELD IN CITY-COUNTY OWNERSHIP BECAUSE OF COMPELLING PUBLIC INTEREST; ORDERING CERTAIN PARCELS OF REAL PROPERTY BE HELD IN CITY-COUNTY OWNERSHIP AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

3.COUNCIL RESOLUTION NO. 19-53

A RESOLUTION ESTABLISHING THE CITY COURT FOR THE CITY-COUNTY OF BUTTE-SILVER BOW, MONTANA AS A “CITY COURT OF RECORD” AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

4.COUNCIL RESOLUTION NO. 19-54

A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR MONTANA STUDIOS, LLC WITH THE DEPARTMENT OF COMMERCE OF THE STATE OF MONTANA, FOR BIG SKY ECONOMIC DEVELOPMENT ACT OF 1974 (42USC 5301) AS AMENDED.

SECTION 6. SUSPENSION OF THE RULES FOR FINAL PASSAGE

1.RESOLUTION NO. 19-55

A RESOLUTION FIXING THE TAX LEVY FOR THE WISE RIVER FIRE DISTRICT, STATE OF MONTANA AT A RATE WHICH WILL RAISE THE AMOUNT SET OUT IN THE FINAL BUDGET AS THE AMOUNT NECESSARY TO BE RAISED BY TAX LEVY FOR FISCAL YEAR 2020 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2. RESOLUTION NO. 19-56

A RESOLUTION REPEALING AND REPLACING RESOLUTION 19-39 WITH THIS RESOLUTION 19-56 AND REVISING THE TAX LEVIES PASSED ON SEPTEMBER 4, 2019 FOR THE VARIOUS FUNDS OF BUTTE HIGH SCHOOL DISTRICT NO. 1 SETTING AN AMOUNT NECESSARY TO BE RAISED TO COVER THE FINAL BUDGET FOR EACH FUND FOR FISCAL YEAR 2020 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.



3. RESOLUTION NO. 19-57

A RESOLUTION REPEALING AND REPLACING RESOLUTION 19-40 AND REVISING THE TAX LEVIES PASSED ON SEPTEMBER 4, 2019 FOR THE VARIOUS FUNDS OF BUTTE ELEMENTARY SCHOOL DISTRICT NO. 1. SETTING AT AN AMOUNT NECESSARY TO BE RAISED TO COVER THE FINAL BUDGET FOR EACH FUND FOR FISCAL YEAR 2020 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA

CALENDAR OF OTHER MEETINGS AND EVENTS

October 2, 2019, Airport Authority, 12:00 pm, Bert Mooney Airport Authority Admin. Office

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

October 2, 2019, Butte AIDS Support Services, 7:00 pm, Community Center

October 1, 2019, Fire Advisory Committee, 5:30 pm, Butte 1st Floor Conference Room

October 2, 2019, Board of Health, 7:00 am, Health Dept. Conference Room

October 1, 2019, Historic Preservation Commission, 5:30 pm, Council Chambers

September 25, 2019, Local Emergency Planning, 12:00 pm, Butte Justice Center

September 23, 2019, Mental Health LAC, 1:00 pm, 3rd Floor, Library Bldg.

September 18, 2019, Parking Commission, 3:00 pm, Chief Executive Conference Room

September 26, 2019, Planning Board, 5:30 pm, Council Chambers

September 24, 2019, Port of Montana, 12:00 pm, Hub Center, Silver Bow

September 24, 2019, Superfund Advisory (SARTA), 6:00 pm, Butte Justice Center

September 24, 2019, Urban Revitalization, 8:30 am, 1st Floor Conference Room

October 1, 2019, Weed Board, 7:00 pm, Weed Office, 25 West Front

September 25, 2019, South Butte TEDD, 3:30 pm, 1st Floor Conference Room

Sept. 25, 2019, Substance Abuse Task Force, 3:30 pm, Emergency Operations Center, 3615 Wynne

ADJOURN



MEETINGS

FINANCE AND BUDGET COMMITTEE MEETING

SEPTEMBER 18, 2019

7:00 P.M. COURTHOUSE COUNCIL CHAMBERS

Expenditure Report for the week of September 18, 2019 was reviewed in the amount of \$ _____.

REPORTS

FINANCE & BUDGET COMMITTEE MEETING REPORT

SEPTEMBER 11, 2019

6:00 PM BUTTE-SILVER BOW COURTHOUSE COUNCIL CHAMBERS

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Expenditure report for the week of September 11, 2019 was reviewed and approved for the amount of \$_0.00 for Fiscal Year 2019
\$ 726,301,18 for Fiscal Year 2020

Motion Approved

<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	

COMMITTEE OF THE WHOLE MEETING REPORT

SEPTEMBER 11, 2019

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. 19.418

Linda Sajor Clerk and Recorder, Chief Deputy requesting Council of Commissioners authorize the Chief Executive to hold a public hearing on September. 11th, 2019, regarding the Resolution for Sole Source Purpose of ExpressVote Election marking Devices

[19-418 Draft](#)

Held

B. COMMUNICATIONS

SECTION 1. COMMUNICATION NO. 19-274

Carol Grigg requesting Council of Commissioners consider the purchase the property to the north of the residence located at 818 Mountain Street, Butte, MT to construct a detached garage.

[19-274.pdf](#)

[19-274.Map](#)

Cross Reference with communication 19-422 and Place on File

SECTION 2. COMMUNICATION NO. 19-315

Jim Fisher, Commissioner District # 6 requesting Council of Commissioners authorize the Chief Executive appoint eight non-government employees to research the idea of changing our form of local government.

Note and /Place on File

SECTION 3. COMMUNICATION NO 19-382

Dave Palmer, Chief Executive requesting Council of Commissioners permission for a Presentation from Dan Clark, Local Government Center, Montana State University, to give a Presentation to the Council at the September 4, 2019 Regular Meeting regarding possible changes to local government structure (ref. Communication No. 19-315).

Cross Reference with Communication 19-315 and Place on File

SECTION 4. COMMUNICATION NO. 19-383

Mary McCormick, Butte-Silver Bow Historic Preservation Office requesting Council of Commissioners permission allow time on September 4, 2019 Agenda to make a presentation on Butte-Silver Bow's Historic Preservation Program.

Hold in Abeyance

SECTION 5. COMMUNICATION NO. 19-397

Patsy Coates, Property Specialist, Butte Silver Bow Land Records Office requesting Council of Commissioners and the Chief Executive to concur with the request to hold a Tax Deed Public Auction on October 2nd, 2019 and request the County Attorney's Office to prepare two council Resolutions to be read upon and passed the same night as the Tax Deed Sale Public Auction with a date of October 02, 2019.

Hold in Abeyance



SECTION 6. COMMUNICATION NO [19-404](#)

Lori Casey, Planning Director requesting Council of Commissioners permission for a Presentation on the September 4, 2019 Agenda to have our consultant, Orion Planning & Design give an Update of the Butte Silver Bow Growth Policy.
Place on File

SECTION 7 COMMUNICATION NO [↔ 19-413](#)

Angie Millikin Public Works Budget Analyst, requesting time on the September 4, 2019 Regular Meeting Agenda for a Bid Opening for 2019 Hill Avenue improvement project
[19-413 Maps](#)
[19-413 Bid Document](#)

SECTION 8 COMMUNICATION NO. [19.416](#)

James F. Kilmer and Ben F. Pezdark requesting Council of Commissioners authorize the Chief Executive to sign the Contract between Justice Courts 1 and 2 requests to renew the copier maintenance contract with Lee's Office City. The contract is for 2019-2020 on the Lanier LD320 D. The amount of the contract is \$576.00.
[19-416 Contract](#)
Hold in Abeyance

SECTION 9 COMMUNICATION NO. [19.418](#)

Linda Sajor Clerk and Recorder, Chief Deputy requesting Council of Commissioners authorize the Chief Executive to hold a public hearing on September. 11th, 2019, regarding the Resolution for Sole Source Purpose of ExpressVote Election marking Devices
[19-418 Draft](#)
Place on File

SECTION 10 COMMUNICATION NO. [19.434](#)

Karen Brynes Community Development Director requesting Council of Commissioners authorize the Chief Executive to enter into a contract with Butte Local Development Corporation to provide Economic Development services for Butte Silver Bow 2019-2020.
[19-434 Agreement](#)
Hold in Abeyance

SECTION 11 COMMUNICATION NO. [19-435](#)

Karen Brynes Community Development Director requesting Council of Commissioners authorize the Chief Executive to enter into an Agreement with Action Inc. to provide services to assist homeless and imminently homeless households.
[19-435 Agreement](#)

Hold in Abeyance



SECTION 12 COMMUNICATION NO. [19-439](#)

Maria Pochervina Executive Secretary Butte Silver Bow TBID. Requesting Suspension of the Council of Commissioner rules to allow for public hearing and presentation of the fiscal year 2020 work plan and budget for the Butte-Silver Bow Tourism Business Improvement District (TBID on September 25, 2019).

[19-439 Plan](#)

[19-439 Suspension](#)

Hold in Abeyance

**PUBLIC WORKS COMMITTEE MEETING REPORT
SEPTEMBER 11, 2019**

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:

SECTION 1. COMMUNICATION NO. [19-399](#)

Patrick Riordan, Land Systems Administrator requesting Council of Commissioners allow a for a Street Closure Petition No. 18-3 by Montana Tech per Ordinance No. 362.

[19-399 Petition](#)

Hold in Abeyance

JUDICIARY COMMITTEE MEETING REPORT

JUNE 05, 2019

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:

CLAIMS

RML MONTANA LLC

TOTAL: \$1069.47

KEVIN CLARK

TOTAL: \$6385.07

Approved

REDEEMED TAX ASSG #001731600 AND INTEREST

REDEMED TAX ASSG #0000206700 AND INTEREST



COUNCIL BILL NO. 19-10

COUNCIL ORDINANCE NO. 19-10

AN ORDINANCE AMENDING CHAPTER 2.88 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) AND ENTITLED "ANIMAL SERVICES BOARD"; AND SPECIFICALLY AMENDING SECTIONS 2.88.010, 2.88.020 AND 2.88.040 OF THE B-SB MC AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

ORDINANCE NO. 19-10 REDLINE

Hold in Abeyance

1.COUNCIL RESOLUTION NO 19-50

A RESOLUTION APPROVING GROWTH POLICY AMENDMENT NO. 33 TO APPROVE CHANGES TO THE BUTTE-SILVER BOW COUNTY GROWTH POLICY LAND USE MAP OF THE 1987 BUTTE-SILVER BOW MASTER PLAN; INCORPORATING, BY REFERENCE, THE CHANGES TO THE MAP AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

Moved to Final Reading

2.COUNCIL RESOLUTION NO. 19-51

A RESOLUTION ESTABLISHING CRITERIA FOR THE CLASSIFICATION OF UNSOLD TAX-DEED LANDS; DETERMINING THAT CERTAIN PROPERTY SHOULD BE HELD IN CITY-COUNTY OWNERSHIP BECAUSE OF COMPELLING PUBLIC INTEREST; ORDERING CERTAIN PARCELS OF REAL PROPERTY BE HELD IN CITY-COUNTY OWNERSHIP AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

MOVED TO FINAL READING

3.COUNCIL RESOLUTION NO. 19-53

A RESOLUTION ESTABLISHING THE CITY COURT FOR THE CITY-COUNTY OF BUTTE-SILVER BOW, MONTANA AS A "CITY COURT OF RECORD" AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

Moved to Final Reading

4.COUNCIL RESOLUTION NO. 19-54

A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR MONTANA STUDIOS, LLC WITH THE DEPARTMENT OF COMMERCE OF THE STATE OF MONTANA, FOR BIG SKY ECONOMIC DEVELOPMENT ACT OF 1974 (42USC 5301) AS AMENDED.

Moved to Final Reading

