

BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING AGENDA
WEDNESDAY, JANUARY 8, 2020
7:30 PM

ROLL CALL

Eleven present one absent, Commissioner Callahan

PRAYER AND PLEDGE

Brenden McDonough

PUBLIC COMMENT ON ANY ITEMS ON THE CONSENT AGENDA

Ed Banderrob See attached notes

Deb Penner, 1236 W Platinum, Wants our local laws to reflect the correct zoning laws

Gollette, Supports the Zoning standards.

Wayne Harper, Supports moving forward with the Ordinance.

Jim Downey in favor of getting the Ordinance passed.

Sherry Salo, in favor of the Ordinance along with the whole community

Tract Swansonk in favor of Ordinance.

Heidi Noble, in favor of Ordinance.

John Burke, In favor of Ordinance 19-466

Sarah Demoney, Supports 19-466, for a new Ordinance.

Bob Worley, 2020-02 The Superfund has been involved for the last 15 years with Butte Silver Bow. Need to get someone to look at this thing that is going on.

Lisa Howell Supports 19-466.

Jen Long, Supports 19-466, wants city to support things for the long haul,

APPROVAL OF THE MINUTES

[December 18, 2019 Regular Meeting Minutes](#)

[Morgan make motion Shaw Seconds.](#)

[11 yea 0 nay](#)

ITEMS NOT ADDRESSED ON THE AGENDA

John Morgan, Emergency Suspension of the Rules 2020-19, Maria Porchervina did not submit prior to the agenda on time. Makes a motion to place this on the agenda.



11yeas, 0 nays

CHIEF EXECUTIVE'S REPORT

Dave Palmer: with everyone a Happy New Year, The Health Board will come forward with many representative such as ARCO MRI etc.... that are will help with info on Health issues.

CHIEF EXECUTIVE'S REPORT ON THE SUPERFUND

We are still waiting on info from the CDC.

SECTION 1: CONSENT AGENDA

A. COMMITTEE REPORTS

1. COMMITTEE OF THE WHOLE MEETING REPORT
2. FINANCE & BUDGET COMMITTEE MEETING REPORT
3. PUBLIC WORKS COMMITTEE MEETING REPORT
4. JUDICIARY COMMITTEE MEETING REPORT

Segregate 2020-12, 2020-18, 19-466,

Vote on the Consent Agenda.

11 yeas 0 nays

B. COMMUNICATIONS

1.COMMUNICATION NO. [2020-01](#)

John Coles, Butte-Silver Bow MIS Systems Support Specialist requesting Council of Commissioners authorize the Chief Executive to sign a maintenance contract that provides maintenance service, repair and labor along with material and replacement parts to maintain, in good working order, all telephone equipment at the following county locations.

[2020-01 Contract](#)

Concur and Place on File

2.COMMUNICATION NO. [2020-03](#)

Karen Byrnes, Community Development Director requesting Council of Commissioners authorize the Chief Executive to sign a Temporary Access Agreement with Abatement Contractors of Montana (AMC).

[2020-03 Agreement](#)

Concur and Place on File

3.COMMUNICATION NO. [2020-05](#)

Leslie Clark, Human Resource Director requesting Council of Commissioners authorize the Chief Executive to sign a letter of agreement between the City-County of Butte-Silver Bow and the Laborers' International Union of North America, Local No. 1686.



2020-05 Agreement

Concur and Place on File

4.COMMUNICATION NO. 2020-06

Dave Palmer, Chief Executive requesting Council of Commissioners to accept this letter as my formal request for your concurrence in the following reappointment to the Historic Preservation Board.

Concur and Place on File

5.COMMUNICATION NO. 2020-07

Dave Palmer, Chief Executive requesting Council of Commissioners to accept this letter as my formal request for your concurrence in the following reappointment to the Friends of the Urban Forest Board.

Concur and Place on File

6.COMMUNICATION NO. 2020-08

Dave Palmer, Chief Executive requesting Council of Commissioners to accept this letter as my formal request for your concurrence in the following reappointment to the East Butte RRA Board.

Concur and Place on File

7.COMMUNICATION NO. 2020-09

Dave Palmer, Chief Executive requesting Council of Commissioners to accept this letter as my formal request for your concurrence in the following reappointment to the Building Board of Appeals.

Concur and Place on File

8.COMMUNICATION NO. 2020-10

Dave Palmer, Chief Executive requesting Council of Commissioners to accept this letter as my formal request for your concurrence in the following reappointment to the Public Archives Board.

Concur and Place on File

9.COMMUNICATION NO. 2020-11

Dave Palmer, Chief Executive requesting Council of Commissioners to accept this letter as my formal request for your concurrence in the following reappointment to the Airport Authority Board.

Concur and Place on File

10.COMMUNICATION NO. 2020-12

Dave Palmer, Chief Executive requesting Council of Commissioners to accept this letter as my formal request for your review and authorize the Chief Executive to sign the Location Release from My Tupelo Entertainment, LLC D/B/A My Entertainment.



2020-12 Location Release

Concur and Place on File

Mary McCormick does not want this to go through, due to destruction of property.

Bill Anderson: do we need to do anything with the Agreement in order to change the wording from Tennessee to Monana.

Eileen Joyce: The people will change the wording from Tennessee to Montana.,

Dave Palmer said they will correct the wording to Montana.

Eileen Joyce, we have an access agreement that we sign to help protect the mine yard from any graffiti.

Bill Anderson, this is a good opportunity for Butte- makes substitute motion to agree with Mr Fisher,

Commissioner Sorich and Olson are against this communication passing.

The note is for them to change the wording on the release agreement to the state of Monana.

Motion fails.

5 yea and 6 nays

Deny and place on file

6 yeas, 5 nays

11.COMMUNICATION NO. 2020-13

Mark Neary, Public Works Director requesting Council of Commissioners authorize the Chief Executive to sign the C. Davies Change Order #1 for the 2019 Sidewalk Replacement Program.

2020-13 Change Order

Concur and Place on File

12.COMMUNICATION NO. 2020-14

Jim Keenan, Chief Water Division Operator requesting Council of Commissioners authorize the Chief Executive to sign the Request for Services for Core Sample testing for Basin Creek Dam #1 Concrete Investigation.

2020-14 Core Testing

Concur and Place on File

13.COMMUNICATION NO. 2020-15

Mark Neary, Public Works Director requesting Council of Commissioners to authorize a bid opening on January 22, 2020 for a 12 Yard Dump Truck / Plow Truck and Sander for the TIFID. Refer to Committee of the Whole Pending Bid Opening.

14.COMMUNICATION NO. 2020-16

Dave Palmer, Chief Executive requesting Council of Commissioners to accept this letter as my formal request for your concurrence in the following appointment to the Planning Board.

Concur and Place on File

15.COMMUNICATION NO. 2020-17



Dave Palmer, Chief Executive requesting Council of Commissioners to accept this letter as my formal request for your concurrence in the following reappointment to the Zoning Board of Adjustment.

Concur and Place on File

16.COMMUNICATION NO. [2020-18](#)

Michael Stickney, 1136 W. Broadway informing Council of Commissioners of an incident that occurred because of an unmaintained sidewalk located at 1142 W. Broadway and is asking that the County address this problem as it seems to be property owned by Butte-Silver Bow.

[2020-18 Picture](#)

Refer to Chief Executive Office and the BSB Dept. follow up with snow removal on BSB Properties

Jim Fisher states that we need to lead by example and make sure we are shoveling out sidewalks that BSB owns.

Michael Strickney, Would just like to state that there are about 10 city sidewalks that need to be cleaned.

Dave Palmer: we are looking at the maps to make sure this does not happen again

Mr Fisher would like to refer this to the Chief Executive's office

11yea 0 nay

Motion passes.

SECTION 2: COMMUNICATIONS TO BE READ AND ACTED UPON

1.COMMUNICATION NO. [2020-02](#)

Jim Fisher, County Commissioner District No. 6, requesting Council of Commissioners to hire a legal firm experienced in environmental law to review the consent decree prior to the council signing off on this document.

Mr Fisher: I would just like to hire someone to make sure that this consent decree is accurate.

Mr Sorich: there are a lot more questions to be answered.

Mr Fredrickson: we have an in-house law-firm, the cost would be around \$100-\$5000 dollars an hour and we do not have the monies to pay for this.

Dave Palmer: What are we going to ask the law firm to do exactly. You have to have a specific thing that you would want to know.

John Morgan: I only have a little over \$5000.00 in my budget to professional services.

John Sesso: This will be explained by all the top people that have worked on this ARCO EPA etc. the people will be able to look at and study these documents.

Bill Anderson: Suggests pro-bono law work.

Mr Olson: we have many lawyers on each side, sitting in on these meetings. There is a lot of technical stuff going on and the lawyers do nit-pick, which they should. Going pro bono, is like you get what you pay for.

Mr Morgan: Makes motion to deny the request and place on file

Mr Fisher: make a substitute motion to hold 2020-02 in the Committee of the Whole

4yea, 7 nays

Motion dies

Original motion

Deny and Place on File



8 yeas 3 nay
Motion Carries

2.COMMUNICATION NO. [2020-04](#)

Michael Townsend requesting Council of Commissioners to consider the repurchase of my home located at 105 West Porphyry. I will comply with all Rules and Regulations of the County Enrichment Program.

Deny and place on file

8 yea 3 nay

SECTION 3: ORDINANCES AND RESOLUTIONS -REFERRED TO JUDICIARY

1.RESOLUTION NO. [2020-01](#)

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED GRANT REVENUE FROM THE GREENWAY SERVICE DISTRICT FOR THE PURPOSE OF PROVIDING A SNOW BLOWER ATTACHMENT FOR A SKID STEER FOR THE PARKS AND RECREATION DEPARTMENT AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2. RESOLUTION NO. [2020-02](#)

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 THE SOUTH FIFTY-FIVE (55) FEET OF LOT ONE (1) OF BLOCK SIX (6) OF THE FARREL'S ADDITION TO THE CITY-COUNTY OF BUTTE-SILVER BOW MONTANA TO THE ADJOINING OWNER, CONTINENTAL STEEL REALTY, PURSUANT TO POLICIES ADOPTED BY THE COUNCIL OF COMMISSIONERS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

3. RESOLUTION NO. [2020-03](#)

A RESOLUTION AUTHORIZING AND APPROVING THE TRANSFER OF THE REAL PROPERTY DESCRIBED AS LOTS ONE (1) AND TWO (2) OF BLOCK FIFTY-TWO (52) OF THE BUTTE TOWNSITE ADDITION TO THE CITY-COUNTY OF BUTTE-SILVER BOW, MONTANA TO MF MONTANA LLC, IN ACCORDANCE WITH THE PROVISIONS OF THE BUTTE-SILVER BOW MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

4.RESOLUTION NO [2020-04](#)

A RESOLUTION AUTHORIZING AND APPROVING THE TRANSFER OF THE REAL PROPERTY DESCRIBED AS LOTS ONE (1) AND TWO (2) OF BLOCK THIRTY EIGHT (38) OF THE BUTTE TOWNSITE ADDITION TO THE CITY-COUNTY OF BUTTE-SILVER BOW, MONTANA TO PRAXIS SIM CENTER LLC, IN ACCORDANCE WITH THE PROVISIONS OF THE BUTTE-SILVER BOW MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.



5. COUNCIL BILL No. 2020-01
ORDINANCE NO. 2020-01

AN ORDINANCE AMENDING TITLE 15 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "BUILDINGS AND CONSTRUCTION"; AMENDING CHAPTER 15.04 ENTITLED "BUILDING CODE"; AMENDING CHAPTER 15.05 ENTITLED "ADOPTION OF INTERNATIONAL ENERGY CONSERVATION CODE", AMENDING CHAPTER 15.07 ENTITLED "INTERNATIONAL EXISTING BUILDING CODE"; AMENDING CHAPTER 15.12 ENTITLED "SIGN CODE", AMENDING CHAPTER 15.14 ENTITLED "MECHANICAL CODE"; AMENDING CHAPTER 15.15 ENTITLED "INTERNATIONAL FUEL GAS CODE"; AMENDING CHAPTER 15.16 ENTITLED "PLUMBING CODE"; AMENDING SECTION 15.20 ENTITLED "VIOLATION - PENALTY", AND ADDING NEW SECTIONS TO BE NUMBERED 15.04.035, 15.04.065 AND 15.16.020 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION 4: ORDINANCES AND RESOLUTIONS SECOND READING

1. COUNCIL BILL NO. 19-15
COUNCIL ORDINANCE NO. 19-15

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 9 ACRES FROM M-1 (LIGHT INDUSTRIAL) TO C-2 (COMMUNITY COMMERCIAL), COMMONLY LOCATED ON THE NORTHWEST CORNER OF WYNNE AVENUE AND MOTOR VIEW ROAD; LOCATED IN SUB 14, SECTION 6, TOWNSHIP 2 NORTH, RANGE 7 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.

11 yea 0 nay
Place on final reading

SECTION 5: ORDINANCES AND RESOLUTIONS FOR FINAL PASSAGE

1. RESOLUTION NO. 19-70

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE SKUNK DOG 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

Pass and place on file

11 yea 0 nay

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA



CALENDAR OF OTHER MEETINGS AND EVENTS

January 8, 2020, Butte AIDS Support Services, 7:00 pm, Community Center
January 8, 2020, Board of Health, 7:00 am, Health Dept. Conference Room
January 8, 2020, Law Enforcement Commission, 4:00 pm, Chief Executive Conference Room
January 8, 2020, Public Library Board, 5:00 pm, 3rd Floor, Library Bldg.
January 8, 2020 Airport Authority, 12:00 pm, Bert Mooney Airport Authority Admin. Office
January 8, 2020, Land Sales Committee, 1:30 pm, First Floor Conference Room
January 9, 2020, Greenway Service District Board, 4:30 pm, Butte 1st Floor Conference Room
January 10, 2020, TIFID, 12:00 pm, Business Development Center
January 13, 2020, Archives, 12:00 pm, Archives Center
January 13, 2020, Fair Board, 6:00 pm, Perkins or HOPS Meeting Room
January 14, 2020, Superfund Advisory (SARTA), 6:00 pm, Butte Justice Center
January 15, 2020, Parking Commission, 3:00 pm, Chief Executive Conference Room
January 20, 2020, Parks & Recreation, 11:30 am, Butte Justice Center
January 21, 2020, Public Housing Authority, 5:00 pm, New Deal Community Center
January 21, 2020, Technical Review Committee, 1:30 pm, 3rd Floor, Water Building
January 21, 2020, Urban Forestry Board, 1:00 pm, Business Development Center

ADJOURN

MEETINGS

FINANCE & BUDGET COMMITTEE MEETING

JANUARY 8, 2020

6:45 PM BUTTE-SILVER BOW COURTHOUSE COUNCIL CHAMBERS

Ed Randall will be presenting at 7:00 and 7:15 PM

Expenditure report for the week of January 8, 2020 was reviewed and approved for the amount of \$ _____.

ECONOMIC DEVELOPMENT COMMITTEE MEETING

JANUARY 8, 2020

6:00 PM BUTTE-SILVER BOW COURTHOUSE COUNCIL CHAMBERS

REPORTS

COMMITTEE OF THE WHOLE MEETING REPORT

DECEMBER 23, 2019



TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW
COUNCIL OF COMMISSIONERS

Ladies and Gentlemen,

We, your Committee of the Whole Committee, respectfully recommend as follows:

1.COMMUNICATION NO. [19-443](#)

Eldon Beall, Citizen requesting Council of Commissioners authorize the Chief Executive to amend and include Emma Park BSB County, Code of Ordinances Chapter 9.16 Park Restrictions and to include penalties and or fines etc.

Hold in abeyance

2.COMMUNICATION NO. [19-532](#)

Leo Belanger of Chattel LLC. requesting Council of Commissioners to accept this communication from Chattel, LLC as a request to obtain Butte-Silver Bow's interests in the Mining Claims listed on Attachment A. Our desire is to acquire all minor interests to make the property merchantable for future land uses.

[19-532 Land Claims](#)

Cross Reference with Communication 19-591 and Place on File.

3.COMMUNICATION NO. [19-538](#)

Craig Rowe, Continental Steel Works requesting Council of Commissioners to consider selling government owned property located at 1005 Warren Ave.

[19-538 Property Record and Maps](#)

Cross Reference with Communication 19-591 and Place on File.

4.COMMUNICATIONS NO. [19-548](#)

Raymond Rogers, Chief Executive Officer Praxis Sim Center requesting Council of Commissioners your consideration in utilizing and improving areas adjacent to the Praxis Center property. One property is the empty lot located on the SW corner of Park and Wyoming which is owned by Butte-Silver Bow. As is allowed under MCA 7-8-2301. 3. iii, we are seeking the donation of the property from Bute-Silver Bow to Praxis Sim Center, LLC.

Cross Reference with Communication 19-594 and Place on File.

5.COMMUNICATION NO. [19-550](#)

Karen Byrnes, Community Development Director requesting Council of Commissioners to allow ten of the recipients of the Economic Mill Levy Monies to give a presentation within 90 days of project completion on Wednesday, December 11, 2019.

Concur and Place on File.

6.COMMUNICATION NO. [19-551](#)

Karen Byrnes, Community Development Director requesting Council of Commissioners to allow time on the December 18, meeting for the 2020 Economic Mill Levy Fund proposals to be opened on Wednesday, December 18, 2019.

Concur and Place on File.



7.COMMUNICATION NO. [19-552](#)

Edward C. and Debbie J. Newgard requesting Council of Commissioners permission to square up their property, with an exchange of land, and to buy an additional 3.000 square feet of property owned by Butte-Silver Bow.

[19-552 Map](#)

Cross Reference with Communication 19-590 and Place on File.

8.COMMUNICATION NO. [19-560](#)

Karen Byrnes, Community Development Director requesting Council of Commissioners permission to hold a Public Hearing on December 11, 2019 to discuss the CDBG-ED application for the Finlen Hotel Improvements.

[19-560 Public Hearing Letter](#)

Concur and Place on File.

9.COMMUNIATION NO. [19-561](#)

Lonnie Peterson, President MF Montana, LLC requesting Council of Commissioners your consideration in purchasing Lots 1 and 2, Block 52, Butte Townsite Addition, Section 13, T3N, R8W, Butte-Silver Bow, MT.

[19-561 Map](#)

Cross Reference with Communication 19-593 and Place on File.

10.COMMUNICATION NO. [19-567](#)

Angie Mullikin, Public Works Budget Analyst requesting Council of Commissioners to schedule a public hearing for December 18, 2019 for the purpose of amending the Fiscal Year 2019-2020 budget to allow for increased expenditures of unanticipated revenue.

Concur and Place on File.

11.COMMUNICATION NO. [19-568](#)

J.P. Gallagher, Parks and Recreation Director requesting Council of Commissioners to allow time on the December 11, 2019 Committee of the Whole, for engineer/architect (W.E.T.- Water Environmental Technologies) to do a presentation for the Stodden Park Central Improvement Plan Phase 2.

Concur and Place on File.

12.COMMUNICATION NO. [19-570](#)

Jon Sesso Superfund Coordinator requesting Council of Commissioners to allow time on the December 11, 2019 Committee of the Whole agenda to make a presentation regarding the status of the Silver Lake Water System.

Concur and Place on File.

13.COMMUNICATIONS NO. [19-571](#)

Greeley Neighborhood Community Development Corporation Inc., requesting Council of Commissioners authorize the Chief Executive to form a Butte-Silver Bow Hazardous to Human Health Heavy Metals Contaminates Task Force.

Hold in Abeyance.



14.COMMUNICATION NO. [19-572](#)

Mike Cerise, President of the Lady of the Rockies requesting Council of Commissioners consideration in acquiring a portion of the county owned parking lot between St. Mary's Church and the federal Building. The lady of the Rockies owns one part and the Diocese owns the other portion which we have just purchased.

[19-572 Map](#)

Hold in Abeyance.

15.COMMUNICATION NO. [19-578](#)

Gary Rundle, Citizen requesting Council of Commissioners consideration to purchase property located at 1820 Banks Ave, Butte MT. I wish to redeem the property from Butte-Silver Bow before the tax sale in February.

Hold in Abeyance.

16.COMMUNICATION NO. [19-581](#)

Patsy Coates, Property Specialist requesting Council of Commissioners approval of the Tax Deed Public Auction to be held on February 5, 2020, and to request the County Attorney's Office to prepare a Council Resolution to be Read and Acted Upon, the same night as the Tax Deed Public Auction.

Hold in Abeyance.

17.COMMUNICATION NO. [19-582](#)

Ed Banderob, Greeley Neighborhood Community Development Corporation requesting Council of Commissioners to invite a Montana DPHHS' Toxicologist to give a Presentation relative to the Hazards/Risks to human health of heavy metals contaminates present in the Butte-Silver Bow Community.

Hold in Abeyance.

FINANCE & BUDGET COMMITTEE MEETING REPORT

DECEMBER 23, 2019

*7:00 PM BUTTE-SILVER BOW COURTHOUSE COUNCIL CHAMBERS
COUNCIL OF TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COMMISSIONERS*

Ladies and Gentlemen,

We, your Committee of the Finance and Budget Committee, respectfully recommend as follows: Expenditure report for the week of December 11, 2019 was reviewed and approved for the amount of \$ 264,603.96 for FY 2020.

<u>Committee Members</u>	<u>Present /Absent</u>
Brendan McDonough Chair	P
Bill Andersen, Vice Chair	A
Dan Callahan	P



Jim Fisher P
Josh O'Neil P
Michele Shea A

PUBLIC WORKS COMMITTEE MEETING REPORT

DECEMBER 23, 2019

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen,

We, your Committee of the Whole Committee, respectfully recommend as follows:

SECTION 1. PETITION #19-02

Patrick Riordan, Land Systems Administrator requesting Council of Commissioners authorize the Chief Executive to approve a petition to close and vacate an alleyway, has been filed with the Land Systems Division of the Planning Department, as provided for and within Ordinance Number 362.

[19-469 Map](#)

Hold in Abeyance, contact County Attorney

1. COMMUNICATION NO. [19-513](#)

Shawn Fredrickson, Commissioner District #1 requesting Council of Commissioners to consider reducing the speed limit to 15 miles per hour on Blacktail Lane between Rampart Drive and Redwood Drive.

Hold in Abeyance, Direct Public Works Dept to install signs, Contact County Attorney, Passed unanimously.

2. COMMUNICATION NO. [19-546](#)

Michele Shea, Commissioner District # 2 requesting Council of Commissioners to consider installing a left turning arrow in the northbound land turning into Ace/Autozone/ Walgreens and consider reconfiguring the westbound land on Amherst which splits into three lanes connecting to Harrison Ave.

Hold in Abeyance, waiting on design by MDT.

PUBLIC WORKS COMMITTEE MEMBERS:

Dan Olsen, Chairman P
Jim Fisher P
Dan Callahan P
Brendan McDonough P
Eric Mankins P
Shawn Fredrickson P
Guest Mark Neary P



JUDICIARY COMMITTEE MEETING REPORT

DECEMBER 23, 2019

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen,

We, your Committee of the Whole Committee, respectfully recommend as follows:

SECTION 1. CLAIMS APPROVAL

Name	Amount	Reason	Approved	
700 SPRUCELOAD PROPERTIES	Total \$400.00	REFUND DEMO BOND #459	Yes	
DANIEL CURNOW	Total \$1000.00	ALLEY OPENING BOND #480 REFUND	Yes	
700 ROBERT MILASEVICH	Total \$600.00	DEMO BOND #483 REFUND	Yes	
700 ROBERT MILASEVICH	Total \$30.00	DEMO PERMIT #817 REFUND	Yes	

1. COMMUNICATION NO. [19-466](#)

Eric Mankins, Commissioner District #9 requesting Council of Commissioners authorize the Chief Executive to discuss a change in the zoning ordinance requiring Community Residential Facilities (as defined by State Law) to obtain a conditional use permit within Butte-Silver Bow County in all residential zoning districts including R-1, R-2, R-3, R-4S and R-C.

Motion made by Commissioner Mankins and seconded by Commissioner Sorich for County Attorney Joyce to prepare a Resolution of Intent to amend the zoning ordinance to require a conditional use permit be obtained to maintain a community residential facility in all residential zones.

Commissioner Morgan make motion to move this to the Committee of the Whole, so that we can discuss at length. Shaw Seconds.

Jim Fisher: Wants to discuss tonight, and vote on it now.

10 yeas, 1 nay



Commissioner Anderson

1. COUNCIL BILL NO. [19-15](#)

COUNCIL ORDINANCE NO. [19-15](#)

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 9 ACRES FROM M-1 (LIGHT INDUSTRIAL) TO C-2 (COMMUNITY COMMERCIAL), COMMONLY LOCATED ON THE NORTHWEST CORNER OF WYNNE AVENUE AND MOTOR VIEW ROAD; LOCATED IN SUB 14, SECTION 6, TOWNSHIP 2 NORTH, RANGE 7 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.

Moved to Second Reading

2. RESOLUTION NO. [19-70](#)

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE SKUNK DOG 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.

Moved to Final Reading

JUDICIARTY COMMITTEE MEMBERS:

Chairman:	Brendan McDonough	P
Vice Chairman:	Shawn Fredrickson	P
Michele Shea		A
Dan Olsen		P
Eric Mankins		P
John Sorich		P

2020-19 John Morgan makes a motion to place on Agenda tonight.

Shaw seconds the motion

11 yea 0 nay

2020-19, We can approve the for-street closures, but not for the animals because it is not in the communication.

Eileen Joyce: The only way we could approve this communication is if we take a recess write a new communication and reconvene.

Motion made and seconded. For a recess.

Roll Call

11 present 1 absent- Commissioner Callahan.

2020-19. Place on file as all signatures have been received.



11 year 0 nay

Motion make to add new communication to the agenda, 2020-20,
Ms. Shaw Seconds the motion.

11 yea 0 nay

2020-20

Approve and place on file by Mr Morgan and Seconded by Ms. Shaw

11 yea 0 nay



PUBLIC COMMENT ON ANY ITEMS ON THE CONSENT AGENDA

R. Edward Banderob, 2601 Grand Ave., President, GNCDCInc.

Ref: SECTION 1: CONSENT AGENDA

A. COMMITTEE REPORTS

4. JUDICIARY COMMITTEE MEETING REPORT

1.COMMUNICATION NO.19-466

- requesting Council of Commissioners . . . to . . . change . . . the zoning ordinance requiring Community Residential Facilities to obtain a conditional use permit within Butte-Silver Bow City-County in all residential zones.

We are not asking that you prohibit Group Homes within residential zones.

What we are asking you to do does comply with State of Montana Law. We do not need to change State Law.

All we are asking you for is a variance and permitting procedure that allows for Public Input.

This so that the most appropriate location within the zone, or within which zone is most appropriate for such a business to be located can be determined.

As explained by your City-County Attorney various times during the Judiciary Committee deliberation, determining the appropriate location is the purpose of zoning.

There is a big difference between a few people getting together and sharing the rent, and someone buying a residence, or renting a residence, opening a boarding house business and charging others for board, room and/or services.

This is about property owners or renters taking money for anything more than rent of a facility in a residential zone.

This is about property owners or renters running a business, in a residential zone.

We require businesses to obtain a variance and/or a conditional use permit to operate in a residential zone.

We should not discriminate against the other businesses who want to do business in a residential zone by requiring them to obtain a variance and/or a conditional use permit and not requiring these group home businesses to do the same.

From some of the comments I have heard at the Judiciary Committee meetings there is a need for some sort of local procedure and control, for situations which do not seem to be covered in the State's system of permitting and control.

Jan: 8
Meeting
Notes from
Ed Banderob

SECTION 2: COMMUNICATIONS TO BE READ AND ACTED UPON

1.COMMUNICATION NO. 2020-02 - requesting Council of Commissioners hire a legal firm experienced in environmental law to review the consent decree prior to the council signing off on this document.

I am sure the Superfund Department can do a good job of informing the Public and this Council from an Administrative Branch view point.

But this sounds like a wise idea to use the tools provided to you in the B-SB City County Charter under Powers and Duties of the Council of Commissioners.

Clause: 3.03 (c) to employ an attorney for purposes which the Council of Commissioners deems necessary;

This would seem to be a time when it is necessary to be able to do the due diligences required.

All the other stakeholders have done their legal reviews.

Why should you not have a legal review done from the standpoint of the citizens?

At least a person experience in environmental law would help you to ask the correct questions of the B-SB Superfund Department.