

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING AGENDA
WEDNESDAY, NOVEMBER 16, 2016
7:30 PM COURTHOUSE COUNCIL CHAMBERS**

FINANCE & BUDGET COMMITTEE MEETING
NOVEMBER 16, 2016
7:00 PM COURTHOUSE COUNCIL CHAMBERS

Expenditure report for the week of November 9, 2016 was approved for the amount of \$655,229.10.

BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING AGENDA
NOVEMBER 16, 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 NOVEMBER 2, 2016

ITEMS NOT ADDRESSED ON THE AGENDA

CHIEF EXECUTIVE'S REPORT

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

1. PRESENTATION, COMMUNICATION NO. 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.

[16-501.pdf](#)

SECTION 2 CONSENT AGENDA

- A. 1. COMMITTEE OF THE WHOLE MEETING REPORT*
- 2. PERSONNEL COMMITTEE MEETING REPORT*



3. *ECONOMIC DEVELOPMENT COMMITTEE MEETING REPORT*
4. *FINANCE & BUDGET COMMITTEE MEETING REPORT*
5. *PUBLIC WORKS COMMITTEE MEETING REPORT*
6. *JUDICIARY COMMITTEE MEETING REPORT*

B. COMMUNICATIONS

1. COMMUNICATION NO. 16-504

Sheriff Ed Lester, Butte-Silver Bow Law Enforcement Department, requesting Council of Commissioners confirm appointments of Jake Hanley and Bryan Ellingson to the Butte-Silver Bow Law Enforcement Department.

Recommendation: Concur and Place on File.

[16-504.pdf](#)

2. COMMUNICATION NO. 16-505

Ed Fisher, Chief, Boulevard Fire Department, requesting Council of Commissioners authorize application for two FEMA grants for a new fire truck (\$475,000) and 20 new air packs (\$176,512), each requiring a match of five percent.

Recommendation: Concur and Place on File.

[16-505.pdf](#)

3. COMMUNICATION NO. 16-506

Donna Mink, Mod Squad / Home Restoration Company, requesting Council of Commissioners consider sale of property at 945 West Granite Street.

Recommendation: Refer to Land Sales.

[16-506.pdf](#)

[16-506 Photos of Harvard Street House Renovation.pdf](#)

[16-506 Offer and Plans.pdf](#)

[16-506 Harvard House Sales Sheet before.pdf](#)

[16-506 Harvard House Sales Sheet after.pdf](#)

4. COMMUNICATION NO. 16-507

Jon Sesso, Director, Butte-Silver Bow Planning Board, requesting Council of Commissioners authorize the Chief Executive to sign an Amendment to extend the term of a Grant Agreement for the Shaft Failure and Subsidence Mitigation Project.

Recommendation: Concur and Place on File.

[16-507.pdf](#)

[16-507 Amendment.pdf](#)



5. COMMUNICATION NO. 16-508

Karen Byrnes, Director, Butte-Silver Bow Community Development Department, requesting Council of Commissioners authorize the Chief Executive to sign Contract for security services for 40 E. Broadway.

Recommendation: Concur and Place on File.

[16-508.pdf](#)

[16-508 Contract.pdf](#)

6. COMMUNICATION NO. 16-509

George Everett, Executive Director, Mainstreet Uptown Butte, requesting Council of Commissioners authorize the 26th Annual Christmas Stroll on Friday, December 2, 2016. All approvals received.

Recommendation: Concur and Place on File.

[16-509.pdf](#)

[16-509 MDT Permit and Maps.pdf](#)

[16-509 Approvals.pdf](#)

[16-509 Application.pdf](#)

7. COMMUNICATION NO. 16-510

Dave Palmer, Butte-Silver Bow Commissioner, District No. 12, requesting Council of Commissioners concur with recommendations of the Economic Development Committee for disbursement of 2016-2017 Mill Levy Grants.

Recommendation: Concur and Place on File.

[16-510.pdf](#)

8. COMMUNICATION NO. 16-511

Dan Foley, Butte-Silver Bow Commissioner, District No. 9, requesting Council of Commissioners refer this communication to the Public Works Committee and the Butte-Silver Bow Public Works Dept. for review of the appropriateness of stop signs at the intersection of Steele and Ophir Streets.

Recommendation: Refer to the Public Works Committee and the Butte-Silver Bow Public Works Dept.

[16-511.pdf](#)

9. COMMUNICATION NO. 16-512

Dan Foley, Butte-Silver Bow Commissioner, District No. 9, requesting Council of Commissioners refer this communication to the Public Works Committee and the Butte-Silver Bow Public Works



Dept. for review of the appropriateness of stop signs at the intersection of Aluminum and Western Streets.

Recommendation: Refer to the Public Works Committee and the Butte-Silver Bow Public Works Dept.

[16-512.pdf](#)

10. COMMUNICATION NO. 16-513

David Schultz, Director, Butte-Silver Bow Public Works Department, requesting Council of Commissioners authorize the Chief Executive to sign a contract with SMA Architects, Design and Construction for oversight services for the community pool project.

Recommendation: Concur and Place on File.

[16-513.pdf](#)

[16-513 Contract.pdf](#)

[16-513 Appendices.pdf](#)

11. COMMUNICATION NO. 16-514

Pat Holland, Manager, Butte-Silver Bow Government Buildings, requesting Council of Commissioners authorize the Chief Executive to sign a Professional Services Agreement with Pro Shredders.

Recommendation: Concur and Place on File.

[16-514.pdf](#)

[16-514 Agreement.pdf](#)

SECTION 3 ORDINANCES AND RESOLUTIONS FINAL READING

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.

[Resolution 16-65.pdf](#)

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.

[Resolution 16-66.pdf](#)

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.

[Resolution 16-67.pdf](#)

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA

CALENDAR OF OTHER MEETINGS AND EVENTS

November 17, 2016, Animal Service Dept. Board, 5:30 pm, 1st Floor Conference Room

November 17, 2016, Zoning Board, 5:30 pm, Council Chambers

November 18, 2016, TIFID, 12:00 pm, Business Development Center

November 22, 2016, Port of Montana, 12:00 pm, Hub Center, Silver Bow

November 23, 2016, Local Emergency Planning, 12:00 pm, EOC, Justice Center on Wynn

November 23, 2016, Urban Revitalization, 8:30 am, 1st Floor Conference Room

November 28, 2016, Mental Health LAC, 1:00 pm, 3rd Floor Library Building

December 1, 2016, Civic Center, 12:00 pm, Civic Center Hospitality Room

December 1, 2016, East Butte RRA, 9:00 am, 1st Floor Conference Room

December 1, 2016, Zoning Board, 5:30 pm, Council Chambers

December 6, 2016, Historic Preservation, 5:30 pm, Council Chambers

December 7, 2016, Airport Authority, 12:00 pm, BM Airport Auth. Admin. Office

December 7, 2016, Butte AIDS Support Services, 7:00 pm, Community Center

December 7, 2016, Board of Health, 7:00 am, Health Department

ADJOURN

COMMITTEE OF THE WHOLE MEETING REPORT

NOVEMBER 9, 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. 16-501

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: Postponed until November 16, 2016.

[16-501.pdf](#)

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.

[16-377.pdf](#)

SECTION 3 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).

Recommendation: Hold in Abeyance.

[16-481.pdf](#)

[16-481 Map.pdf](#)

SECTION 4 COMMUNICATION NO. 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.

Recommendation: Hold in Abeyance.

[16-498.pdf](#)

[16-498 Staff Analysis.pdf](#)

[16-498 Map.pdf](#)

SECTION 5 COMMUNICATION NO. 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 Abeyance.

[16-501.pdf](#)

COMMITTEE OF THE WHOLE, COMMITTEE MEMBERS:

Cindi Shaw, Chairman, Present
John Morgan, Vice-Chairman, Absent
Bill Andersen, Present
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

PERSONNEL COMMITTEE MEETING REPORT

NOVEMBER 9, 2016

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

Ladies and Gentlemen,

We, your Personnel Committee, respectfully recommend as follows:

SECTION 1 COMMUNICATION NO. 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.

Recommendation: Quorum not in attendance; postponed until November 16, 2016 at 6:30 p.m.

[16-488.pdf](#)

[16-488 Letter of Agreement.pdf](#)

PERSONNEL COMMITTEE, MEMBERS:



Dan Foley, Chairman, Absent
Dave Palmer, Vice-Chairman, Absent
Bill Andersen, Absent
Dennis Henderson, Absent
Jim Fisher, Present

Also in attendance:

Leslie Clark, Human Resources Director
Jessica Stevens, Human Resources Assistant

ECONOMIC DEVELOPMENT COMMITTEE MEETING REPORT

NOVEMBER 2, 2016

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

Ladies and Gentlemen,

We, your Economic Development Committee, respectfully recommend as follows:

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.

Recommendation: Hold in Abeyance.

[14-593.pdf](#)

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.

Recommendation: Hold in Abeyance.

[15-419.pdf](#)

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.



Recommendation: Hold in Abeyance.
[15-524.pdf](#)

SECTION 4 REPORT FROM BLDC
Recommendation: Hold in Abeyance.

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.

Recommendation: Hold in Abeyance. We scored proposals and a new communication will be sent to Council to approve dollar amounts.

[16-463.pdf](#)

ECONOMIC DEVELOPMENT COMMITTEE, MEMBERS:

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

FINANCE & BUDGET COMMITTEE MEETING REPORT
NOVEMBER 9, 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 November 9, 2016 was approved for the amount of \$655,229.10.

The Finance & Budget Committee reviewed the November 7, 2016 Expenditure Report for amount of \$655,229.10 without exception. Please note Commissioners Sorich, Fisher, Perdue-Dolan, McDonough, and Andersen were present, with Commissioner Henderson being absent.



FINANCE & BUDGET COMMITTEE, MEMBERS:

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

PUBLIC WORKS COMMITTEE MEETING REPORT

NOVEMBER 9, 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.

Recommendation: Cross Reference with Resolution No. 16-65 and Place on File.

[Petition 16-4.pdf](#)

[Petition 16-4 Signatures.pdf](#)

[Petition 16-4 Map.pdf](#)

[Petition 16-4 Legal Description.pdf](#)

[Petition 16-4 Comments.pdf](#)

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.

Recommendation: Cross Reference with Resolution No. 16-66 and Place on File.



[Petition 16-5.pdf](#)
[Petition 16-5 Signatures.pdf](#)
[Petition 16-5 Map.pdf](#)
[Petition 16-5 Legal Description.pdf](#)
[Petition 16-5 Comments.pdf](#)

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. MDT study should be in by end of week.

[15-395.pdf](#)

SECTION 4 COMMUNICATION NO. 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.

Recommendation: Hold in Abeyance. Explore other options.

[16-500.pdf](#)

[16-500 Petition.pdf](#)

[16-500 Heinz Letter.pdf](#)

[16-500 Carlson Letter.pdf](#)

[16-500 Barry Letter.pdf](#)

PUBLIC WORKS COMMITTEE, MEMBERS:

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

NOVEMBER 9, 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. 16-65

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.

Recommendation: Move to Final Reading.

[Resolution 16-65.pdf](#)

SECTION 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.

Recommendation: Move to Final Reading.

[Resolution 16-66.pdf](#)

SECTION 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.

Recommendation: Move to Final Reading.

[Resolution 16-67.pdf](#)

SECTION 4 COMMUNICATION NO. 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.

Recommendation: Ask County Attorney to draft a new Ordinance amending Chapters 2.10,



2.11, and 2.14.

[16-495.pdf](#)

[Ordinance 16-14 redline.pdf](#)

SECTION 5 CLAIM APPROVAL

Wally Butt, \$1,500.00, Sidewalk Bond Refund

Recommendation: Approved.

JUDICIARY COMMITTEE, MEMBERS:

Bud Walker, Chairman, Present

Bill Andersen, Vice-Chairman, Present

Brendan McDonough, Present

Dave Palmer, Present

Cindy Perdue-Dolan, Present

John Sorich, Present

