

**MINUTES OF THE REGULAR MEETING OF THE  
BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS  
FOR AUGUST 17, 2016**

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The Regular Meeting of the Council of Commissioners was called to order Wednesday, August 17, 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>Absent</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>Present</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 prayer and led pledge.

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

R. Edward Banderob, 2601 Grand Ave., Butte, Montana, stated the following:

- Regarding Section 3, Item 1, Resolution No. 16-39 – for purpose of promoting tourism.
- Parrot smelter site is an historical landscape.
- Should request National Park Service to designate south side, after clean up, to become a National Historic Park with interpretive mining center.
- Would promote tourism.

**APPROVAL OF THE MINUTES OF THE REGULAR MEETING AUGUST 3, 2016 AND  
THE SPECIAL MEETING AUGUST 10, 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 August 3, 2016 and the Special Meeting August 10, 2016.*



## ITEMS NOT ADDRESSED ON THE AGENDA

None.

## CHIEF EXECUTIVE REPORT

Chief Executive Vincent reported the following:

- Sunday, August 21st, when alley rally closes, last day this year. Will work next several months to decide where it will be next year.
- Construction activity on August 22nd at 2 p.m. – ground breaking for uptown parking structure on Galena Street.
- On Wednesday, August 24th at 8:30 a.m. – ground breaking for Bert Mooney Airport terminal project, just north of existing site.
- Tomorrow, August 18th, sidewalk improvement program will start on 3400 block of Hannibal and 2200 block of Nate Street. Other areas to follow.

## SECTION 1 CONSENT AGENDA

- A.
  - 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
- B. PETITIONS
- C. COMMUNICATIONS

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

Commissioner Foley segregated, from the Committee of the Whole Report, Section 10, Communication No. 16-377.

Commissioner Henderson segregated #14, Communication No. 16-392.

Commissioner Morgan segregated #15, Communication No. 16-393.

*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 5, with exception to Section 10 from the Committee of the Whole Report; Section B, Item 1; and Section C, Items 1 through 15, with exception to #14 and #15.*



**Segregation – Committee of the Whole Report, Section 10, 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.**

Chief Executive Vincent stated the following:

- Ongoing discussion of County Shops move. We are moving forward with previous list of sites.
- Ruled out Montana Resources, 20 acre parcel. They need it for future operations.
- Also removed from further consideration Montana Pole Site – flood plain issues. Eastern half of site rendered unusable.
- Still considering Seloseu (sp?) property, Burlington Northern property, north side of Civic Center Road, and MSE Mansfield.
- Public Works met with MSE this week. Remains under evaluation.
- Additional site considerations include:
  - Joseph & Whelan law offices property, but may be too small and flood plain issues.
  - Bare acreage of Hollow Contracting. 100 acres. We wouldn’t take entire amount. Flood plain issues to consider.
  - Also approached by one individual property owner.
  - Commercial subdivision Copper Peaks (between Row and Hanson Roads). Size may be an issue though.
  - Thirteen-acre parcel owned by Bob McDonough.

Commissioner McDonough stated the following:

- If it’s on the table, I’ll recuse myself, even though no interest in the property. For sake of transparency. Father’s property.

Chief Executive Vincent stated the following:

- We will continue evaluations in effort to narrow down for site visits.

Commissioner Sorich stated the following:

- Received online comment today from a resident behind the current shops. His comment was to put across street from where they are now located.

Chief Executive Vincent stated the following:

- We continue to evaluate that site. We’re looking at land use and zoning, as we are on all other sites.



Commissioner Perdue-Dolan stated the following:

- I've had several calls concerning the site selection. People are willing to go on the tours and want to be part of that process.

Chief Executive Vincent stated the following:

- It will be awhile, but there will be public notice and public transportation.

*It was moved by Commissioner Fisher, seconded by Commissioner Morgan, and passed by a unanimous verbal vote to Concur the recommendation on Communication No. 16-377 and continue to Hold in Abeyance.*

**Segregation – #14, 16-392**

**Karen Byrnes, Director, Butte-Silver Bow Community Development Department, requesting Council of Commissioners authorize the Chief Executive to sign a Professional Services Agreement with CTA Architects Engineers related to the CDBG-Planning and MainStreet MT Planning Grants awarded from the Montana Department of Commerce. [Contract](#).**

Commissioner Henderson stated the following:

- Going to a Bozeman firm spending up to \$50,000 for feasibility study for the Old Miner's Bank Building. Realize you set up RFP, but why wouldn't we bid that to local firm instead of awarding to a Bozeman firm?

Director Byrnes stated the following:

- RFP written and publically noticed throughout state of Montana. Only three responses – from Kalispell, Helena and Bozeman. We interviewed two out of the three firms, Helena and Bozeman.

Commissioner Henderson stated the following:

- On the condition of this RFP, were we just looking at things like appraisal and remodeling feasibility that some local realtors could handle? Could you give us a run down as to what was so intense that only three bids and none from Butte?

Director Byrnes stated the following:

- This RFP was written to conduct preliminary architectural review which would entail how it could be best put to use – remodeling into an artisan residency facility and a commercial hotel and also retail spaces.
- The feasibility part of this analysis is related to the market feasibility for a boutique hotel in Uptown Butte, which is pretty specific. Not a lot of firms can conduct that analysis.



- These planning grants were written to the State of Montana Dept. of Commerce, and they were deemed of high quality and awarded the funds based on the need for that kind of analysis to be done on that sort of a structure.
- All firms that applied were qualified.

Commissioner Henderson stated the following:

- I know that building, and just wondered what we were looking at for \$50,000.

*It was moved by Commissioner Henderson, seconded by Commissioner Morgan, and passed by a unanimous verbal vote to Concur with the recommendation on Communication No. 16-392 and Place on File.*

**Segregation – #15, 16-393**

**Nick Sandford, Road Operations Manager, Butte-Silver Bow Public Works Department, requesting Council of Commissioners authorize to have the County Attorney draft the suggested amendments to ordinances relative to Traffic Control Signals, Stop Intersections, and Yield Intersections.**

Commissioner Morgan stated the following:

- Any discussion amongst commissioners before sending to Judiciary?

Commissioner Walker stated the following:

- Talked about this several times in Judiciary.
- Won't have to adjust Ordinance every time we want to move a stop sign. Will simplify process.
- I believe County Attorney is on board with this.

Commissioner Henderson stated the following:

- Question why not referred to Public Works.

Commissioner Morgan stated the following:

- Being as asking for an Ordinance, it's Judiciary. Nothing Public Works needs to talk about at this level.

Commissioner Ralph stated the following:

- We've made comments in Public Works that it'd be nice to have expedited process.
- I believe any individual request would still come through Public Works.
- This Ordinance would streamline process, correct?



Mr. Sandford stated the following:

- That is correct. Current process, there is list of traffic control devices in the Ordinance.
- To change, we have to go through the whole Ordinance process which takes five weeks plus 30 days.
- This way, we would have a list in the Public Works Dept. and Clerk and Recorders office.
- We would come before Council on a recommendation from Public Works, so it would still be reviewed, Council would make final decision, and then eventually go on that list – added or removed from the list that Public Works and the Clerk and Recorders have in their offices.

Commissioner Fisher stated the following:

- Would like more time to review.
- Think there's reason it was written the way it was.
- Wise to hold in abeyance and let us review and figure out reasoning.
- Right now, need initial Ordinance to change the process. You'll still have opportunity to see what that new Ordinance will look like.

County Attorney Joyce stated the following:

- Not sure why the Ordinance is like that, but currently it is quite cumbersome.
- Not sure all stop signs are really listed in the Ordinance.
- Purpose now is to streamline the process.
- Council would still have final say and opportunity to review each request.
- Now, every time there is a request, one section of the Ordinance has to be amended and then we add to the list, which is in the double Z's or something like that.
- If this Communication is concurred with tonight, we still have to make the initial Ordinance amendment to change the process, and that would go to the Judiciary Committee and back to the Council. So you still will have an opportunity to see what that new Ordinance amendment looks like as it proceeds through the process.

Commissioner Fisher stated the following:

- More signs should come down than go up. Harder to remove than get one up.
- All I'm saying is it would be wise to hold in abeyance and let us review before we refer to Judiciary.
- Don't think either Public Works or Judiciary have concurred.

***It was moved by Commissioner Fisher to Hold Communication No. 16-393 in Abeyance.***



Commissioner Morgan stated the following:

- If we concur, you still have to draft Resolution?
- By holding, just another week with nothing, correct?

County Attorney Joyce stated the following:

- It's an Ordinance, but you are correct. Still have opportunity to discuss what the Ordinance is.

***A sub-motion was made by Commissioner Morgan, seconded by Commissioner Walker, to Concur with Communication No. 16-393 and Place on File.***

*On the question:*

Commissioner Henderson stated the following:

- I know its cumbersome, but good reason why it is like it is.
- It takes a long time for traffic studies, reports, and for the public to weigh in.
- Don't necessarily think should be expedient to put up stop signs.
- Want more study in Public Works to look at the way it is.

County Attorney Joyce stated the following:

- Not suggesting that type of consideration isn't still done.
- When Public Works submits communication to Council, you can still refer back to Public Works Committee and hold communication. So there will still be a communication every time.
- Process not really going to change as far as this body is concerned.
- It's just a matter of if you just submit a communication or modify the Ordinance every time.

Commissioner Henderson stated the following:

- So it's coming to Council, not Public Works?

County Attorney Joyce stated the following:

- Just like any other communication with this body. Chair makes recommendation as to what to do with it.

Commissioner Sorich stated the following:

- Just will shorten the legal red tape?



Chief Executive Vincent stated the following:

- More or less.

Commissioner Ralph stated the following:

- Good example of why we need to streamline process. Minimum of nine weeks before we approve this Ordinance finally, so lots of discussion.

Commissioner Fisher stated the following:

- Not opposed, but have not had time to review suggested amendments.
- Would like the opportunity to do that prior to referring to Judiciary.

Chief Executive Vincent stated the following:

- It will have to come back, after this communication is placed on file.

County Attorney Joyce stated the following:

- You'll see what the amendments are when the Ordinance is introduced. You'll have five weeks.

Commissioner Fisher stated the following:

- If we deny it then, the work done by County Attorney is thrown out window. Just not time-wise.

***Sub-motion was passed by a majority verbal vote, 6 yea and 4 nay, to Concur with Communication No. 16-393 and Place on File. Commissioners Fisher, Henderson, Perdue-Dolan and Sorich voted nay.***

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

1. [16-391](#) Karen Byrnes, Director, Butte-Silver Bow Community Development Department, requesting Council of Commissioners authorize informational presentation on August 17, 2016, to provide an update on transition of ownership and the marketing efforts of 40 E. Broadway.

[Marketing Brochure Handout](#) (draft)

[Video Presentation](#)

Director Byrnes stated the following:

- This is an informational update. Building has not sold to a third party.
- Set transfer into motion earlier this year, but did not come to fruition.



- Time to have ownership come to Butte-Silver Bow, but will still work together with NorthWestern Energy to market the building.
- Been meeting with group from Butte-Silver Bow and NorthWestern Energy throughout the summer.
- Glossy brochure that shows about buildings and how they can be marketed.
- NorthWestern Energy also put together a video on Butte-Silver Bow Web site and YouTube.
- This effort is not close to over.

Chief Executive Vincent stated the following:

- Good video. Top notch brochure. Thanks to NorthWestern Energy.

Commissioner Fisher stated the following:

- We had some interested parties at one time. Why didn't the deal close? What were objections?

Director Byrnes stated the following:

- Sheer size of structure and also lots of moving pieces.
- There are building assessment issues. By transfer to Butte-Silver Bow occurring, might make that part more appealing and cleaner. It will become free and clear under Butte-Silver Bow ownership. Believe that will make it more marketable.

Commissioner Sorich stated the following:

- When does Butte-Silver Bow take ownership?

Director Byrnes stated the following:

- August 24, I believe. Could float a little bit.

Commissioner Perdue-Dolan stated the following:

- What is projected cost moving forward once we have ownership?

Director Byrnes stated the following:

- Carrying cost is just over \$1,000 per month to keep building in state it is in now. Will adjust as we move into winter and probably increase.
- Marketing efforts, low cost. NorthWestern Energy produced great materials and saved us some money. Intend to use social media. Probably pay for some listings on commercial real estate sites.



*It was moved by Commissioner Morgan, seconded by Commissioner Walker, and passed by a unanimous verbal vote to Concur with Communication No. 16-391 and Place on File.*

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

1. COUNCIL RESOLUTION NO. [16-39](#)

A RESOLUTION AMENDING THE AMOUNT OF THE ASSESSMENT ON THE PROPERTIES INCLUDED IN SPECIAL TOURISM BUSINESS IMPROVEMENT DISTRICT NO. 1, WHICH WAS ESTABLISHED IN 2011 FOR THE PURPOSE OF PROMOTING TOURISM, CONVENTIONS, TRADE SHOWS AND TRAVEL TO THE CITY-COUNTY OF BUTTE-SILVER BOW, MONTANA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**SECTION 5 ORDINANCES AND RESOLUTIONS  
FINAL READING**

1. COUNCIL RESOLUTION NO. [16-35](#)

A RESOLUTION APPROVING TAX BENEFIT FOR REMODELING, RECONSTRUCTION OR EXPANSION OF AN EXISTING COMMERCIAL STRUCTURE IN BUTTE-SILVER BOW CITY-COUNTY BY 3D PROPERTIES, LLC, ALL IN ACCORDANCE WITH THE PROVISIONS OF SECTION 15-24-1502, MCA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

*It was moved by Commissioner Morgan and seconded by Commissioner Walker that Council Resolution No. 16-35 be placed on final reading and be passed, having been deemed fully read at length. The motion passed by a roll call vote of 9 yea and 1 nay. Commissioner Henderson voted nay.*

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

Chief Executive Vincent stated the following:

- We lost two important Butte men this week. Funeral tomorrow for Bob O'Bill and Friday for Joe Quilici. Would be fitting for us to have moment of silence.

Commissioner Walker stated the following:

- Parks and Recreation Board will be meeting at noon now, same days.



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 8:45 p.m.

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MATT VINCENT  
CHIEF EXECUTIVE

ATTEST:

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CLERK & RECORDER