

**MINUTES OF THE REGULAR MEETING OF THE
BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
FOR MAY 18, 2016**

The Regular Meeting of the Council of Commissioners was called to order Wednesday, May 18, 2016, in the Council Chambers, Third Floor, Room 312, Courthouse Building, 155 West Granite Street, Butte, Montana by the Chief Executive, Matt Vincent.

ROLL CALL

Commissioner Morgan	<i>Present</i>	Commissioner Shaw	<i>Absent</i>
Commissioner Palmer	<i>Present</i>	Commissioner McDonough	<i>Present</i>
Commissioner Andersen	<i>Present</i>	Commissioner Henderson	<i>Present</i>
Commissioner Walker	<i>Present</i>	Commissioner Fisher	<i>Present</i>
Commissioner Foley	<i>Present</i>	Commissioner Perdue-Dolan	<i>Absent</i>
Commissioner Ralph	<i>Present</i>	Commissioner Sorich	<i>Present</i>

STAFF PRESENT

Eileen Joyce, Butte-Silver Bow County Attorney
Laura Sargent, Deputy Clerk & Recorder
Tracy Watt, Council Secretary

PRAYER AND PLEDGE

Commissioner Henderson said the prayer and led pledge.

PUBLIC COMMENT ON ANY ITEMS ON THE CONSENT AGENDA

None.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF MAY 4, 2016.

It was moved by Commissioner Morgan, seconded by Commissioner Walker, and passed by a unanimous verbal vote to approve the minutes of the Regular meeting of May 4, 2016.

ITEMS NOT ADDRESSED ON THE AGENDA

Emergency Suspension of the Rules to allow Resolution No. 16-26 to be added to the agenda.

It was moved by Commissioner Morgan, seconded by Commissioner Walker, and passed by a roll call vote of 10 yea and 0 nay to suspend the rules in accordance with the provisions of Subsection 6 of Rule VI of the Rules of Business of the Council of Commissioners of the City and County of Butte-Silver Bow, State of Montana. The Council hereby finds that an



emergency condition exists which requires that the Council Rules be suspended to allow Resolution No. 16-26 to be added to the Agenda of the May 18, 2016 Regular Meeting of the Council.

CHIEF EXECUTIVE REPORT

Chief Executive Vincent reported the following:

- Alley Rally officially opened today. Hours will be 10:00 a.m. to 8:00 p.m. Monday through Friday, and 9:00 a.m. to 5:00 p.m. Saturday and Sunday. Located across from City-County Shops on Civic Center Road. Expected to stay there through summer until such time construction activities on the Parrot Tailings remediation and restoration action may commence. This is being run through the Public Works Department, under the management of Community Enrichment Department, so any questions should be directed to Ed Randall or John Moodry.
- We are offering a new service for senior citizens over the age of 65 or those who are physically unable to unload large items. We have a service where our Community Enrichment Department will pick up items and haul them to either H&H for recycling or directly to the landfill. Residents can call Community Enrichment at 497-5024 to schedule a pick up. This first week we have handled over 40 calls for assistance.
- Animal Shelter has their Walk a Dog program that takes place every day from 9:00 a.m. to 11:00 a.m., and they are looking for volunteers to help. Contact Jackie Casagrande at 497-6528.
- It's also budget season. Danette Gleason, Director, Butte-Silver Bow Finance and Budget Department, presented to the Finance & Budget Committee our [schedule](#) this year for our budgetary activities.
- The Preliminary Budget from Executive Branch is expected to be delivered to the Council of Commissioners on June 29, 2016, at which point it will go through the process that would see us having a final Public Hearing and adoption of the budget on August 15, 2016. [Schedule](#).
- We will be releasing a survey online so citizens can give feedback regarding priorities for our budget this year. It will be live on our Web site next week.
- State of the City Address next Wednesday, June 1, 2016 at noon at Butte Brewing Company. Event sponsored by the Chamber of Commerce and Butte Local Development Corporation and I think they are providing lunch.

SECTION 1 COMMUNICATIONS TO BE READ AND ACTED UPON *(formerly Section 3)*

1. COMMUNICATION NO. [16-211](#)

Chief Executive Matt Vincent, requesting Council of Commissioners to concur with appointment of Matt Pokorny as a Probationary Entry Level Firefighter.



Chief Jeff Miller, Director of Fire Services, stated the following:

- Recruitment process begins a year prior in Great Falls in June of last year.
- All the candidates in this process start with the Montana Firefighter Testing Consortium at which time they undergo written tests and then a rigorous candidate physical abilities test that then make them eligible for hire.
- They then are interviewed by the Butte-Silver Bow Fire Commission.
- We had an outstanding group of candidates this year. Matt rose to the top.
- Matthew Pokorny was the number one candidate. He's a Butte native, 2006 graduate of Butte Central High School. He was previously an EMT for A-1 Ambulance.
- He is here tonight with his wife Katelyn, and other family members and supporters.
- I would ask respectfully that you concur with the Chief Executive's appointment to Butte-Silver Bow Fire Department.

It was moved by Commissioner Foley, seconded by Commissioner Walker, and passed by a unanimous verbal vote to Concur with Communication No. 16-211 and Place it on File.

SECTION 2 BID OPENINGS, PUBLIC HEARINGS, AND/OR PRESENTATIONS *(formerly Section 1)*

County Attorney Eileen Joyce confirmed Proof of Publication for the two Bid Openings and one Public Hearing in this section.

1. BID OPENING
COMMUNICATION NO. [16-177](#)

J.P. GALLAGHER, DIRECTOR OF BUTTE-SILVER BOW PARKS & RECREATION DEPARTMENT, REQUESTING COUNCIL OF COMMISSIONERS AUTHORIZE TIME ON MAY 18, 2016 AGENDA TO CONDUCT A BID OPENING REGARDING THE BUTTE-SILVER BOW INVITATION FOR BID FOR THE MINER'S FIELD MASONRY PROJECT AT COPPER MOUNTAIN SPORTS PARK.

County Attorney Eileen Joyce confirmed Bid Bond in the amount of 10% from Licensed Surety Company appeared to be in order.



Markovich Construction, Butte, Montana

Base Bid Pricing

Item No. 1	\$23,800
Item No. 2	71,900
Item No. 3	138,500
Item No. 4	30,900
Item No. 5	<u>61,900</u>
Total Base Bid Price	\$327,000

Additive Alternate Pricing

Item No. A1	\$26,800
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<u>Total Bid Price</u>	<u>\$353,800</u>
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Engineer's Estimate

Base Bid Pricing

Item No. 1	\$9,953
Item No. 2	62,160
Item No. 3	71,800
Item No. 4	40,800
Item No. 5	<u>24,300</u>
Total Base Bid Price	\$209,013

Additive Alternate Pricing

Item No. A1	\$12,280
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<u>Total Bid Price</u>	<u>\$221,293</u>
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It was moved by Commissioner Morgan, seconded by Commissioner Walker, and passed by a unanimous verbal vote to refer the bid to the Public Works Department and have them come back to Council with their recommendation.

Commissioner Henderson stated the following:

- This is broke down from the original, and we just got one bid. Has anybody said anything about why just one bid? There are a lot of cement guys out there, isn't there?

Director Gallagher stated the following:

- I can't really answer that because nobody responded or called in to question why they were or were not bidding.
- We did have quite a few people show at the walk through and request the documents on this.
- I am not sure what the cause of the people not bidding is.

Commissioner Henderson stated the following:

- I can imagine everybody's pretty busy for the season. So with the short season, I guess that's going to be it.

Commissioner Andersen stated the following:

- I'm looking at these numbers and I'm kind of surprised.
- I imagine Pioneer put the engineering estimates together.
- Any idea on the variation? This seems about a third higher than, 33-40% higher than the estimate across the board.



Director Gallagher stated the following:

- I really cannot speak to that.
- I do not know why the difference in the price.
- Without having competitive multiple bids here, it's hard to guess why that would be.

It was moved by Commissioner Morgan, seconded by Commissioner Walker, and passed by a unanimous verbal vote to refer the bid to the Public Works Department and have them come back to Council with their recommendation.

2. BID OPENING
COMMUNICATION NO. [16-182](#)

NICK SANDFORD, ROAD OPERATIONS MANAGER, BUTTE-SILVER BOW PUBLIC WORKS DEPARTMENT, REQUESTING COUNCIL OF COMMISSIONERS AUTHORIZE TIME ON MAY 18, 2016 AGENDA TO CONDUCT A BID OPENING FOR THE COMMUNITY TRANSPORTATION ENHANCEMENT PROGRAM (CTEP) BIKE ROUTES PROJECT ON THE BUTTE FLATS.

County Attorney Eileen Joyce confirmed Bid Bond in the amount of 10% from Licensed Surety Company appeared to be in order.

HighMark Traffic Services
5379 Southgate Dr.
Billings, Montana 59101

Engineer's Estimate

Total Bid Price \$96,004.50

Total Bid Price \$107,820.00

Mr. Sandford stated the following:

- This bid included installation of bike route signage and sharrow pavement markings.

It was moved by Commissioner Morgan, seconded by Commissioner Walker, and passed by a unanimous verbal vote to refer the bid to the Public Works Department and have them come back to Council with their recommendation.

3. PUBLIC HEARING
COMMUNICATION NO. [16-189](#)

JULI CONNORS, FINANCE & BUDGET ACCOUNTANT, BUTTE-SILVER BOW FINANCE AND BUDGET DEPARTMENT, REQUESTING COUNCIL OF COMMISSIONERS AUTHORIZE A PUBLIC HEARING ON MAY 18, 2016 FOR THE PURPOSE OF AMENDING THE FISCAL YEAR 2015-2016 BUDGET TO ALLOW FOR UNANTICIPATED REVENUE RELATED TO AUDIT FINDING 15-6 IN BUTTE-SILVER BOW'S JUNE 30, 2015 COMPREHENSIVE ANNUAL FINANCIAL REPORT.



Danette Gleason, Director, Butte-Silver Bow Finance and Budget Department, stated the following:

- I have with me tonight Bill Melvin, Manager of the Butte Civic Center.
- We are here tonight requesting this budget amendment to address audit finding 15-6 from the 2015 audit.
- If you recall, there was a box office cash account that had not been properly recorded and accounted for within the Treasurer's office.
- Juli Connors, Senior Accountant within the Finance and Budget Department, did a lot of work, along with Krystal Ackerman, Clerk down at the Civic Center,
- I passed out a [spreadsheet](#) detailing all of the events and summarizing what the resolution will look like that we will be submitting after this Public Hearing process.
- The account had \$88,296 in it that we needed to incorporate into our books. That money has all been deposited in the Treasurer's office. That was done immediately in January after we were notified of the account and findings.
- What we've done over the course of time is make sure we have an accurate accounting of each one of the events.
- Krystal and Juli, as I mentioned, have done a lot of work on this project – making sure that everything's actually accounted for.
- Basically what we're asking is to bring on our books the relevant expenditures and revenues associated with this box office account.
- As we move forward, we will go through some of the processes and procedures that were instituted a few years ago based on some audit recommendations over a period of years.
- We're also going to look at maybe making further recommendations within the Finance and Budget Department to the Civic Center in regards to what other transactions we might be able to incorporate directly into the Treasurer's account, and really limit that to be what we're seeing in this box office account.

Bill Melvin, Manager, Butte-Silver Bow Civic Center, stated the following:

- Part of the confusion that came in with that account being so big was that we started doing our self-promotion. That means that we do not have a middle-man when it comes to rodeo, some bizarres and other events at the Civic Center.
- Also, we do charge \$2.00 a ticket on credit card sales, and we had a little trouble accounting for those. Juli has done a great job. We now account for that on a monthly basis, and all of the money is going into the account.
- So it was a learning curve for us – kind of a little bit of growing pains. But all the money has been accounted for.
- Now it will go through the budget process, so if I'm understanding correctly, our budget will increase a little bit and we'll go through the purchase order system for a lot of our expenditures now out of the box office account, which of course goes to the Finance and Budget committee.



Chief Executive Vincent opened the public hearing. He called for any proponents. There were none. He then called for any opponents. There were none. Chief Executive Vincent closed the public hearing.

4. PRESENTATION
COMMUNICATION NO. [16-181](#)

DAVE BOYD, CCCS DIRECTOR OF TREATMENT PROGRAMS, REQUESTING COUNCIL OF COMMISSIONERS AUTHORIZE A PRESENTATION FROM COMMUNITY COUNSELING AND CORRECTION SERVICES, INC. (CCCS) AND THE MANAGEMENT TEAM OF THE SOUTHWEST MONTANA ADDICTION RECOVERY AND TREATMENT PROGRAM (SMART) ON MAY 18, 2016.

Director Boyd stated the following:

- Part of my duties is the administration of the SMART program.
- It's been a year since we've been here.
- I apologize for my CEO's absence. He got stuck in North Dakota.
- A couple of newsworthy things, changes from last year that affect our program – the biggest thing probably is the passage of the Medicaid Expansion bill the legislature passed last year. That is going to affect the County tax dollars for drug and alcohol treatment allotment in the future.
- We don't know how that's all going to end up shaking out, but with the passage of that and the inception of the Montana Help Medicaid Plan, in essence it affords a lot of medical services for those folks in the 200% poverty rate. Anyone that's single that makes \$14,000 or less a year qualifies for full coverage – health insurance, dental, substance treatment; \$33,000 for those that are two in the family, and the number keeps going from there.
- With Medicaid beginning to pay for some of the services that the drug and alcohol tax dollars and block grant funding did before, it's going to be interesting to see next year what we present as far as numbers and dollars go.
- We've had our growing pains with that. We started January 1st. Getting people signed up and enrolled has been quite a process for the staff, but I think we're holding pretty good with that. It's been a nice process to be able to see people coming in with insurance. I think that helps everyone.
- The second thing of real importance is that we just signed a Memorandum of Understanding with Butte School District No. 1.
- Commissioner Foley is aware of this project – school-based services treatment. We're getting into the schools. We've been working at this for two years, and we're finally there. The school board did sign at their board meeting on Monday.
- Hopefully we're going to be able to provide a counselor at the High School or any of the schools for 20 hours a week to begin with.
- That's all paid for through either the block grant or Medicaid. So it's no cost to parents' tax dollars



- That's a big plus for this community. There hasn't been any substance abuse treatment in the schools in the past. As soon as we can get in there we're going.
- The co-occurring program that I spoke to you about last year – we were just getting that off the ground. Co-occurring treatment for those with mental health issues and substance issues – is a huge issue in Butte.
- The program has taken off a lot bigger and better than I anticipated. So we've over-extended that part of the budget that the state has allotted by \$4,000.
- I anticipate there will be more funds available for that. This also falls under the Medicaid Expansion, as well.
- Recently, we were also contracted with Judge Krueger's court. What we're doing is providing some chemical dependency services for those people that are incarcerated in the County detention center.
- The qualifiers for that are the person must be incarcerated for 90 days and must have children in the home. It's a \$20,000 grant, I believe, and the grant runs through September. We'll work that out as far as it goes, too.
- That's a huge service for getting folks that are in drug court, if they go to jail, they continue their treatment and when they come out they're back out to the SMART program. There's no break in service. It's a huge, huge thing.
- Some of the statistics this year over last year – we've had an increase in ACT class DUI participants, and it's kind of shocking. Last report we had 209 the year before in our classes. This year we're up to 290. So drinking and driving is still an issue in Butte, Montana and it seems like it's gotten a little worse.
- Substance Evaluations, we did 382; Outpatient Admissions, 119; Intensive Outpatient Admissions, 38; MIP Classes, we had 56 students in that class, and we had 56 the year before – so that number's holding steady, unfortunately; Anger Management, we had an increase up to 41 participants; and Cognitive Principals and Restructuring, up to 43.
- Those are basically our statistics for this past year.

View [presentation details](#) here.

Commissioner Andersen stated the following:

- Seems like you're keeping pretty busy over there.
- You said you were working with the schools – I was talking to a friend of mine the other day about the DARE program and the lack of that in the schools anymore. Is there any way of bringing that back? Was that working or would that help, or is having the counselor in the high school better? It seems that targeting the kids at a younger age might be more beneficial.

Director Boyd stated the following:

- The DARE program was proven, eventually, that it was not as effective as they had hoped. It somehow lost its luster over the years.



- Unfortunately, not everyone was in agreement with that. I think that's why the funding was discontinued for that.

SECTION 3 CONSENT AGENDA

(formerly Section 2)

- 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

Before entertaining a motion for approval of the Consent Agenda, Chief Executive Vincent called for any friendly amendments or segregations.

Commissioner Morgan segregated #6, Communication No. 16-209.

Commissioner Fisher segregated #14, Communication No. 16-218 and #18, Communication No. 16-222.

Commissioner Andersen segregated #4, Communication No. 16-207.

It was then moved by Commissioner Morgan, seconded by Commissioner Walker, and passed with a unanimous verbal vote to approve the Consent Agenda, Section A, Items 1 through 4, and Section B, Items 1 through 25, with the exception of #4, Communication No. 16-207; #6, Communication No. 16-209; #14, Communication No. 16-218; and #18, Communication No. 16-222.

Segregation – #4, Communication No. 16-207

George Everett, Executive Director, Mainstreet Uptown Butte, requesting Council of Commissioners authorize street closure and use of Chester Steele Park on July 3, 2016 for the Big Bang Freedom Fest. [Application](#). [Maps](#). All approvals have been received.

Commissioner Andersen stated the following:

- The reason I segregated this, and I talked to Director Gallagher about it, is the Department was recently doing some work at Cinders Field that is right next to it, and along where the backstop of the home plate used to be there is about a 2-1/2 to 3 foot drop.
- I'm hoping this can be addressed and fixed as soon as possible. There are a lot of children in that area running up and down the field. There's quite a festive atmosphere in that area, not only at Chester Steele Park but also at Cinders.



- So just so everybody is aware, it should help get this taken care of as soon as humanly possible.

It was moved by Commissioner Andersen, seconded by Commissioner Morgan, and passed by a unanimous verbal vote to Concur with Communication No. 16-207 and Place it on File.

Segregation – #6, Communication No. 16-209

Eldon Beall, 505 North Wyoming Street, Butte, Montana, requesting Council of Commissioners consider Butte-Silver Bow Ordinance 8.06.30, Community Decay Standards, in lieu of the proposed “Vacant Building” Council Bill No. 16-2, Ordinance No. 16-2.

Commissioner Morgan stated the following:

- I originally had this to “Refer to Judiciary Committee,” but in lieu of the scheduling of events Mr. Beall wanted to talk about it. So at this time I would ask Mr. Beall to come up and talk to us about his communication.

Mr. Beall stated the following:

- I have concerns with this because my sister owns a property, and it’s been vacant – there’s no plumbing and stuff in it right now, but we’ve all had health issues. We can’t get up there and do certain things.
- I’m afraid Community Enrichment is going to come in there, and we’ve already went rounds with them before. We didn’t hit it off too good. We couldn’t actually talk to Ed Randall – he was pretty rude. We couldn’t get through to him. And that’s part of my concerns.
- Before they do a final reading, are we going to be able to look at the Ordinance? On page three, where it says, “Lessee.” Lessee, to me, would be a tenant. How could they go after the tenant?

Chief Executive Vincent stated the following:

- This Ordinance has been referred back to the Judiciary Committee for additional revisions and discussions.
- It’s not moving forward to final reading at this point in time.
- It’ll be on the next Judiciary Committee meeting agenda, which will be next Wednesday, May 25, 2016 at 7:00 p.m. here in Council Chambers.
- You can ask these questions directly to the Judiciary Committee.
- In the meantime, you can also contact our County Attorney’s office who is drafting the changes to that Ordinance, as well as our Community Enrichment Department. I believe our building official in the Planning Department has had some hand in some of the changes that are being made to this.



- There are a variety of opportunities to ask questions, but again, I want to stress that it's not moving straight into final reading. It's being revised, significantly, I would say.

Commissioner Morgan stated the following:

- Mr. Beall, if there's anything else that you want to discuss with this whole body, feel free to. If you covered all your topics just now, that's great. But if you feel you want to speak...

Mr. Beall stated the following:

- Some of it is because of people that have health issues and disabilities and stuff.
- It is going to create a hardship on those people.
- That's part of what I wanted to say.

Commissioner Fisher stated the following:

- I tend to agree with some of the points he writes in this letter.
- I think we already have ordinances that properly enforce and take care of this issue.
- As I said last week, and maybe the week before, I just don't know that this is an answer – being a voluntary program – people paying \$25 to register their building.
- I just don't see this as an effective, properly written ordinance. Until it gets right, I can't agree with it. I think it's flawed. I think there are so many loopholes in it – it's a selective enforcement type of issue.
- I've got a lot of concerns with it. I think Mr. Beall has a lot of concerns. If you read his letter, I think he's got some issues that should be addressed prior to this Vacant Building Ordinance being submitted to the full council.

Commissioner Morgan stated the following:

- Mr. Beall, what would you like me to do with this communication? We can either hold it and discuss next week or we can note it and place on file and you would have the opportunity to speak about it in Judiciary ...

Mr. Beall stated the following:

- I guess for the Judiciary.

It was moved by Commissioner Morgan, seconded by Commissioner Walker, and passed by a unanimous verbal vote to Concur with Communication No. 16-209 and Refer to Judiciary Committee.



Segregation – #14, Communication No. 16-218

David Schultz, Director, Butte-Silver Bow Public Works Department, requesting Council of Commissioners authorize Chief Executive to sign the modification for Contract #80008, which is in place between Butte-Silver Bow and the Natural Resource Damage Program. This modification allows Pioneer Technical to complete an Environmental Site Assessment and property survey of the Gilman property. [Modification](#).

Commissioner Fisher stated the following:

- The reason for segregating this communication is that the original amount was like \$56,000-\$57,000 for this site selection review.
- Now we're adding \$21,600 more, which is a substantial amount. Now, whether you call this a change order, I don't know.
- But it brings the whole thing up to about \$78,000, which is just below the threshold where it should have been bid out.
- These kinds of things concern me. They always concern me.
- When the Council approves the contract for \$56,000, and then they come back within a month or six weeks and want another \$20,000 or \$25,000, you get just below the threshold of \$80,000.
- This kind of bothers me, because I think if these things were known, we should have been evaluating a little stronger.
- We had a bid opening tonight where the engineer's estimate was nowhere near what was bid on the project.
- These things are kind of concerning me. With what's going on in government, with what's going on with private enterprise.
- In this particular case, Pioneer Technical bid the \$56,000, then come back now it's time to do the job, and want another \$20,000. That's over 30%.
- I just wanted this to be known that these things are being noted. We should take a little bit of a concern on this.

It was moved by Commissioner Fisher to Concur with Communication No. 16-218 and Place on File.

Chief Executive Vincent stated the following:

- These are being noted and are obviously of concern to all of us managers of the public's funds.
- This is a very, I guess, extenuating, circumstance. We selected that site for the relocation of our county shops.
- I'm not sure if you're aware of what goes into an Environmental Site Assessment, but it is fairly significant, and it really comes as a surprise.



- We found this site, that was selected by this body for the county shops location, was also the former refinery site back in the early 1900s, which triggers the obvious need to do a full environmental assessment of that property.
- So this isn't something that just kind of slid in. It was an extenuating circumstance that required us to do the necessary due diligence to make sure we were moving forward properly on this.
- Certainly nothing that would be a rule more than an exception.

Commissioner Morgan stated the following:

- Please let the record reflect I am abstaining from this vote due to employment.

Commissioner Fisher stated the following:

- In rebuttal to what you stated, we had quite a site selection committee. They brought all this before the council.
- We voted as a council to select that site, with the understanding – just the same way we rejected the Montana Pole site because of that type of contamination.
- This is a two-way sword. You're coming in and asking for 35% more money to do a project that we thought we had done.

It was moved by Commissioner Fisher, seconded by Commissioner Ralph, and passed by a unanimous verbal vote to Concur with Communication No. 16-218 and Place on File.

Segregation – #18, Communication No. 16-222

Matt Moore, Metro Operations Manager, Butte-Silver Bow Public Works Department, requesting Council of Commissioners authorize Chief Executive to sign a Memorandum of Understanding with the City of Billings, Montana for services related to MS4 Guidance Documents. [Memorandum of Understanding](#).

Commissioner Fisher stated the following:

- The reason I segregated this is, if you remember, about a year or 18 months ago, we made this same agreement with the City of Billings in which we agreed to pay them \$17,000. We got the bill last week and it was only \$14,000. I don't know why we didn't pay the full amount.
- This is a contract that the City of Billings is doing in combination with Helena, Great Falls, some of the major cities, on storm water study.
- The total amount of the study is \$275,000 to write a manual so our engineers have a better knowledge of how this works.
- I've asked Matt Moore to give a little talk. Our share of this is about \$33,000.
- My concern is our storm water issues in Butte are a lot different than storm water issues in Great Falls, Billings, Helena because our Superfund and our contaminated soil.



- I'm not totally against the \$33,000, because as Matt Moore will explain, it's probably well spent. But \$275,000 is the total amount, and Billings' council will recommend how that's spent. We will have no more say on our \$33,000 once we pay that. Billings will have the say on how that money's spent.

Mr. Moore stated the following:

- Last year's contract with Billings was for reimbursement to the City of Billings for a contract with HDR leading to the issuance of a new state MS4 general permit.
- This is a permit that we have to follow. This is our legal guidance in our municipal separate storm sewer system. It's kind of our laws of storm water, by the state, which is governed by the EPA.
- The new contract, the MOU, is for a guidance document for storm water.
- It's kind of like the Montana Public Works Standard Specification for storm water.
- The MPWSS has been out for, I think longer than I've been around, and it's given contractors and developers guidance on how to compact soil and asphalt – how to build things so we're all in the same boat in the state.
- The idea of this is very similar – the document will be a guidance document to developers, engineers and contractors to select BMPs that are almost vetted by the state and the engineering community and our cities for use in our communities.
- There will be some guidance. There will be some recommendations in there.
- It is a contract with Billings, and I believe we've gotten to the point where HDR was selected to do the work, as well.
- Part of that selection criteria was shareholder/stakeholder working groups in our city. So they'll call up some of our local developers, contractors and engineers to discuss some of our unique situations.
- I do agree we are quite different in our storm water issues. We do have a lot of similar issues, as well.
- We wouldn't be able to come near getting a document like this for \$30,000. This is definitely a \$275,000 document. It's sickeningly expensive sometimes.
- But hopefully it'll be a very valuable tool our local contractors and developers can use and maybe drive down the cost of engineering services related to storm water management design. It will be a lot more prescribed and a lot easier for developers to kind of pick and choose.
- And then, some of our local engineering companies don't have experience in specifying some of this equipment, so we might get some new things to test out.
- One great thing about Butte is that we have wonderful infiltrating soils. We can dump storm water into the soil in good areas and it just disappears. Whereas other places, like Billings, they can't take water into the ground, so they have to have ponds.
- Hopefully this will really help us out. It is really expensive. It's ten percent of our storm water budget, but I hope it turns out well.
- I think we have a good team at HDR to help us out.



Commissioner Sorich stated the following:

- What is the term on this contract? The last one was two years.

Mr. Moore stated the following:

- You know, this MOU doesn't reference – like the last time, there was an Exhibit A, and that said two year contract.
- I suppose we could clear that up, but the intent was to be under two years.
- This document should roll out by the end of the year, we're hoping, to coincide with our new permit cycle that starts at the beginning of the year.
- If they can move quickly, they might be able to have this document together. But it will be within 2017.

Commissioner Sorich stated the following:

- For County Attorney Joyce – do we need that to be in this contract? Is that something it should have?

County Attorney Joyce stated the following:

- Typically, yes, you would have a term for a contract. But it's a Memorandum of Understanding, and I suppose there isn't any really, necessarily, risk in not having a specific term, as long as the work that's done is completed within an efficient timeframe.

Commissioner Fisher stated the following:

- The check run tonight showed that the \$14,000 came out of the Planning Budge I believe. It didn't come out of the ...

Director Gleason stated the following:

- The \$14,587 came out of the storm water budget, which is underneath the Planning Department. That's where the confusion lies – the account code on it. But it is the storm water funds. That was paid a couple of weeks ago.

It was moved by Commissioner Fisher, seconded by Commissioner Morgan, and passed by a unanimous verbal vote to Concur with Communication No. 16-222 and Place on File.



**SECTION 4 ORDINANCES AND RESOLUTIONS
REFERRED TO JUDICIARY**

1. COUNCIL BILL NO. [16-5](#)
ORDINANCE NO. [16-5](#)

AN ORDINANCE AMENDING ORDINANCE 204, Section 4 and CHAPTER 10.24 , ENTITLED “TRAFFIC CONTROL DEVICES” AND CHAPTER 10.32 ENTITLED “STOP SIGNS”, OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) SPECIFICALLY REPEALING SECTION 10.24.160(4) DELETING THE TRAFFIC CONTROL SIGNAL LOCATED AT THE INTERSECTION OF BROADWAY STREET AND WYOMING STREET; AND BY AMENDING SECTION 10.32.010 ESTABLISHING STOP SIGNS ON BROADWAY STREET ENTERING THE EAST AND WEST CORNERS AT THE INTERSECTION OF BROADWAY STREET AND WYOMING STREET; AND ESTABLISHING STOP SIGNS ON WYOMING STREET ENTERING THE NORTH AND SOUTH CORNERS AT THE INTERSECTION OF BROADWAY STREET AND WYOMING STREET AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. [Redline](#).

2. COUNCIL BILL NO. [16-9](#)
ORDINANCE NO. [16-9](#)

AN ORDINANCE AMENDING SECTION 17.060.030 OF BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) WHICH SECTION ADOPTED THE ZONING MAP OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR A CHANGE TO THE OFFICIAL ZONING DISTRICT MAP BY REZONING APPROXIMATELY 6 ACRES FROM R-1S (ONE FAMILY SUBURBAN) TO C-2 (COMMUNITY COMMERCIAL), COMMONLY LOCATED AT 20,26,30 BASIN CREEK ROAD; AND TO REZONE APPROXIMATELY 108 ACRES FROM R-1S (ONE FAMILY SUBURBAN) TO M-1 (LIGHT INDUSTRIAL ZONE), COMMONLY LOCATED AT SOUTH OF THE ABOVE NOTED ADDRESS, NORTH OF THE GUN CLUB ROAD AND WEST OF HIGHWAY 2; INCLUDING BUT NOT LIMITED TO THE PROPERTIES KNOWN AS ABC MINI STORAGE, BASIN CREEK MOBILE HOMES, FEDEX GROUND, BUTTE TRAP & SKEET CLUB, AND THE NORTHWESTERN ENERGY SUBSTATION; AND TO REZONE APPROXIMATELY 7 ACRES FROM C-2 (COMMUNITY COMMERCIAL) TO M-1 (LIGHT INDUSTRIAL ZONE), ON THOSE PROPERTIES NOTED ABOVE WHO ARE ADJACENT TO HIGHWAY 2; ALL LOCATED IN SECTION 8, TOWNSHIP 2 NORTH, RANGE 8 WEST, OF THE P.M.M. OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, PROVIDING FOR THE REPEAL OF ALL PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

3. COUNCIL BILL NO. [16-10](#)
ORDINANCE NO. [16-10](#)

AN ORDINANCE ESTABLISHING THE BASIN CREEK TARGETED ECONOMIC DEVELOPMENT DISTRICT, CREATING THE BASIN CREEK TARGETED ECONOMIC



DEVELOPMENT DISTRICT AND ADOPTING THE BASIN CREEK TARGETED ECONOMIC DEVELOPMENT DISTRICT PLAN WITH A TAX INCREMENT FINANCING PROGRAM PURSUANT TO TITLE 7, CHAPTER 15, PART 42 AND 43 OF THE MONTANA CODES ANNOTATED.

4. COUNCIL RESOLUTION NO. [16-23](#)

RESOLUTION AUTHORIZING PARTICIPATION IN THE BOARD OF INVESTMENTS OF THE STATE OF MONTANA SHORT TERM INVESTMENT POOL (STIP) AND AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS RELATED THERETO. [Certificate as to Resolution 16-23 and Adopting Vote.](#)

5. COUNCIL RESOLUTION NO. [16-24](#)

A RESOLUTION DIRECTING THE BUTTE-SILVER BOW LAND RECORDS DEPARTMENT TO MAIL NOTICE OF PENDING TAX DEED ISSUANCE TO ALL PERSONS CONSIDERED INTERESTED PARTIES FOR EACH PROPERTY FOR WHICH THERE HAS BEEN ISSUED A TAX CERTIFICATE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 15-18-212, MCA; FURTHER DIRECTING THE TREASURER TO ISSUE A TAX DEED FOR THOSE PARCELS OF PROPERTY WHERE THERE HAS BEEN ISSUED A TAX CERTIFICATE AND THE EXPIRATION DATE OF THE REDEMPTION PERIOD HAS EXPIRED AND THE REQUIRED PAYMENTS HAVE NOT BEEN MADE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

6. COUNCIL RESOLUTION NO. [16-25](#)

A RESOLUTION ACCEPTING THE DONATION OF A CERTAIN PARCEL OF REAL PROPERTY FOR THE PURPOSE OF CONVEYING PRIVATE PROPERTY SURROUNDED BY PUBLICALLY OWNED PROPERTY AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**SECTION 5 ORDINANCES
SECOND READING**

1. COUNCIL BILL NO. [16-6](#)
ORDINANCE NO. [16-6](#)

AN ORDINANCE AMENDING SECTION 13 OF ORDINANCE NO. 549 AND CHAPTER 15.04 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "BUILDING CODE;" SPECIFICALLY AMENDING SECTION 15.04.040 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. [Redline.](#)



It was moved by Commissioner Morgan and seconded by Commissioner Walker that Council Bill No. 16-6, Ordinance No. 16-6 be placed on second reading and be passed, having been deemed fully read at length. The motion passed by a roll call vote of 10 yea and 0 nay.

2. COUNCIL BILL NO. [16-7](#)
ORDINANCE NO. [16-7](#)

AN ORDINANCE AMENDING SECTION 3 OF ORDINANCE NO. 431 AND CHAPTER 13.28 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “CHARGES AND FEES;” SPECIFICALLY AMENDING SECTIONS 10.28.210 AND 10.28.220 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. [Redline](#).

It was moved by Commissioner Morgan and seconded by Commissioner Walker that Council Bill No. 16-7, Ordinance No. 16-7 be placed on second reading and be passed, having been deemed fully read at length. The motion passed by a roll call vote of 10 yea and 0 nay.

3. COUNCIL BILL NO. [16-8](#)
ORDINANCE NO. [16-8](#)

AN ORDINANCE AMENDING SECTION 5 OF ORDINANCE NO. 67 AND CHAPTER 2.40 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “PLANNING BOARD;” SPECIFICALLY AMENDING SECTION 2.40.050 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. [Redline](#).

It was moved by Commissioner Morgan and seconded by Commissioner Walker that Council Bill No. 16-8, Ordinance No. 16-8 be placed on second reading and be passed, having been deemed fully read at length. The motion passed by a roll call vote of 10 yea and 0 nay.

SECTION 6 ORDINANCES AND RESOLUTIONS FINAL READING

1. COUNCIL RESOLUTION NO. [16-26](#)

RESOLUTION NO. 16-26, REQUESTING COUNCIL OF COMMISSIONERS TO AUTHORIZE THE CHIEF EXECUTIVE TO DECLARE THE MONTH OF MAY AS NATIONAL DRUG COURT AWARENESS MONTH IN THE CITY AND COUNTY OF BUTTE-SILVER BOW AND AUTHORIZE THE CHIEF EXECUTIVE TO ISSUE AN APPROPRIATE PROCLAMATION. [Proclamation](#). [Emergency Suspension of Rules](#).

It was moved by Commissioner Morgan, seconded by Commissioner Walker, and passed by a roll call vote of 10 yea and 0 nay to suspend the rules for the purpose of passing Council Resolution No. 16-26 by waiving Subsection 7 of Rule XXXVI of the Rules and Order of Business of the Council of Commissioners, thereby having it considered for advanced passage without reference to the Judiciary Committee.



It was moved by Commissioner Morgan and seconded by Commissioner Walker that Resolution No. 16-26 be placed on final reading and be passed, having been deemed fully read at length. The motion passed by a roll call vote of 10 yea and 0 nay.

2. COUNCIL BILL NO. [16-4](#)
ORDINANCE NO. [16-4](#)
(formerly 1.)

AN ORDINANCE AMENDING SECTION 17.060.030 OF BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) WHICH SECTION ADOPTED THE ZONING MAP OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR A CHANGE TO THE OFFICIAL ZONING DISTRICT MAP BY REZONING APPROXIMATELY 10 ACRES FROM NZ (NOT ZONED) TO OS-D (OPEN SPACE DEVELOPABLE ZONE), COMMONLY KNOWN AS THE WALKERVILLE BASEBALL FIELD AND THE LEXINGTON MINE YARD; AND TO REZONE APPROXIMATELY 107 ACRES FROM NZ (NOT ZONED) TO OS-C (OPEN SPACE CONSERVATION ZONE), COMMONLY KNOWN AS THE ALICE KNOB, ALICE PIT, GRANITE MOUNTAIN AND MISSOULA GULCH; AND TO REZONE APPROXIMATELY 6 ACRES FROM NZ (NOT ZONED) TO C-2 (COMMUNITY COMMERCIAL ZONE), COMMONLY KNOWN AS BLAINE COMMUNITY CENTER, SHERMAN SCHOOL AND CERTAIN PROPERTIES ALONG WEST DALY KNOWN AS 1, 7, 11, 13, 303, 307, 309 WEST DALY; AND TO REZONE APPROXIMATELY 358 ACRES FROM NZ (NOT ZONED) TO R-2 (TWO FAMILY RESIDENCE ZONE), BOUNDED ON THE NORTH BY ALICE STREET, ON THE WEST BY THE WEST BOUNDARY OF THE CITY LIMITS OF WALKERVILLE, ON THE EAST BY SERAPH POINT AND ON THE SOUTH BY RYAN ROAD AND O'NEILL STREET; AND TO REZONE APPROXIMATELY 727 ACRES FROM NZ (NOT ZONED) TO R-1S (ONE FAMILY SUBURBAN ZONE), COMMONLY LOCATED IN SECTION 1, TOWNSHIP 3 NORTH, RANGE 8 WEST, OF THE P.M.M. OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, PROVIDING FOR THE REPEAL OF ALL PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

It was moved by Commissioner Morgan and seconded by Commissioner Walker that Council Bill No. 16-4, Ordinance No. 16-4 be placed on final reading and be passed, having been deemed fully read at length. The motion passed by a roll call vote of 10 yea and 0 nay.

3. COUNCIL RESOLUTION NO. [16-21](#)
(formerly 2.)

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 GENERAL FUND RESERVES, WHICH WILL BE REMITTED BACK TO THE GENERAL FUND AFTER SALE OF GOLF PRO SHOP INVENTORY, TO THE PARKS AND RECREATION DEPARTMENT-GOLF COURSE BUDGET AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.



It was moved by Commissioner Morgan and seconded by Commissioner Walker that Council Resolution No. 16-21 be placed on final reading and be passed, having been deemed fully read at length. The motion passed by a roll call vote of 10 yea and 0 nay.

4. COUNCIL RESOLUTION NO. [16-22](#)
(formerly 3.)

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE HONDO ACRES 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.

It was moved by Commissioner Morgan and seconded by Commissioner Walker that Council Resolution No. 16-22 be placed on final reading and be passed, having been deemed fully read at length. The motion passed by a roll call vote of 10 yea and 0 nay.

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA

ADJOURN

It was moved by Commissioner Morgan, seconded by Commissioner Walker, and passed with a unanimous verbal vote to Rise to the Call of the Chair.

The meeting adjourned at 8:35 p.m.

MATT VINCENT
CHIEF EXECUTIVE

ATTEST:

CLERK & RECORDER

