

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS  
REGULAR MEETING AGENDA  
WEDNESDAY, JANUARY 04, 2017  
7:30 PM COURTHOUSE COUNCIL CHAMBERS**

**ROLL CALL**

**PRAYER**

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

**APPROVAL OF THE MINUTES OF THE REGULAR MEETING DECEMBER 21, 2016**

**ITEMS NOT ADDRESSED ON THE AGENDA**

**CHIEF EXECUTIVE'S REPORT**

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

1. PUBLIC HEARING, COMMUNICATION NO. 16-542

Nikole Evankovich, Assistant Director, Butte-Silver Bow Public Archives, requesting Council of Commissioners authorize a Public Hearing on January 4, 2017 to amend the Archives 2016-2017 fiscal budget, and accept unexpected grant revenue from the National Historical Publications & Records Commission.

[16-542.pdf](#)

2. PUBLIC HEARING, COMMUNICATION NO. 16-548

Karen Sullivan, Health Officer, Butte-Silver Bow Health Department, requesting Council of Commissioners authorize a Public Hearing on January 4, 2017 to amend the Fiscal Year 2017 budget to allow for unanticipated revenue from the Montana Dept. of Public Health and Human Services.

[16-548.pdf](#)

3. PUBLIC HEARING, PETITION NO. 16-7

Michael A. Nasheim, Building Official, Butte-Silver Bow Building Code Department, requesting Council of Commissioners authorize a petition to close and vacate Bluebird Street, also known as Bobcat Trail – Spier and Bauer Placer, Block Four (4) and the Rocker Townsite on the Cleveland Lode, Block Five (5), an undedicated Plat.

[Petition 16-7 Communication.pdf](#)



- [Petition 16-7.pdf](#)
- [Petition 16-7 Map.pdf](#)
- [Petition 16-7 Legal Description.pdf](#)
- [Petition 16-7 Comments.pdf](#)
- [Petition 16-7 NOTICE OF PUBLIC HEARING one page.pdf](#)

4. PRESENTATION, COMMUNICATION NO. 16-543

Mike McKillips, Manager, Butte-Silver Bow Information Technology Department, requesting Council of Commissioners authorize Presentation on January 4, 2017 regarding status of completed, current, on-going and future Information Technology projects.

- [16-543.pdf](#)
- [16-543 Presentation.pdf](#)

**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. 17-1

Nicole Prather, 3317 Kennedy Ave., Butte, MT, requesting Council of Commissioners authorize a change to Ordinance 6.16, Livestock and Domesticated Hoofed Animals, to allow for mini pigs within City limits.

*Recommendation: Refer to Judiciary Committee.*

- [17-1.pdf](#)

2. COMMUNICATION NO. 17-2

Nick Sandford, Road Operations Manager, Butte-Silver Bow Public Works Department, requesting Council of Commissioners authorize the Chief Executive to sign a Right-of-Way Agreement for the MDT Construction Project at Holmes and Hill/Warren Ave.

*Recommendation: Concur and Place on File.*

- [17-2.pdf](#)
- [17-2 Agreement.pdf](#)



3. COMMUNICATION NO. 17-3

Mark A. Reavis & Nicole von Gaza Reavis, requesting Council of Commissioners concur with requirements and authorize the transfer of a pair of church doors to the Butte-Silver Bow Archives for reinstallation at Saint Mary's Church.

*Recommendation: Refer to Archives Board.*

[17-3.pdf](#)

4. COMMUNICATION NO. 17-4

Sally Hollis, Butte-Silver Bow Clerk and Recorder, requesting Council of Commissioners concur with Purchase Order and Quote (in the amount of \$25,941.00) for onsite book restoration by Heritage Custom Bookbinding & Lamination.

*Recommendation: Concur and Place on File.*

[17-4.pdf](#)

[17-4 Purchase Order and Quote.pdf](#)

5. COMMUNICATION NO. 17-5

Lori Maloney, Clerk of the District Court, requesting Council of Commissioners authorize the Chief Executive to sign a Lease and Maintenance Agreement with Lee's Office City for the copy machine in the Clerk of District Court office.

*Recommendation: Concur and Place on File.*

[17-5.pdf](#)

[17-5 Invoice.pdf](#)

[17-5 Agreement.pdf](#)

6. COMMUNICATION NO. 17-7

Jennifer Heglund, Vice President, Butte Community Fitness Foundation Inc., requesting Council of Commissioners authorize the SnoFlinga Winter Festival Event January 20-22, 2017 and concur with request to host several of the events at Forman's Park at the old Mt. Con mine. All Approvals have been received.

*Recommendation: Concur and Place on File.*

[17-7.pdf](#)

[17-7 Application.pdf](#)

[17-7 Certificate of Liability Insurance.pdf](#)

[17-7 Approvals.pdf](#)

7. COMMUNICATION NO. 17-8

John Coles, Butte-Silver Bow MIS Systems Support Specialist, requesting Council of

Commissioners authorize Purchase Order for \$3,436.00 to cover one-year usage and maintenance of Message Archiver and E-mail Security equipment from Barracuda Networks.

*Recommendation: Concur and Place on File.*

[17-8.pdf](#)

[17-8 Invoice from Barracuda.pdf](#)

[17-8 BSB Purchase Order.pdf](#)

8. COMMUNICATION NO. 17-9

J.P. Gallagher, Director of Butte-Silver Bow Parks & Recreation Department, requesting Council of Commissioners authorize the Chief Executive to sign a Contract for Professional Engineering and Architectural Services with Water & Environmental Technologies for the Stodden Park Central Improvement Plan.

*Recommendation: Concur and Place on File.*

[17-9.pdf](#)

[17-9 Contract.pdf](#)

[17-9 Scope of Work.pdf](#)

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

1. COMMUNICATION NO. 17-10

Chief Executive Dave Palmer, advising Council of Commissioners regarding appointment of administrative aide and requesting authorization for the Chief Executive to sign employment contract with Kareniesa Kohn.

[17-10.pdf](#)

2. COMMUNICATION 17-6

J.P. Gallagher, Director of Butte-Silver Bow Parks & Recreation Department, requesting Council of Commissioners authorize a presentation on January 4, 2017 regarding the Butte-Silver Bow Community Pool design and development.

[17-6.pdf](#)

**SECTION 4 ORDINANCES, SECOND READING**

1. COUNCIL BILL NO. 16-14, ORDINANCE NO. 16-14

AN ORDINANCE AMENDING CHAPTER 2.10 ENTITLED "PERSONNEL SYSTEM", CHAPTER 2.11 ENTITLED "FINANCE AND BUDGET SYSTEM", AND CHAPTER 2.14 ENTITLED "LAND DIVISION", OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC), SPECIFICALLY AMENDING SECTION 2.10.010, 2.10.030, 2.10.040, 2.10.070, 2.11.010, 2.11.060 AND 2.14.070, AND PROVIDING FOR AN EFFECTIVE



DATE HEREIN.

[Ordinance 16-14.pdf](#)

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

**PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA**

**CALENDAR OF OTHER MEETINGS AND EVENTS**

*January 5, 2017, Civic Center, 12:00 pm, Civic Center Hospitality Room*

*January 5, 2017, East Butte RRA, 9:00 am, 1st Floor Conference Room*

*January 9, 2017, Archives, 12:00 pm, Archives Center*

*January 9, 2017, Fair Board, 6:00 pm, Perkins or HOPS Meeting Room*

*January 10, 2017, Weed Board, 7:00 pm, Weed Department*

*January 11, 2017, Law Enforcement Commission, 4:00 pm, Chief Executive Conference Room*

*January 11, 2017, Public Library Board, 5:00 pm, 3rd Floor, Library Bldg.*

*January 12, 2017, Greenway Service District Board, 4:30 pm, Butte 1st Floor Conference Room*

*January 12, 2017, Zoning Board, 5:30 pm, Council Chambers*

*January 13, 2017, TIFID, 12:00 pm, Business Development Center*

*January 17, 2017, Housing Authority, 5:00 pm, New Deal Community Center*

*January 17, 2017, Parks & Recreation, 12:00 pm, Butte Justice Center, EOC*

*January 17, 2017, Technical Review Committee, 1:30 pm, 3rd Floor, Water Building*

*January 17, 2017, Urban Forestry Board, 1:00 pm, Business Development Center*

*January 18, 2017, Parking Commission, 3:00 pm, Chief Executive Conference Room*

**ADJOURN**

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**ECONOMIC DEVELOPMENT COMMITTEE MEETING**

*JANUARY 4, 2017*

*6:00 PM COURTHOUSE COUNCIL CHAMBERS*

**SECTION 1 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.

[15-524.pdf](#)

**SECTION 2 COMMUNICATION NO. 16-519**

Chris Harris, 820 W. Galena St., Butte, Montana, requesting Council of Commissioners allow time on the next Economic Development Committee meeting agenda to discuss retail recruitment issues and incentives.



[16-519.pdf](#)

SECTION 3 REPORT FROM BLDC

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**FINANCE & BUDGET COMMITTEE MEETING**

*JANUARY 4, 2017*

*7:00 PM COURTHOUSE COUNCIL CHAMBERS*

Expenditure report for the week of December 28, 2016 was approved for the amount of \$379,863.42.

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**COMMITTEE OF THE WHOLE MEETING REPORT**

*DECEMBER 28, 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 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 2 COMMUNICATION NO. 16-538

Captain Doug Conway, Butte-Silver Bow Law Enforcement Department, requesting Council of Commissioners authorize the Chief Executive to sign Agreement for SMART 911 Services.

*Recommendation: Hold in Abeyance.*

[16-538.pdf](#)

[16-538 Agreement.pdf](#)

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SECTION 3 COMMUNICATION NO. 16-542

Nikole Evankovich, Assistant Director, Butte-Silver Bow Public Archives, requesting Council of Commissioners authorize a Public Hearing on January 4, 2017 to amend the Archives 2016-2017 fiscal budget, and accept unexpected grant revenue from the National Historical Publications & Records Commission.

*Recommendation: Hold in Abeyance.*

[16-542.pdf](#)

SECTION 4 COMMUNICATION NO. 16-543

Mike McKillips, Manager, Butte-Silver Bow Information Technology Department, requesting Council of Commissioners authorize Presentation on January 4, 2017 regarding status of completed, current, on-going and future Information Technology projects.

*Recommendation: Hold in Abeyance.*

[16-543.pdf](#)

[16-543 Presentation.pdf](#)

SECTION 5 COMMUNICATION NO. 16-548

Karen Sullivan, Health Officer, Butte-Silver Bow Health Department, requesting Council of Commissioners authorize a Public Hearing on January 4, 2017 to amend the Fiscal Year 2017 budget to allow for unanticipated revenue from the Montana Dept. of Public Health and Human Services.

*Recommendation: Hold in Abeyance.*

[16-548.pdf](#)

COMMITTEE OF THE WHOLE, COMMITTEE MEMBERS:

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



**FINANCE & BUDGET COMMITTEE MEETING REPORT**

*DECEMBER 28, 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 December 28, 2016 was approved for the amount of \$379,863.42.

*The Finance & Budget Committee reviewed the December 28, 2016 Expenditure Report for amount of \$379,863.42. The Committee asked for more clarification of Claim No. 5321.*

**FINANCE & BUDGET COMMITTEE MEMBERS:**

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

**PUBLIC WORKS COMMITTEE MEETING REPORT**

*DECEMBER 28, 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. 16-7**

Michael A. Nasheim, Building Official, Butte-Silver Bow Building Code Department, requesting Council of Commissioners authorize a petition to close and vacate Bluebird Street, also known as Bobcat Trail – Spier and Bauer Placer, Block Four (4) and the Rocker Townsite on the Cleveland Lode, Block Five (5), an undedicated Plat.





*Recommendation: Hold in Abeyance. Public Hearing set for January 4, 2017.*

[Petition 16-7 Communication.pdf](#)

[Petition 16-7.pdf](#)

[Petition 16-7 Map.pdf](#)

[Petition 16-7 Legal Description.pdf](#)

[Petition 16-7 Comments.pdf](#)

[Petition 16-7 NOTICE OF PUBLIC HEARING one page.pdf](#)

## SECTION 2 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: Suspense File for three (3) months - Review if needed. Motion by Commissioner Walker, 2nd by Commissioner Fisher.*

[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, Present

Sheryl Ralph, Vice-Chairman, Present

Jim Fisher, Present

Dan Foley, Present

Brendan McDonough, Present

Bud Walker, Present

Also Present:

David Schultz, Director, Butte-Silver Bow Public Works Department

## **JUDICIARY COMMITTEE MEETING REPORT**

*DECEMBER 28, 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 BILL NO. 16-14, ORDINANCE NO. 16-14

AN ORDINANCE AMENDING CHAPTER 2.10 ENTITLED “PERSONNEL SYSTEM”, CHAPTER 2.11 ENTITLED “FINANCE AND BUDGET SYSTEM”, AND CHAPTER 2.14 ENTITLED “LAND DIVISION”, OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC), SPECIFICALLY AMENDING SECTION 2.10.010, 2.10.030, 2.10.040, 2.10.070, 2.11.010, 2.11.060 AND 2.14.070, AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

*Recommendation: Move to Second Reading.*

[Ordinance 16-14.pdf](#)

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

SECTION 2 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: Cross Reference with Council Bill No. 16-14, Ordinance No. 16-14 and Place on File.*

[16-495.pdf](#)

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

SECTION 3 COMMUNICATION NO. 16-559

Kim Boyle, 1926 Wall St., Butte, MT, requesting Council of Commissioners consider having Ordinance 6.04.135, Abandonment or Abuse of Animals, amended to more clearly define "proper shelter."

*Recommendation: Hold in Committee. Request a report from Animal Control.*

[16-559.pdf](#)

SECTION 4 CLAIM APPROVAL

Melody White, \$100.00, Demo Bond Refund

FR J F Finnegan, \$4,200.00, Weed Bond Refund for Vigilante Estates Major Subdivision

James Barnes, \$3,282.01, Refund/Owners Redeemed Tax Assignment

*Recommendation: All Approved.*

JUDICIARY COMMITTEE MEMBERS:



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