

**MINUTES OF THE REGULAR MEETING OF THE
BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
FOR SEPTEMBER 21, 2016**

The Regular Meeting of the Council of Commissioners was called to order Wednesday, September 21, 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>Present</i>
Commissioner Palmer	<i>Present</i>	Commissioner McDonough	<i>Present</i>
Commissioner Andersen	<i>Present</i>	Commissioner Henderson	<i>Present</i>
Commissioner Walker	<i>Absent</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, MT, stated the following:

- Regarding #14, Communication No. 16-442 – pool report. I hope report includes a wind break around lazy river.
- Regarding the Committee of the Whole Report, Section 7 Communication No. 16-377 – relocation of county shops. Residents have lived with shops in that location for decades. Greeley neighborhood has no problem with proposed move of shops across the street when appropriate to do so. Don't understand why we are seeking alternative site. Would be appropriate for Chief Executive to ask Council to call for community council.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF SEPTEMBER 7, 2016

It was moved by Commissioner Shaw, seconded by Commissioner Morgan, and passed by a unanimous verbal vote, to approve the minutes of the Regular meeting of September 7, 2016.



ITEMS NOT ADDRESSED ON THE AGENDA

None.

CHIEF EXECUTIVE REPORT

Chief Executive Vincent reported the following:

- Commissioners Shaw, Anderson and Palmer attended discussions regarding vagrancy and pan handling. We have Web page with information and some action tools. Another meeting next Tuesday, September 27, 2016 at Public Archives.
- Superfund items – state has temporarily withdrawn itself from consent decree negotiations. Agenda item #17 tonight is requesting we authorize access for disposal of Parrott tailings waste. We want to get our piece of this taken care of.
- Other item is lawsuit/motion to intervene. Jim Goetz on behalf of the *Montana Standard* and others. Stand by what I said to newspaper. We have been at our own impasse, but at end of day judge will make decision. We're bound by federal court order. Don't see problem with motion moving forward. Open or closed not going to change tactics. [Motion to Intervene](#). [Brief in Support of Motion to Intervene](#).
- We can't make progress without State at the table.
- We are moving ahead to evaluate locations for shops. Will have presentation next Tuesday at 6:00 p.m. at the EOC Building, then again on September 28 with Council.
- We've produced a hand-out explaining all the new lines on the roads for motorists, cyclists, etc. Available on Web site. Will be at library, schools, etc. and inserted into water bills, some 13,000. Want to get word out and educate people. Please read and give input by Friday. [Bike Map Info](#).
- Monday will be the grand opening of new Waste Water Treatment Plant. Up and running now at full capacity. Governor at 11:30 a.m. on September 26, 2016 to do ribbon cutting. Cleanest waste water in state of Montana.

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

County Attorney Joyce reported there is Proof of Publication which appears to be in order for each of the following three Public Hearings.

1. PUBLIC HEARING
COMMUNICATION NO. [16-404](#)

Dori Skrukud, Office of Community Development, requesting Council of Commissioners authorize a Public Hearing on September 21, 2016 regarding Developer's Packet Proposals for redevelopment of City-County owned property at 102 E. Second Street. [Notice of Public Hearing](#).



Handout

Ms. Skrukruud stated the following:

- Issued RFP in response to two written requests. Didn't sell in two tax sales. Hope we've consolidated process so can get in there before snow flies.
- Heard from two applicants this afternoon. Listed on back of handout.
- I review minimum qualifications, and they've been met.
- Tonight is to receive public comment from applicants. Remind them it's in Landmark District and may require historic preservation office input.

Chief Executive Vincent opened the public hearing. He called for any proponents.

Cameron Moylan, 208 S. Washington St., Butte, MT, stated the following:

- Has real potential. Want to restore and rent out property. Have the capital necessary. Could complete by July 2017. All money is mine, none borrowed.

Jason Cuchine, 1736 Longfellow, Butte, MT, stated the following:

- Trying to turn into house for our family. Want to make it look better. Dad has materials and wants to preserve historical appearance.

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

2. PUBLIC HEARING COMMUNICATION NO. [16-406](#)

Revonda Stordahl, Executive Director, Butte Affordable Housing, Inc., requesting Council of Commissioners authorize a Public Hearing on September 21, 2016 regarding the need for new affordable housing in Butte-Silver Bow.

Handout / Overhead

Executive Director Stordahl stated the following:

- Same project as last year. Not funded last year. Applied again this year. From 19 they chose 8, and we were one of the 8. We think we have a better chance than last year.
- Need for more affordable housing.
- Aspen Place Apartments Phase III would provide 32 new units of affordable housing with covered parking and community space. Will be built to energy standards.

Commissioner Palmer stated the following:

- Revonda talked about need for affordable housing in Butte-Silver Bow. I serve on Board, and there are 500 people on waiting list for affordable housing. There is a need.



Commissioner Morgan stated the following:

- Is another exit from the property still needed?

Executive Director Stordahl stated the following:

- Rest of property not developed. Thinking about temporary road until rest of property developed.

Commissioner Morgan stated the following:

- Planning is ok with that temporary road? Where fire truck could go through, correct?

Executive Director Stordahl stated the following:

- We haven't – the final site map has not been presented to Planning because we have not received the funding for it. But that will be done through the planning process.

Commissioner Sorich stated the following:

- 500 people waiting for low income housing. Where are they living now?

Executive Director Stordahl stated the following:

- People are probably living in rental housing now, but probably paying more than 30-40% of their income for rent. So it's not affordable for them.
- We are going to be targeting families at 40, 50, and 60% of median income.

Commissioner Shaw stated the following:

- Details will be hammered out in preliminary plat, correct?

Executive Director Stordahl stated the following:

- Yes.

Chief Executive Vincent opened the public hearing. He called for any proponents.

Bill Markovich, Markovich Construction and Markovich Real Estate, Butte, MT, stated the following:

- We built Phase I and II of Atherton [now Aspen Place]. Just recently completed renovations, well over \$1 million investment by Thomas Development and Revonda's department.
- We have lowest rate of low income housing in seven major cities.
- This is an ideal property. Close to schools, sidewalks.
- Good project. Good fit. Quality project.



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

3. PUBLIC HEARING
COMMUNICATION NO. [16-407](#)

Revonda Stordahl, Executive Director, Butte Affordable Housing, Inc., requesting Council of Commissioners authorize a Public Hearing on September 21, 2016 regarding the proposed tax exemption of Aspen Place Apartments, Phase III.

Executive Director Stordahl stated the following:

- Public hearing required to go tax exempt.
- Because rents are restricted at this property, income generated is limited.
- Having tax exempt status is really important to feasibility of the project.

Commissioner McDonough stated the following:

- About year ago had developer attempting to purchase properties back. Did that transaction go through?

Executive Director Stordahl stated the following:

- Aspen Place I and II, which used to be Atherton I and II, were purchased by Butte Affordable Housing. \$1.5 million in rehab done to property in last year.

Commissioner Morgan stated the following:

- It looks very nice.

Commissioner Perdue-Dolan stated the following:

- What is tax situation with I and II?

Executive Director Stordahl stated the following:

- They did not request tax exempt. Properties are 15 and 16 years old now. Don't intend to do anything with those – non-exempt. Purchased by for-profit company.

Commissioner Perdue-Dolan stated the following:

- Extremely needed. If don't get tax-exempt, will it go forward?

Executive Director Stordahl stated the following:

- Don't know that it's crucial but would help financial feasibility. Don't think has to be approved by county, but by state. It would help, yes.



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.

3. PRESENTATION
COMMUNICATION NO. [16-281](#)

Karen Byrnes, Director, Butte-Silver Bow Community Development Department, requesting Council of Commissioners concur with and authorize allocation of \$200,000 from the Hard Rock Development Assistance Program to White-Leasure Development Company to assist with infrastructure expenses related to a major retail development. [Proposal](#).

Note: At the June 15, 2016 Regular Meeting, an Amended Motion was made by Commissioner Palmer, seconded by Commissioner Morgan, to commit \$200,000 to a project brought forth by White-Leasure Development within six months, with a condition that they give an update in 90 days, and Butte-Silver Bow can terminate at that time if not satisfied.

[Handout / Letter from White-Leasure](#)

Director Byrnes stated the following:

- Have update on project.
- Letter to Chief Executive, myself and Council from Larry Leasure dated September 20, 2016.
- Major tenant has put project on hold. Withdrawing applications for tax abatement assistance and Hard Rock dollars.

Commissioner Shaw stated the following:

- We never got that letter.

Director Byrnes stated the following:

- Have copies for you tonight.

Commissioner Morgan stated the following:

- Eileen [County Attorney Joyce], how do we take money back? Termination motion to free up funds?

County Attorney Joyce stated the following:

- Yes, I think this is just a separate communication that Ms. Byrnes did to give you the update. So the other Communication that is in the suspense file would have to be put back on the agenda and then you could act on that.



Commissioner Shaw stated the following:

- Eileen, that Communication was actually pulled out of the suspense file. So it was already in place back in June. It's not a new Communication.

County Attorney Joyce stated the following:

- So the Communication was just a Presentation? Did it ever make any request?

Director Byrnes stated the following:

- I believe this Communication No. 16-281 was the original Communication that I had put in to the Commissioners back in June.
- I believe the Council Secretary and the Council Chairman and I had discussed how to handle this update that needed to happen. That Communication was pulled from the suspense file and then placed again on the agenda.

Commissioner Ralph stated the following:

- The original Communication is a request for concurrence and authorization to allocate \$200,000 from the Hard Rock Development Assistance Program.
- That was the original Communication on the agenda tonight, so I believe if we just note and place on file that would be the correct thing. No?

Commissioner Morgan stated the following:

- I'll defer to the County Attorney, but to me it's on the agenda as a Presentation, not a Communication.

County Attorney Joyce stated the following:

- It is a bit confusing. I'm not sure if the original Communication was a Presentation or an actual Communication. But tonight it looks like it's a presentation.
- However, I think if this is the only Communication out there regarding allocating that money, you are going to have to make some kind of motion to no longer have that money set aside for this development.

It was moved by Commissioner Morgan, seconded by Commissioner Shaw, and passed by a unanimous verbal vote, to Deny Communication No. 16-281 and Place on File.

SECTION 2 CONSENT AGENDA

- A. 1. COMMITTEE OF THE WHOLE REPORT
2. PERSONNEL COMMITTEE REPORT
3. ECONOMIC DEVELOPMENT COMMITTEE REPORT
4. FINANCE & BUDGET COMMITTEE REPORT



5. PUBLIC WORKS COMMITTEE REPORT
6. JUDICIARY COMMITTEE REPORT

B. COMMUNICATIONS

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

Commissioner Palmer segregated #7, Communication No. 16-435 and #20, Communication No. 16-448.

Commissioner Fisher segregated #18, Communication No. 16-446.

It was then moved by Commissioner Shaw, seconded by Commissioner Morgan, and passed with a unanimous verbal vote to approve the Consent Agenda, Section A, Items 1 through 6, and Section B, Items 1 through 23, with exception to #7, #18 and #20.

Segregation – #7, Communication No. [16-435](#)

Commissioner Palmer stated the following:

- Refer to Committee of the Whole because zoning ordinance does not refer to container homes.
- Before selling land, figure out how we'd handle container homes.
- Would not want in my neighborhood.

It was moved by Commissioner Palmer, seconded by Commissioner Shaw, and passed by a unanimous verbal vote, to Hold Communication No. 16-435 in the Committee of the Whole.

Segregation – #18, Communication No. [16-446](#)

Commissioner Fisher stated the following:

- Spoke with Matt Moore earlier and want more information about what's going on up there at the Moulton Reservoir.

Mr. Moore stated the following:

- This is a contract with the Army Corp of Engineers.
- Last year we did a similar one for sanitary sewer work.
- This year it's the same program, the 595 program which allocates the money. Originally from Tester's office.
- This project dedicated to Moulton Reservoir.
- Reclaim some of the bank. Removing dirt ramp and have nice vegetated area. Remove an old geo-grid that was on surface of dam face to prevent erosion and install some large and small boulders to protect dam face.



- Funded through Army Corp of Engineers \$148,500. Non-federal match requirement of \$49,500. We are leveraging this money to get additional grant money.
- This is separate from other grant project we are working on to bring some recreational opportunities with more hiking and walking trails around our lake that nobody gets to enjoy right now.

It was moved by Commissioner Fisher, seconded by Commissioner Shaw, and passed by a unanimous verbal vote, to Concur with Communication No. 16-446 and Place on File.

Segregation – #20, Communication No. [16-448](#)

Commissioner Palmer stated the following:

- MSU folks are in audience tonight if anyone has questions.

Commissioner Sorich stated the following:

- What improvements would you expect to see with two extension agents vs. just one?

Cody Stone, Associate Director, MSU Extension, stated the following:

- Great opportunity for larger outreach and engagement through extension.
- Butte-Silver Bow is the largest county that is only served by one agent.
- Could see improvements particularly in family and consumer science – finances, weatherization, health, family community sciences.
- Opportunity to engage youth, 4-H.
- We have group of committed volunteers.

Commissioner Fisher stated the following:

- Back to issues with 4-H and MSU extension. Resolved?

Mr. Stone stated the following:

- Were some issues. Extension office and volunteers, confidential because similar to personnel issues.
- We're focused on moving forward and making collaborative program.
- We are aware of concerns and working with our extension professionals and volunteers.

Commissioner Ralph stated the following:

- Getting ready to start registration. A lot of interest. Folks new to 4-H interested. Not turning anyone away. Inclusive program. Thank you.



Commissioner Fisher stated the following:

- Notice in financial part, \$1,000 was for 4-H. We're talking about another agent, but with 4-H having less members, do you see agent more 4-H or what is your proposal?

Mr. Stone stated the following:

- If speaking of added/new position, that person will primarily work with 4-H and family consumer sciences.
- Usually in a town this size, there are 200-300 kids in 4-H. Think additional agent needed.

Commissioner Palmer stated the following:

- Two groups out there now, intent with new person work with 4-H and build that program. Work with two groups and have one good fair.

It was moved by Commissioner Palmer, seconded by Commissioner Morgan, and passed by a verbal vote, to Concur with Communication No. 16-448 and Place on File. Commissioner Perdue-Dolan voted nay.

SECTION 3 ORDINANCES AND RESOLUTIONS REFERRED TO JUDICIARY

1. COUNCIL BILL NO. [16-13](#)
ORDINANCE NO. [16-13](#)

AN ORDINANCE AMENDING SECTION 2 OF BUTTE-SILVER BOW ORDINANCE NO. 134 AND SECTION 2.04.010 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC); REGARDING THE ANNUAL SALARIES OF THE CHIEF EXECUTIVE, COUNTY ATTORNEY, SHERIFF, CLERK AND RECORDER, TREASURER, ASSESSOR, CITY JUDGE, JUSTICE OF THE PEACE, AUDITOR, SUPERINTENDENT OF SCHOOLS, CLERK OF THE DISTRICT COURT, CORONER AND MEMBERS OF THE COUNCIL OF COMMISSIONERS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. [Redline](#).

2. COUNCIL RESOLUTION NO. [16-56](#)

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF UP TO \$7,200,000 GENERAL OBLIGATION BONDS AND UP TO \$10,700,000 GENERAL OBLIGATION REFUNDING BONDS SUBJECT TO THE TERMS AND LIMITATIONS SET FORTH HEREIN; AND AUTHORIZING THE CHIEF EXECUTIVE AND FINANCE AND BUDGET DIRECTOR TO ENTER INTO A BOND PURCHASE AGREEMENT WITH RESPECT THERETO.



**SECTION 4 ORDINANCES AND RESOLUTIONS
FINAL READING**

1. COUNCIL RESOLUTION NO. [16-52](#)

A RESOLUTION ESTABLISHING CRITERIA FOR THE CLASSIFICATION OF UNSOLD TAX-DEED LANDS; DETERMINING THAT CERTAIN PROPERTY SHOULD BE HELD IN CITY-COUNTY OWNERSHIP BECAUSE OF COMPELLING PUBLIC INTEREST; ORDERING CERTAIN PARCELS OF REAL PROPERTY BE HELD IN CITY-COUNTY OWNERSHIP AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

It was moved by Commissioner Shaw and seconded by Commissioner Morgan that Council Resolution No. 16-52 be placed on final reading and be passed, having been deemed fully read at length. The motion passed by a roll call vote of 11 yea and 0 nay.

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA

Commissioner Morgan stated the following:

- Thank Nate for all his work on the new equipment in Council Chambers. Great job.

Commissioner Sorich stated the following:

- Fair board meeting last night. Good fair. Numbers looking good. Successful.

ADJOURN

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

The meeting adjourned at 8:30 p.m.

MATT VINCENT
CHIEF EXECUTIVE

ATTEST:

CLERK & RECORDER

