

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS  
REGULAR MEETING AGENDA  
WEDNESDAY, JANUARY 16, 2019  
7:30 PM COURTHOUSE COUNCIL CHAMBERS**

**ROLL CALL**

**PRAYER AND PLEDGE**

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

**APPROVAL OF THE MINUTES**

Regular Meeting Minutes January 2, 2019

**ITEMS NOT ADDRESSED ON THE AGENDA**

**CHIEF EXECUTIVE'S REPORT**

**SECTION 1 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. 19-11**

Mary McCormick, Historic Preservation Officer requesting Council of Commissioners approve the Chief Executive to sign the forms in support of listing Homestake and Silver Bow airway beacons to the National Register of Historic Places.

*Concur and place on file.*

[19-11.pdf](#)

[19-11 Historic Preservation Form.pdf](#)

[Homestake Airway Beacon Nomintation.pdf](#)

[Silver Bow Beacon.pdf](#)

[19-11 FAQ.pdf](#)

**2. COMMUNICATION NO. 19-12**

John Weitzel, Owner Weizel Signs requesting approval to place one double face, flag mount sign over the sidewalk at 21 N. Main Street.

*Concur and place on file.*

3. COMMUNICATION 19-13

Mark Neary, Public Works Director requesting the Council of Commissioners authorize the Chief Executive to sign the contract with Modern Machinery Company for the Force Feed Loader.

*Concur and place on file.*

[19-13.pdf](#)

[19-13 Contract.pdf](#)

4. COMMUNICATION NO. 19-14

Eric Hassler, Superfund Operations Manager requesting Council of Commissioners authorize a Public Hearing on February 6, 2019, for the purpose of amending the FY2018-2019 Residential Metals Abatement Program (RMAP) budget.

*Hold in Committee of the Whole pending Public Hearing.*

[19-14.pdf](#)

5. COMMUNICATION NO. 19-15

Karen Sullivan, Health Officer requesting the Council of Commissioners authorize the Chief Executive to sign the MOA between the Montana Primary Care Association, Inc. and the Health Center Control Network Participating Community Health Centers (HCCN) with the Butte-Silver Bow Health Department for the purpose of increasing the number of health centers and other entities to improve patient engagement.

*Concur and place on file.*

[19-15.pdf](#)

[19-15 MOA.pdf](#)

6. COMMUNICATION NO. 19-16

Phillip Telling, Ancient Order of Hibernians requesting Council of Commissioners issue a proclamation, designating March 2019 as Irish American Heritage Month.

*Concur and place on file.*

[19-16.pdf](#)

[19-16 Proclamation.pdf](#)

7. COMMUNICATION NO. 19-17

Mary McCormick, Mai Wah Society requesting Council of Commissioners permission to conduct the Chinese New Year Parade on Saturday, February 9, 2019, through the uptown area, led by Montana's parade dragon and receive and exemption from the Butte-Silver Bow Street/Outdoor Facility Use Application. All signatures have been received.

*Concur and place on file.*

[19-17.pdf](#)

[19-17 Application.pdf](#)

[19-17 Map.pdf](#)

[19-17 MDT Permit.pdf](#)

[19-17 Approvals.pdf](#)



[19-17 Checklist.pdf](#)

8. COMMUNICATION NO. 19-18

Commissioner Dan Olsen requesting Council of Commissioners approve discussion between the Economic Development Committee members and dispersal of Economic Development Grant funds that were refused in the 2018-2019 Economic Development Mill Levy process.

*Refer to Economic Development Committee*

[19-18.pdf](#)

9. COMMUNICATION NO. 19-19

R. Edward Banderob, requesting the Council of Commissioners, request the Chief Executive to designate an appropriate representative from the Public Works, Community Development and Planning Departments to meet with the GNCDC INC. Infrastructure-Storm Water Control Task Force to develop a Storm Water Control Master Plan for the Greeley Area Plan area.

*Refer to the Chief Executive's office and place on file.*

[19-19.pdf](#)

10. COMMUNICATION NO. 19-20

Mark Neary, Public Works Director requesting Council of Commissioners authorize the Chief Executive to sign the Funds Transfer Agreement to extend the expiration date from December 31, 2018 to September 30, 2022. Also request approval for the project contact name to be Mark Neary, Public Works Director.

*Concur and place on file.*

[19-20.pdf](#)

[19-20 Agreement.pdf](#)

11. COMMUNICATION NO. 19-21

Rick Phillips, Masonic Temple Board Member requesting Council of Commissioners consider reassessing the 2018 property taxes for the Masonic Temple at 314 W Park Street.

*Refer to Committee of the Whole.*

[19-21.pdf](#)

12. COMMUNICATION NO. 19-22

Bernie Shelton, BSB Citizen requesting Council of Commissioners follow up on signage that was passed in 1997 with BSB Ordinance 596, requesting the MDT install signage on the interstate prohibiting the use of jake brakes that have never been installed. Mr. Shelton also requests Council consider expanding the scope of this Ordinance to include all interstate mileage in the County and in their entirety southbound, Montana Street, Main Street and Arizona/Utah Streets.

*Refer to Public Works Committee*

[19-22.pdf](#)

[19-22 Attachments.pdf](#)

13. COMMUNICATION NO. 19-23

Lori Casey, Planning Director requesting Council of Commissioners conditionally approve recommendation for a one-year extension of the preliminary plat of Copper Fox Estates.  
*Concur and place on file.*

[19-23.pdf](#)

14. COMMUNICATION NO. 19-24

Mark Neary, Public Works Director requesting Council of Commissioners authorize the Chief executive to sign the MS4 permit compliance contract for the Stormwater Education Program with Montana Tech's Office of sponsored programs.

*Concur and place on file.*

[19-24.pdf](#)

[19-24 Contract.pdf](#)

[19-24 Exhibit A.pdf](#)

15. COMMUNICATION NO. 19-25

Mark Neary, Public Works Director requesting Council of Commissioners authorize the Chief Executive to sign the Professional Services Agreement between Water & Environmental Technologies and Butte-Silver Bow for the purpose of providing for a bathymetry survey of both Basin Creek reservoirs as well as digital and hard-copy contour maps and state-storage tables of each reservoir.

*Concur and place on file.*

[19-25.pdf](#)

[19-25 Agreement.pdf](#)

[19-25 Exhibit A.pdf](#)

16. COMMUNICATION NO. 19-26

Mark Neary, Public Works Director requesting Council of Commissioners authorize the Chief Executive to sign the Professional Services Agreement between HDR Engineering, Inc. and Butte-Silver Bow for the purpose of providing water main design review, the retention of a Professional Engineer for the duration of the project (per MT DEQ requirements) and submittal of as-builts for the project when complete for the Dewey Blvd Phase II Water Main Replacement.

*Concur and place on file.*

[19-26.pdf](#)

[19-26 Agreement.pdf](#)

[19-26 Exhibit A.pdf](#)

17. COMMUNICATION NO. 19-27

Julia Crain, Superfund Data Administrator requesting Council of Commissioners authorize the Chief Executive to sign the Professional Services Agreement between Water Words that Work, LLC. and Butte-Silver Bow for the purpose of training and improving overall communication of the Berkley Pit information.

*Concur and place on file.*

[19-27.pdf](#)

[19-27 Agreement.pdf](#)



[19-27 Exhibit A.pdf](#)

18. COMMUNICATION NO. 19-28

Darla McCarthy, Victim/Witness Advocate requesting Council of Commissioner's permission to submit a 2019-2020 Victims of Crime Act Grant application to the Montana Board of Crime Control. There is a local match required if awarded the grant, there is also an in-kind match calculated in with the local match.

*Refer to the Finance & Budget Committee.*

[19-28.pdf](#)

19. COMMUNICATION NO. 19-29

Chief Executive Palmer requesting Council of Commissioners concur with the following appointments/reappointments to the Mental Health Local Advisory Council.

*Concur and place on file.*

[19-29.pdf](#)

20. COMMUNICATION NO. 19-30

Dylan Pipinich, Senior Planner requesting Council of Commissioners approve Zoning Change Application No. 177 and prepare an ordinance adopting the proposed change to the Butte-Silver Bow Zoning District Map.

*Concur and place on file.*

[19-30.pdf](#)

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

COUNCIL RESOLUTION 19-04

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE AMENDED PLAT OF BLOCKS 16, 25, AND 26 OF THE GILMAN ADDITION, LEGION OASIS MINOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

[Resolution 19-01.pdf](#)

**SECTION 3 SUSPENSION OF THE RULES FOR FINAL PASSAGE**

COUNCIL RESOLUTION NO. 19-01

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE FROM THE NON-TAX SUPPORTED LOCAL DRUG FORFEITURE AGENCY FUND TO THE BUTTE-SILVER BOW LAW ENFORCEMENT DEPARTMENT; ALLOCATING LOCAL DRUG FORFEITURE FUNDS TO THE BUTTE-SILVER BOW LAW ENFORCEMENT DEPARTMENT TO FUND THE PURCHASE OF (1) ONE POLICE VEHICLE AND EQUIPMENT EXPENDITURE ACCOUNT AND PROVIDING FOR AN EFFECTIVE

DATE HEREIN.  
[Resolution 19-01.pdf](#)

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

**CALENDAR OF OTHER MEETINGS AND EVENTS**

*January 17, 2018, Zoning Board, 5:30 pm, Council Chambers*  
*January 21, 2018, Parks & Recreation, 11:30 am, Butte Justice Center*  
*January 22, 2018, Port of Montana, 12:00 pm, Hub Center, Silver Bow*  
*January 22, 2018, Superfund Advisory (SARTA), 6:00 pm, Butte Justice Center*  
*January 23, 2018, Local Emergency Planning, 12:00 pm, Butte Justice Center*  
*January 23, 2018, South Butte TEDD, 3:30 pm, 1st Floor Conference Room*  
*January 23, 2018, Substance Abuse Task Force, 3:30 pm, Emergency Operations Center, 3615 Wynne*  
*January 24, 2019 Animal Services, 5:30 pm, 1st Floor Conference Room*  
*January 24, 2018, Planning Board, 5:30 pm, Council Chambers*  
*January 24, 2018, Urban Revitalization, 8:30 am, 1st Floor Conference Room*  
*January 28, 2018, Mental Health LAC, 1:00 pm, 3rd Floor, Library Bldg.*  
*February 5, 2018, Fire Advisory Committee, 5:30 pm, Butte 1st Floor Conference Room*  
*February 5, 2018, Historic Preservation Commission, 5:30 pm, Council Chambers*  
*February 5, 2018, Weed Board, 7:00 pm, Weed Office, 25 West Front*  
*February 6, 2018; Airport Authority, 12:00 pm, Bert Mooney Airport Authority Admin. Office*  
*February 6, 2018, Butte AIDS Support Services, 7:00 pm, Community Center*  
*February 6, 2018, Board of Health, 7:00 am, Health Dept. Conference Room*

**ADJOURN**

---

**MEETINGS**

**FINANCE & BUDGET COMMITTEE MEETING**

*January 16, 2019*  
*7:00 PM COURTHOUSE COUNCIL CHAMBERS*

Expenditure report for the week of January 16, 2019 was reviewed in the amount of  
\$ \_\_\_\_\_.

---

**REPORTS**

**COMMITTEE OF THE WHOLE MEETING REPORT**

*January 9, 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. 18-553**

Karen Byrnes, Director Community Development requesting Council of Commissioners allow time on the December 12, 2018 agenda for a bid opening related to the Greeley Neighborhood Storm Water Infrastructure Upgrade.

*Place on file.*

[18-553.pdf](#)

[18-553 Invite.pdf](#)

**SECTION 2. COMMUNICATION NO. 18-569**

Dylan Pipinich, Senior Planner requesting Council of Commissioners allow time on the January 2, 2019 Regular Meeting agenda for a Public Hearing Place on file. Pertaining to a change to the Butte Silver Bow Zoning District Map.

*Place on file.*

[18-569.pdf](#)

[18-569 Staff Analysis.pdf](#)

**SECTION 3. COMMUNICATION NO. 18-570**

Patsy Coates, Land Records Property Specialist requesting Council of Commissioners authorize Tax Deed Sale Public Auction on February 20, 2019 and authorize County Attorney to prepare a Resolution to be read and acted upon at the Regular Meeting of Council that same evening.

*Hold in abeyance.*

[18-570.pdf](#)

**SECTION 4. COMMUNICATION NO. 19-06**

Abigail St. Lawrence, Attorney at Law requesting Council of Commissioners approve a three-year extension on the preliminary plat for Copper Fox Estates to allow conditions to be met.

*Hold in abeyance.*

[19-06.pdf](#)

**FINANCE & BUDGET COMMITTEE MEETING REPORT**

*January 9, 2019*

*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 January 9, 2019 was approved for the amount of \$1,099,082.82.

*Approved*

**FINANCE & BUDGET COMMITTEE, MEMBERS:**

Brendan McDonough, Chairman-- Present  
Bill Andersen, Vice-Chairman--Absent  
Dan Callahan--Present  
Jim Fisher--Present  
Josh O'Neill--Present  
Michele Shea--Present

**PUBLIC WORKS COMMITTEE MEETING REPORT**

*PREVIOUS WEEK'S DATE*

*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. COMMUNICATION NO. 19-01**

Mark Mariano, citizen requesting Council of Commissioners consider the level of traffic that the new park in the Diggins East will bring to the area between Oregon and Phillips, on George Street and come up with a solution to re-route or slow down traffic in that same area.

*Mary Sutherland spoke-fence damaged, wrong way, block? Mark Mariano*

*Hold in abeyance. Signage*

[19-01.pdf](#)

**SECTION 2. COMMUNICATION NO. 19-09**

Dan Olsen, Commissioner District #5 requesting Council of Commissioners consider replacement of the newly installed speed limit signage for Basin Creek Road/MT Secondary 393 for a section of the road for a more reasonable speed limit.

*Will provide the info regarding this*

*Hold in abeyance- particulars*

[19-09.pdf](#)

**PUBLIC WORKS COMMITTEE MEMBERS:**





Dan Olsen, Chairman-- Present  
Jim Fisher, Vice-Chairman--Present  
Dan Callahan-- Present  
Eric Mankins-- Present  
Brendan McDonough--Present  
Shawn Fredrickson-- Absent

## **JUDICIARY COMMITTEE MEETING REPORT**

*January 9, 2019*

*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. COMMUNICATION NO. 18-559**

Bud Walker, Commissioner District No. 7 requesting Council of Commissioners consider creating an ordinance to address the ongoing issue of portable storage containers that are being used for extended periods of time in the public right away.

*Hold in Abeyance*

[18-559.pdf](#)

### **COUNCIL ORDINANCE NO. 19-01**

AN ORDINANCE AMENDING CHAPTER 13.12 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "SOLID WASTE MANAGEMENT FACILITY", SPECIFICALLY AMENDING SECTIONS 13.12.020, 13.12.040, AND 13.12.070 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

*Hold*

[Council Ordinance 19-01.pdf](#)

[Council Ordinance 19-01 REDLINE.pdf](#)

### **COUNCIL ORDINANCE NO. 19-02**

AN ORDINANCE ESTABLISHING A NEW CHAPTER OF THE BUTTE-SILVER BOW MUNICIPAL CODE (BSB-MC) TO BE NUMBERED 8.10 AND TO BE ENTITLED "COVERED LOADS", ESTABLISHING PROCEDURES AND PROVISIONS FOR ENFORCEMENT AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

*Hold*



[Council Ordinance 19-02.pdf](#)

JUDICIARY COMMITTEE, MEMBERS:

Brendan McDonough, Chairman-- Present

Shawn Fredrickson, Vice-Chair--Absent

Dan Olsen--Present

Eric Mankins--Present

John Sorich--Present

Michele Shea--Present

