

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING AGENDA
NOVEMBER 2, 2016
7:30 P.M. COURTHOUSE COUNCIL CHAMBERS**

ROLL CALL

PRAYER AND PLEDGE

PUBLIC COMMENT ON ANY ITEMS ON THE CONSENT AGENDA

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OCTOBER 19, 2016

ITEMS NOT ADDRESSED ON THE AGENDA

CHIEF EXECUTIVE'S REPORT

SECTION 1 CONSENT AGENDA

- A.
 - 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. [16-486](#) Chad Anderson, Butte-Silver Bow Residential Metals Abatement Program Coordinator, advising Council of Commissioners regarding acceptance of lowest quotes for two soil remediation projects. **Recommendation: Note and Place on File.**

 - 2. [16-488](#) Leslie Clark, Director, Butte-Silver Bow Human Resources Department, requesting Council of Commissioners authorize the Chief Executive to sign a Letter of Agreement between Butte-Silver Bow and the Butte Police Protective Association regarding employer paid health insurance contributions. [Letter of Agreement](#). **Recommendation: Concur and Place on File.**

 - 3. [16-489](#) Dan Dennehy, Director, Emergency Management Agency, requesting Council of Commissioners authorize the Chief Executive to sign an Agreement regarding the 2016 State Homeland Security Grant for computer infrastructure enhancement for \$135,660 with no hard or in-kind allocation match required. [Grant Approval Letter](#). [Agreement](#). **Recommendation: Concur and Place on File.**



4. [16-490](#) J.P. Gallagher, Director of Butte-Silver Bow Parks & Recreation Department, requesting Council of Commissioners authorize the Chief Executive to sign a Customer Agreement with NorthWestern Energy for electrical services to the golf clubhouse to be moved out of the existing pool house building. [Agreement](#). **Recommendation: Concur and Place on File.**
5. [16-491](#) Megan Francisco, Race Coordinator, Silver Bow Montessori School, requesting Council of Commissioners authorize Thanksgiving Day Turkey Trot Fun Run on November 24, 2016. *All approvals received.* [Application](#). [Street Closure Permit](#). [Map/Flyer](#). **Recommendation: Concur and Place on File.**
6. [16-492](#) Kristen Rosa, Administrator, Tax Increment Financing Industrial District (TIFID), requesting Council of Commissioners authorize the Chief Executive to sign an amendment to the Purchase and Sale Agreement between Butte-Silver Bow and Maclin Truss to reflect an extension of the Inspection and Access time from 90 to 270 days. [Amendment](#). **Recommendation: Concur and Place on File.**
7. [16-493](#) Kristen Rosa, Administrator, Tax Increment Financing Industrial District (TIFID), requesting Council of Commissioners authorize the Chief Executive to sign an amendment to the Development Agreement between Butte-Silver Bow and German Gulch Development reflecting change in ownership percentages and the associated costs. [Amendment](#). **Recommendation: Concur and Place on File.**
8. [16-494](#) Kellee Anderson, MSU Extension Agent, Butte-Silver Bow County Extension Office, requesting Council of Commissioners authorize the Chief Executive to sign an application to apply for a DNRC Urban and Community Forestry Program Development Grant project proposal for 2017. [Grant Application](#). **Recommendation: Concur and Place on File.**
9. [16-495](#) Eileen Joyce, Butte-Silver Bow County Attorney, requesting Council of Commissioners authorize an Ordinance Update (Council Bill No. 16-14, Ordinance No. 16-14) for Chapters 2.10, 2.11 and 2.14 of Butte-Silver Bow Municipal Code. [Ordinance 16-14 redline](#). **Recommendation: Refer to Judiciary Committee.**
10. [16-496](#) David Schultz, Director, Butte-Silver Bow Public Works Department, requesting Council of Commissioners authorize the Chief Executive to sign Change Order No. 1 for the Basin Creek Water Treatment Plant and Ancillary Facilities to increase budget for various items. [Change Order](#). **Recommendation: Concur and Place on File.**



11. [16-497](#) Leslie Clark, Director, Butte-Silver Bow Human Resources Department, requesting Council of Commissioners authorize the Chief Executive to sign a 2016 renewal application for endorsement for employment practices coverage under the memorandum of liability coverage with Montana Municipal Interlocal Authority. [Renewal Application](#). **Recommendation: Concur and Place on File.**
12. [16-498](#) Lori Casey, Assistant Planning Director, Butte-Silver Bow Planning Department, requesting Council of Commissioners authorize a Public Hearing on November 30, 2016 to hear public comment on proposed changes to the Urban Area Growth Policy Map of the City and County of Butte-Silver Bow. [Staff Analysis](#). [Map](#). **Recommendation: Hold in Committee of the Whole pending Public Hearing on November 30, 2016.**
13. [16-499](#) Matt Moore, Metro Operations Manager, Butte-Silver Bow Public Works Department, requesting Council of Commissioners authorize the Chief Executive to sign an Easement with NorthWestern Energy for electrical services for the new sanitary sewer lift station. [Easement](#). **Recommendation: Concur and Place on File.**
14. [16-500](#) Cindi Shaw, Butte-Silver Bow Commissioner, District No. 11, requesting Council of Commissioners refer this communication to the Public Works Committee and the MDOT for consideration and review with the ultimate goal to remove the flashing stop signs and reinstall the original standard stop signs at the corners of Granite and Excelsior Streets. [Petition](#). [Heinz Letter](#). [Barry Letter](#). [Carlson Letter](#). **Recommendation: Refer to Public Works Committee.**
15. [16-501](#) Ed Randall, Community Enrichment/Animal Service Department, requesting Council of Commissioners authorize time on the November 9, 2016 agenda for an update on the Vacant Building ordinance and Community Decay (8.06) ordinance. **Recommendation: Hold in the Committee of the Whole pending presentation on November 9, 2016.**
16. [16-502](#) Dori Skrukruud, Office of Community Development, requesting Council of Commissioners authorize the Chief Executive to sign a Boundary Retracement Survey of two tracts of land in Rocker, Montana. [Retracement Survey](#). **Recommendation: Concur and Place on File.**
17. [16-503](#) Ellen Crain, Director, Butte-Silver Bow Public Archives, requesting Council of Commissioners concur and accept the copyright assignment and Smithers Collection asset from the Friends of the Butte Archives and authorize the Chief Executive to sign the Copyright Assignment and Asset Transfer Agreement. [Copyright Assignment and Asset Transfer Agreement](#). [Agreement to Purchase Smithers Photography Collection](#). [Agreement to Purchase Additional Boxes of Smithers Photography Collection](#). **Recommendation: Concur and Place on File.**



**SECTION 2 ORDINANCES AND RESOLUTIONS
REFERRED TO JUDICIARY**

1. COUNCIL RESOLUTION NO. [16-65](#)

A RESOLUTION VACATING, CLOSING, DISCONTINUING AND ABANDONING AN ALLEY LOCATED IN BLOCK 37 OF THE BUTTE TOWNSITE ADDITION IN THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, MORE PARTICULARLY DESCRIBED IN EXHIBIT “A” ATTACHED HERETO AND INCORPORATED HEREIN, FINDING THE NECESSARY FACTS HEREIN AND PRESCRIBING THE EFFECTIVE DATE OF THIS RESOLUTION.

2. COUNCIL RESOLUTION NO. [16-66](#)

A RESOLUTION VACATING, CLOSING, DISCONTINUING AND ABANDONING A PORTION OF WAUKESHA STREET LOCATED IN THE OPEN TREASURE AND EMPIRE ADDITION IN THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, MORE PARTICULARLY DESCRIBED IN EXHIBIT “A” ATTACHED HERETO AND INCORPORATED HEREIN, FINDING THE NECESSARY FACTS HEREIN AND PRESCRIBING THE EFFECTIVE DATE OF THIS RESOLUTION.

3. COUNCIL RESOLUTION NO. [16-67](#)

A RESOLUTION SETTING THE 2017 FISCAL YEAR ANNUAL SALARIES OF THE CHIEF EXECUTIVE, COUNTY ATTORNEY, SHERIFF, CLERK AND RECORDER, TREASURER, ASSESSOR, CITY JUDGE, JUSTICE OF THE PEACE, AUDITOR, SUPERINTENDENT OF SCHOOLS, CLERK OF THE DISTRICT COURT, CORONER AND MEMBERS OF THE COUNCIL OF COMMISSIONERS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**SECTION 3 ORDINANCES AND RESOLUTIONS
FINAL READING**

1. COUNCIL RESOLUTION NO. [16-64](#)

A RESOLUTION APPROVING AND ACCEPTING THE DONATION OF CERTAIN PARCELS OF REAL PROPERTY LOCATED IN BUTTE-SILVER BOW, MONTANA, MORE PARTICULARLY DESCRIBED IN EXHIBIT “1” ATTACHED HERETO AND INCORPORATED HEREIN FROM MARY ANN KENNEALLY FOR THE BENEFIT OF THE PUBLIC RELATED TO THE RESTORATION OF THE CORRIDOR BETWEEN KAW AVENUE AND MONTANA STREET AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA



CALENDAR OF OTHER MEETINGS AND EVENTS

November 3, 2016	Civic Center	12:00 pm	Civic Center Hospitality Room
November 3, 2016	East Butte RRA	9:00 am	1st Floor Conference Room
November 8, 2016	Weed Board	7:00 pm	Weed Department
November 9, 2016	Fair Board	7:00 pm	Business Development Center
November 9, 2016	Law Enforcement Commission	4:00 pm	Chief Executive Conference Room
November 9, 2016	Library	5:00 pm	3rd Floor, Library Building
November 10, 2016	Greenway Service Dist. Board	4:30 pm	Butte 1st Floor Conference Room
November 14, 2016	Archives	12:00 pm	Archives Center
November 15, 2016	Housing Authority	5:00 pm	New Deal Community Center
November 15, 2016	Parks & Recreation	12:00 pm	EOC – Justice Center on Wynn
November 15, 2016	Technical Review Committee	1:30 pm	3rd Floor, Water Building
November 15, 2016	Urban Forestry Board	1:00 pm	Business Development Center
November 16, 2016	Parking Commission	3:00 pm	Chief Executive Conference Room

ADJOURN _____



**ECONOMIC DEVELOPMENT COMMITTEE MEETING
NOVEMBER 2, 2016
6:00 PM COURTHOUSE COUNCIL CHAMBERS**

SECTION 1 COMMUNICATION NO. [14-593](#)

Dave Palmer, Butte-Silver Bow Commissioner, District No. 12, requesting Council of Commissioner's authorization for the Distressed Property Management Report to be referred to the Economic Development Committee for review and recommendations to Council.

SECTION 2 COMMUNICATION NO. [15-419](#)

Dave Palmer, Butte-Silver Bow Commissioner, District No. 12, requesting the Economic Development Committee be allowed to interview area contractors and business owners to determine if Butte-Silver Bow policies are working or if changes are needed.

SECTION 3 COMMUNICATION NO. [15-524](#)

Bill Andersen, Butte-Silver Bow Commissioner, District No. 10, inviting the Tourism Business Improvement District Board to the Economic Development Committee Meeting on December 16, 2015 for a review of Municipal Code 2.90.

SECTION 4 REPORT FROM BLDC

SECTION 5 COMMUNICATION NO. [16-463](#)

Karen Byrnes, Director, Butte-Silver Bow Community Development Department, requesting Council of Commissioners authorize time on October 19, 2016 Agenda for the 2017 Economic Mill Levy Fund proposals to be opened.

Committee Members

Dave Palmer, Chairman
John Sorich, Vice-Chairman
Bill Andersen
Dan Foley
Cindy Perdue-Dolan
Sheryl Ralph



**FINANCE & BUDGET COMMITTEE MEETING
NOVEMBER 2, 2016
7:00 PM COURTHOUSE COUNCIL CHAMBERS**

Expenditure report for the week of October 26, 2016 was approved for the amount of \$690,704.26.

Committee Members

John Sorich, Chairman
Jim Fisher, Vice-Chairman
Bill Andersen
Dennis Henderson
Brendan McDonough
Cindy Perdue-Dolan



**COMMITTEE OF THE WHOLE MEETING REPORT
OCTOBER 26, 2016**

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 PRESENTATION
COMMUNICATION NO. [16-476](#)**

Linda Sajor, Butte-Silver Bow Project Manager, requesting Council of Commissioners authorize time on the October 26, 2016 Agenda for a presentation regarding the iTax software and online payment option available for taxpayers with the 2016 property tax bills. ***Held.***

SECTION 2 COMMUNICATION NO. [16-377](#)

Chief Executive Matt Vincent, requesting Council of Commissioners allow for ongoing discussion regarding efforts to relocate the City-County shops as a result of the State of Montana's pending removal of the Parrott Tailings beneath. ***Recommendation: Hold in Abeyance.***

SECTION 3 COMMUNICATION NO. [16-415](#)

Thomas P. Kenneally, President, Town Pump Inc., requesting Council of Commissioners authorize acceptance of Charitable Donation of Property, adopt a Resolution of Donation and authorize the Chief Executive to execute all documents pertinent to this donation. [Map](#). [Agreement](#). ***Recommendation: Cross Reference with Resolution 16-64 and Place on File.***

SECTION 4 COMMUNICATION NO. [16-435](#)

Fran Doran, 1 E. Broadway, Apt. #7, Butte, MT, requesting Council of Commissioners authorize the sale of three Butte-Silver Bow owned properties to accommodate building of single family container homes of various sizes. [Map](#). [Photos](#). ***Recommendation: Cross Reference with Communication 16-480 to Deny Request and Place on File.***

SECTION 5 COMMUNICATION NO. [16-453](#)

Morgan Wyatt, 905 N. Main, Butte, MT, requesting Council of Commissioners authorize purchase of County Owned Property under the Butte-Silver Bow Council Policy on Adjacent Property. [Map](#). [Property Record Card](#). ***Recommendation: Cross Reference with Communication 16-481 and Place on File.***



SECTION 6 COMMUNICATION NO. [16-463](#)

Karen Byrnes, Director, Butte-Silver Bow Community Development Department, requesting Council of Commissioners authorize time on October 19, 2016 Agenda for the 2017 Economic Mill Levy Fund proposals to be opened. **Recommendation: Place on File.**

SECTION 7 COMMUNICATION NO. [16-467](#)

Dori Skrukud, Office of Community Development, requesting Council of Commissioners concur with recommendation of sale and authorize preparation of a resolution for the sale of 102 E. Second St., Butte, Montana, to Jason Cuchine and Ginette LeTourneau. **Recommendation: Cross Reference with Resolution 16-62 and Place on File.**

SECTION 8 COMMUNICATION NO. [16-468](#)

Kristen Rosa, Administrator, Tax Increment Financing Industrial District (TIFID), requesting Council of Commissioners authorize time on October 19, 2016 Agenda for a presentation regarding the Manufacturing Center of Montana (MCMT) program. **Recommendation: Place on File.**

SECTION 9 COMMUNICATION NO. [16-475](#)

Ellen Crain, Director, Butte-Silver Bow Public Archives, requesting Council of Commissioners concur with Contract Amendments for Michele Louis and Callison Stratton. [Contract Amendments](#). **Recommendation: Concur and Place on File.**

SECTION 10 COMMUNICATION NO. [16-476](#)

Linda Sajor, Butte-Silver Bow Project Manager, requesting Council of Commissioners authorize time on the October 26, 2016 Agenda for a presentation regarding the iTax software and online payment option available for taxpayers with the 2016 property tax bills. **Recommendation: Place on File.**

SECTION 11 COMMUNICATION NO. [16-481](#)

Patrick J. Riordan, Land Records System Administrator, requesting Council of Commissioners approve Communication No. 16-453 request from Morgan Wyatt to purchase city-county property under the Adjacent Landowner Policy and authorize the Chief Executive to sign the Certificate of Survey (to be completed at the expense of Mr. Wyatt). [Map](#). **Recommendation: Hold in Abeyance (Waiting for Survey, then Resolution/Deed).**

SECTION 12 COMMUNICATION NO. [16-487](#)

Danette L. Gleason, Director, Butte-Silver Bow Finance and Budget Department, requesting Council of Commissioners allow suspension of the rules to place Communication No. 16-487 on the Council's Regular Meeting Agenda of October 19, 2016, allow a presentation related to how the taxing jurisdictions of the City and County of Butte-Silver Bow will be impacted by the settlement agreement NorthWestern Energy reached with the Montana Dept. of Revenue, and make a recommendation. [Suspension of the Rules](#). [Handout](#). **Recommendation: Place on File.**



Committee Members **Present/Absent**

Cindi Shaw, Chairman.....	Present
John Morgan, Vice-Chairman	Present
Bill Andersen	Absent
Jim Fisher	Present
Dan Foley	Present
Dennis Henderson.....	Absent
Brendan McDonough	Present
Dave Palmer	Present
Cindy Perdue-Dolan	Present
Sheryl Ralph	Present
John Sorich	Present
Bud Walker.....	Present



**FINANCE & BUDGET COMMITTEE MEETING REPORT
OCTOBER 26, 2016**

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

Ladies and Gentlemen,

We, your Finance and Budget Committee, respectfully recommend as follows:

Expenditure report for the week of October 26, 2016 was approved for the amount of \$690,704.26.

The Finance & Budget Committee reviewed the amended 10/25/16 Expenditure Report for amount of \$690,704.26 without exception. Please note Commissioners Sorich, Fisher Perdue-Dolan and McDonough were present with Commissioners Andersen and Henderson being absent.

<u><i>Committee Members</i></u>	<u><i>Present/Absent</i></u>
John Sorich, Chairman	Present
Jim Fisher, Vice-Chairman.....	Present
Bill Andersen	Absent
Dennis Henderson.....	Absent
Brendan McDonough	Present
Cindy Perdue-Dolan	Present



PUBLIC WORKS COMMITTEE MEETING REPORT OCTOBER 26, 2016

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

Ladies and Gentlemen,

We, your Public Works Committee, respectfully recommend as follows:

SECTION 1 PETITION NO. [16-4](#)

Michael A. Nasheim, Building Official, Butte-Silver Bow Building Code Department, requesting Council of Commissioners authorize a petition to close and vacate the alleyway adjacent to Lot twelve (12), all of Lots thirteen (13) and fourteen (14), and forty-one (41) thru forty-three (43) in Block thirty-seven (37) of the Butte Townsite and adjacent to the vacated alleyway described on Certificate of Survey (COS) 443B. [Legal Description](#). [Map](#). [Petition Form](#). [Responses](#).
Recommendation: Hold in Abeyance. Waiting on Resolution.

SECTION 2 PETITION NO. [16-5](#)

Michael A. Nasheim, Building Official, Butte-Silver Bow Building Code Department, requesting Council of Commissioners authorize a petition to close and vacate Waukesha Street adjacent to a portion of Lot ten (10), all of Lots eleven (11) and twelve (12) and a portion of Lot thirteen (13), Block five (5) and all of Lots one (1) thru three (3) and a portion of Lot four (4), Block six (6) of the official plats of the Open Treasure and Empire Addition. [Legal Description](#). [Map](#). [Petition Form](#). [Responses](#). **Recommendation: Hold in Abeyance. Waiting on Resolution.**

SECTION 3 COMMUNICATION NO. [15-395](#)

John P. Morgan, Butte-Silver Bow Commissioner, District No. 3, requesting a review of possibly placing a left turn arrow at the intersection of Montana Street and Front and Centennial while heading north. **Recommendation: Hold in Abeyance. Waiting on MDT.**

<u>Committee Members</u>	<u>Present/Absent</u>
Dennis Henderson, Chairman	Absent
Sheryl Ralph, Vice-Chairman.....	Present
Jim Fisher	Present
Dan Foley	Present
Brendan McDonough	Present
Bud Walker.....	Present



JUDICIARY COMMITTEE MEETING REPORT OCTOBER 26, 2016

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

Ladies and Gentlemen,

We, your Judiciary Committee, respectfully recommend as follows:

SECTION 1 COUNCIL RESOLUTION NO. [16-64](#)

A RESOLUTION APPROVING AND ACCEPTING THE DONATION OF CERTAIN PARCELS OF REAL PROPERTY LOCATED IN BUTTE-SILVER BOW, MONTANA, MORE PARTICULARLY DESCRIBED IN EXHIBIT “1” ATTACHED HERETO AND INCORPORATED HEREIN FROM MARY ANN KENNEALLY FOR THE BENEFIT OF THE PUBLIC RELATED TO THE RESTORATION OF THE CORRIDOR BETWEEN KAW AVENUE AND MONTANA STREET AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Recommendation: Move to Final Reading.*

SECTION 2 CLAIM APPROVAL

NAME	AMOUNT	DESCRIPTION	
Doug Raybould	\$200.00	Demo Bond Refund	<i>Approved</i>
Robert G. Kocher	\$400.00	Demo Bond Refund	<i>Approved</i>

Committee Members Present/Absent

Bud Walker, Chairman Present
 Bill Andersen, Vice-Chairman Absent
 Brendan McDonough Present
 Dave Palmer Present
 Cindy Perdue-Dolan Present
 John Sorich Present