BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS REGULAR MEETING AGENDA WEDNESDAY, DECEMBER 21, 2016 7:30 PM 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 ON NOVEMBER 7, 2016

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

1. 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: Concur and Place on File.

16-538.pdf

16-538 Agreement.pdf

2. COMMUNICATION NO. 16-539

Karen Byrnes, Director, Butte-Silver Bow Community Development Department, requesting Council of Commissioners authorize the Chief Executive to sign a Temporary Access Agreement with Abatement Contractors of Montana.

Recommendation: Concur and Place on File.

16-539.pdf 16-539 Agreement.pdf

3. COMMUNICATION NO. 16-540

J.P. Gallagher, Director of Butte-Silver Bow Parks & Recreation Department, requesting Council of Commissioners concur with recommendation and approve entering into negotiations with Water Environmental Technologies (W.E.T.) for services for the Stodden Park Central Improvement Plan.

Recommendation: Concur and Place on File.

16-540.pdf

4. COMMUNICATION NO. 16-541

Julia M. Crain, Superfund Program Data Administrator, Butte-Silver Bow Planning Department, requesting Council of Commissioners authorize the Chief Executive to sign a Termination Agreement with the State of Montana, Dept. of Natural Resources & Conservation to terminate Grant Agreement.

Recommendation: Concur and Place on File.

16-541.pdf

16-541 Termination Agreement.pdf

5. 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: Concur and Hold in the Committee of the Whole pending Public Hearing on January 4, 2017.

16-542.pdf

6. 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: Concur and Hold in the Committee of the Whole pending Presentation on January 4, 2017.

16-543.pdf

16-543 Presentation.pdf

7. COMMUNICATION NO. 16-544



Kellee Anderson, MSU Extension Agent, Butte-Silver Bow Extension Office, requesting Council of Commissioners authorize the Chief Executive to sign Tree City USA Application and Arbor Day Proclamation.

Recommendation: Concur and Place on File.

16-544.pdf

16-544 Tree City USA Application.pdf

16-544 Arbor Day Proclamation.pdf

8. COMMUNICATION NO. 16-545

Teri Fisher, Office Manager, Butte-Silver Bow Public Works Dept., requesting Council of Commissioners authorize the Chief Executive to sign a one-year Maintenance Agreement with Dawson Infrastructure Solutions for the Sanitary Sewer Camera/TV Van.

Recommendation: Concur and Place on File.

16-545.pdf

16-546 Invoice 10060.pdf

9. COMMUNICATION NO. 16-546

Teri Fisher, Office Manager, Butte-Silver Bow Public Works Dept., requesting Council of Commissioners authorize the Chief Executive to enter into a one-year Maintenance Agreement with Lee's Office City for the Lanier copy machine in the Metro Sewer Administration Office. *Recommendation: Concur and Place on File.*

16-546 Invoice 10061.pdf

16-546.pdf

10. COMMUNICATION NO. 16-547

Linda Sajor, Butte-Silver Bow Project Manager, requesting Council of Commissioners authorize the Chief Executive to sign an Amendment to the U.S. Bank Purchase Card Contract.

Recommendation: Concur and Place on File.

16-547.pdf

16-547 Contract Amendment.pdf

11. 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: Concur and Hold in the Committee of the Whole pending Public Hearing on January 4, 2017.



16-548.pdf

12. COMMUNICATION NO. 16-549

Karen Sullivan, Health Officer, Butte-Silver Bow Health Department, requesting Council of Commissioners authorize the Chief Executive to sign a Nurse-Family Partnership Contract between Butte-Silver Bow Health Dept. and Montana Dept. of Public Health and Human Services

Recommendation: Concur and Place on File.

16-549.pdf

16-549 Contract.pdf

13. COMMUNICATION NO. 16-550

Karen Sullivan, Health Officer, Butte-Silver Bow Health Department, requesting Council of Commissioners authorize the Chief Executive to sign a Nurse-Family Partnership Contract Amendment between Butte-Silver Bow Health Dept. and Montana Dept. of Public Health and Human Services.

Recommendation: Concur and Place on File.

16-550.pdf

16-550 Contract Amendment.pdf

14. COMMUNICATION NO. 16-551

Karen Sullivan, Health Officer, Butte-Silver Bow Health Department, requesting Council of Commissioners authorize the Chief Executive to sign a Cooperative Agreement between Butte-Silver Bow Health Dept. and Montana Dept. of Public Health and Human Services. Recommendation: Concur and Place on File.

16-551.pdf

16-551 Cooperative Agreement.pdf

15. COMMUNICATION NO. 16-552

Karen Sullivan, Health Officer, Butte-Silver Bow Health Department, requesting Council of Commissioners authorize the Chief Executive to sign an Immunization Program Contract between Butte-Silver Bow Health Dept. and Montana Dept. of Public Health and Human Services.

Recommendation: Concur and Place on File.

16-552.pdf

16-552 Contract.pdf

16. COMMUNICATION NO. 16-553

Brian Wilkins, Operations Manager, Water Division, Butte-Silver Bow Public Works Department,



requesting Council of Commissioners authorize the Chief Executive to sign a Memorandum of Agreement with the Montana Dept. of Transportation for the Holmes & Hill/Warren Ave. Construction Project.

Recommendation: Concur and Place on File.

16-553 Memorandum of Agreement.pdf

16-553.pdf

17. COMMUNICATION NO. 16-554

John P. Morgan, Butte-Silver Bow Commissioner, District No.3, and the Committee on Committees, requesting Council of Commissioners concur with recommendations for the 2017-2018 Standing Committees.

Recommendation: Concur and Place on File.

16-554.pdf

18. COMMUNICATION NO. 16-555

Patrick J. Riordan, Butte-Silver Bow Land Records System Administrator, requesting Council of Commissioners deny Communication No. 16-506, Request from Donna Mink / Mod Squad Restroation to Purchase City-County Property.

Recommendation: Concur and Place on File.

16-555.pdf

16-555 Map.pdf

16-555 Photo.pdf

19. COMMUNICATION NO. 16-556

Teri Fisher, Office Manager, Butte-Silver Bow Public Works Dept., requesting Council of Commissioners authorize the Chief Executive to enter into a one-year Maintenance Agreement with Lee's Office City for the Lanier copy machine in the Metro Sewer Treatment Plant Office. *Recommendation: Concur and Place on File*.

16-556.pdf

16-556 Invoice 10060.pdf

20 COMMUNICATION NO 16-557

Leslie Clark, Director, Butte-Silver Bow Human Resources Department, advising Council of Commissioners regarding the amended Butte-Silver Bow Insurance Committee By-Laws. *Recommendation: Note and Place on File.*

16-557.pdf

16-557 By-Laws.pdf

21. COMMUNICATION NO. 16-558



Leslie Clark, Director, Butte-Silver Bow Human Resources Department, requesting Council of Commissioners authorize the Chief Executive to sign a Collective Bargaining Agreement for LIUNA Local #1686 and employees within the Service Workers bargaining unit.

Recommendation: Concur and Place on File.

16-558.pdf

16-558 Agreement.pdf

16-558 Agreement redline.pdf

22. 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: Refer to Judiciary Committee.

16-559.pdf

23. COMMUNICATION NO. 16-560

Karen Byrnes, Director, Butte-Silver Bow Community Development Department, requesting Council of Commissioners concur and allocate \$50,000 from the Hard Rock Development Assistance Program to Headframe Spirits, Inc. to assist with development expenses related to renovation of the Kelley Mine Warehouse.

Recommendation: Concur and Place on File.

16-560.pdf

16-560 Hard Rock Mine Trust Proposal.pdf

24. COMMUNICATION NO. 16-561

Karen Byrnes, Director, Butte-Silver Bow Community Development Department, requesting Council of Commissioners authorize the Chief Executive to sign Contracts with twelve (12) Economic Mill Levy recipients. Due to the number and size of the Contracts, they are available in the Council of Commissioners' office for review.

Recommendation: Concur and Place on File.

16-561.pdf

SECTION 2 ORDINANCES AND RESOLUTIONS REFERRED TO JUDICIARY

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

SECTION 3 ORDINANCES AND RESOLUTIONS FINAL READING

1. COUNCIL RESOLUTION NO. 16-68

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF REAL PROPERTY OWNED BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, DESCRIBED AS A PORTION OF THE BUFFALO LODE M.S. #579 ADJACENT TO TRACT G OF THE SALLE MINOR SUBDIVISION (PLAT 252-A) LOCATED IN THE SOUTHEAST ONE QUARTER (SE ½) OF SECTION TWELVE (12), TOWNSHIP THREE (T3N) NORTH, RANGE EIGHT (R8W) WEST M.P.M., TO THE ADJOINING OWNER PURSUANT TO POLICIES ADOPTED BY THE COUNCIL OF COMMISSIONERS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. Resolution 16-68.pdf

2. COUNCIL RESOLUTION NO. 16-69

RESOLUTION RELATING TO \$6,845,000 GENERAL OBLIGATION BONDS, SERIES 2016; DETERMINING THE FORM AND DETAILS, AUTHORIZING THE EXECUTION AND DELIVERY AND LEVYING TAXES FOR THE PAYMENT THEREOF.

Resolution 16-69.pdf

Resolution 16-69 redline.pdf

Resolution 16-69 draft.pdf

3. COUNCIL RESOLUTION NO. 16-70

A RESOLUTION APPROVING GROWTH POLICY AMENDMENT NO. 31 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.

Resolution 16-70.pdf

SECTION 4 SUSPENSION OF THE RULES FOR FINAL PASSAGE

1. COUNCIL RESOLUTION NO. 16-72

A RESOLUTION REQUESTING APPOINTMENT OF A SPECIAL DEPUTY



PROSECUTOR FOR THE DEPARTMENT OF LABOR AND INDUSTRY AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

Resolution 16-72.pdf

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA

CALENDAR OF OTHER MEETINGS AND EVENTS

December 27, 2016, Port of Montana, 12:00 pm, Hub Center, Silver Bow December 28, 2016, Local Emergency Planning, 12:00 pm, EOC, Justice Center on Wynn December 28, 2016, Urban Revitalization, 8:30 am, 1st Floor Conference Room December 29, 2016, Planning Board, 5:30 pm, Council Chambers

ADJOURN

FINANCE & BUDGET COMMITTEE MEETING

DECEMBER 21, 2016 7:00 PM COURTHOUSE COUNCIL CHAMBERS

Expenditure report for the week of December 14, 2016 was approved for the amount of \$1,368,703.55.

COMMITTEE OF THE WHOLE MEETING REPORT

DECEMBER 14, 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. 16-481

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: Cross Reference with Council Resolution No. 16-68 and Place on File. 16-481.pdf

16-481 Map.pdf

SECTION 3 COMMUNICATION NO. 16-524

Patsy Coates, Property Specialist, Butte-Silver Bow Land Records, requesting Council of Commissioners authorize Tax Deed Sale on February 15, 2017, and request County Attorney to prepare a Resolution to be read and acted upon at the Regular Meeting of Council that same

Recommendation: Concur and Place on File. 16-524.pdf

SECTION 4 COMMUNICATION NO. 16-532

Lori Casey, Assistant Planning Director, Butte-Silver Bow Planning Department, requesting Council of Commissioners adopt Resolution No. 16-70 approving Growth Policy Amendment No. 31.

Recommendation: Cross Reference with Council Resolution No. 16-70 and Place on File. 16-532.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, Present Sheryl Ralph, Present John Sorich. Absent Bud Walker, Present

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ECONOMIC DEVELOPMENT COMMITTEE MEETING REPORT

DECEMBER 7, 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: Place on File.*

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: Place on File.

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: Place on File.* 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

DECEMBER 14, 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 14, 2016 was approved for the amount of \$1,368,703.55.

FINANCE & BUDGET COMMITTEE, MEMBERS:

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

PUBLIC WORKS COMMITTEE MEETING REPORT

DECEMBER 14, 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: Schedule a Public Hearing. Motion by Commissioner Foley, second by Commissioner McDonough. All yea.

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

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: Hold in Abeyance. Nick [Sandford] advised waiting for the Light Company to send parts to shut blinking lights off at night.

16-500.pdf

16-500 Petition.pdf

16-500 Heinz Letter.pdf

16-500 Carlson Letter.pdf

16-500 Barry Letter.pdf

SECTION 3 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: Concur and Place on File. Motion by Commissioner Foley, second by Commissioner McDonough. All yea.

16-512.pdf

PUBLIC WORKS COMMITTEE, MEMBERS:

Dennis Henderson, Chairman, Present Sheryl Ralph, Vice-Chairman, Absent Jim Fisher, Present Dan Foley, Present Brendan McDonough, Present Bud Walker, Present

Also Present:

Michael A. Nasheim, Building Official, Butte-Silver Bow Building Code Department Nick Sandford, Road Operations Manager, Butte-Silver Bow Public Works Department David Schultz, Director, Butte-Silver Bow Public Works Department

JUDICIARY COMMITTEE MEETING REPORT

DECEMBER 14, 2016

TO THE HONORABLE CHIEF EXECUTIVE AMD 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. 16-68

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF REAL PROPERTY OWNED BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, DESCRIBED AS A PORTION OF THE BUFFALO LODE M.S. #579 ADJACENT TO TRACT G OF THE SALLE MINOR SUBDIVISION (PLAT 252-A) LOCATED IN THE SOUTHEAST ONE QUARTER (SE ¼) OF SECTION TWELVE (12), TOWNSHIP THREE (T3N) NORTH, RANGE EIGHT (R8W) WEST M.P.M., TO THE ADJOINING OWNER PURSUANT TO POLICIES ADOPTED BY THE COUNCIL OF COMMISSIONERS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

Recommendation: Move to Final Reading. Resolution 16-68.pdf

SECTION 2 COUNCIL RESOLUTION NO. 16-69

RESOLUTION RELATING TO \$ GENERAL OBLIGATION BONDS, SERIES



2016; DETERMINING THE FORM AND DETAILS, AUTHORIZING THE EXECUTION AND DELIVERY AND LEVYING TAXES FOR THE PAYMENT THEREOF.

Recommendation: Move to Final Reading, as amended.

Resolution 16-69.pdf

Resolution 16-69 redline.pdf Resolution 16-69 draft.pdf

SECTION 3 COUNCIL RESOLUTION NO. 16-70

A RESOLUTION APPROVING GROWTH POLICY AMENDMENT NO. 31 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.

Recommendation: Move to Final Reading.

Resolution 16-70.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: Hold in Judiciary Committee.

16-495.pdf

Ordinance 16-14 redline.pdf

SECTION 5 CLAIM APPROVAL

Jedediah Wilson, \$1,000.00, Street Right-of-Way (Sidewalk) Bond Refund National Affordable Housing Network, \$400.00, Demo 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, Absent