

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING AGENDA
FEBRUARY 18, 2015
7:30 P.M. COURTHOUSE COUNCIL CHAMBERS**

ROLL CALL

PRAYER

PUBLIC COMMENT ON ANY ITEMS ON THE CONSENT AGENDA

APPROVAL OF THE MINUTES OF THE REGULAR MEETING, FEBRUARY 4, 2015.

ITEMS NOT ADDRESSED ON THE AGENDA

CHIEF EXECUTIVE'S REPORT

SECTION 1 PUBLIC HEARING
COMMUNICATION NO. [14-592](#)

DAVE PALMER, BUTTE-SILVER BOW COMMISSIONER, DISTRICT NO. 12, REQUESTING COUNCIL'S CONSIDERATION TO EXPAND THE NO-SHOOT BOUNDARY WITHIN BUTTE-SILVER BOW.

SECTION 2 CONSENT AGENDA

- A. 1. COMMITTEE OF THE WHOLE MEETING REPORT
- 2. JUDICIARY COMMITTEE MEETING REPORT
- 3. PUBLIC WORKS COMMITTEE MEETING REPORT
- 4. FINANCE AND BUDGET COMMITTEE MEETING REPORT
- 5. PERSONNEL COMMITTEE MEETING REPORT
- 6. ECONOMIC DEVELOPMENT COMMITTEE MEETING REPORT

B. COMMUNICATIONS

- 1. [15-58](#) Captain Doug Conway, Butte-Silver Bow Law Enforcement Department, requesting Council's authorization on the STEP grant to the Montana Department of Transportation. [Grant Application](#) *Recommendation: Concur and Place on File.*
- 2. [15-59](#) Dan Dennehy, Director, Emergency Management Agency, requesting Council's authorization for the Chief Executive to sign an agreement with the Montana Department of Disaster Services. [Agreement](#) *Recommendation: Concur and Place on File.*
- 3. [15-60](#) Dan Dennehy, Director, Emergency Management Agency, requesting Council's authorization for the Chief Executive to sign an agreement with Complete Communication, Inc. [Agreement](#) *Recommendation: Concur and Place on File.*



4. [15-61](#) Lori Casey, Acting Planning Director, Butte-Silver Bow Planning Board, requesting Council's authorization to hold a Public Hearing on March 4, 2015 to allow for increased expenditures of unanticipated revenue in the Planning Department for the Historic Preservation budget. *Recommendation: Schedule a Public Hearing for March 4, 2015 and Hold in the Committee of the Whole.*
5. [15-62](#) Dave Schultz, Director, Butte-Silver Bow Public Works Department, requesting Council's authorization to have a Bid Opening on March 18, 2015 for the Harrison Avenue water main materials. *Recommendation: Schedule a Bid Opening for March 18, 2015 and Hold in the Committee of the Whole.*
6. [15-63](#) Dave Palmer, Butte-Silver Bow Commissioner, District No. 12, requesting Council's concurrence with the Economic Development Committee's recommendations regarding the Economic Development Mill Levy Funds. *Recommendation: Concur and Place on File.*
7. [15-64](#) Dave Schultz, Director, Butte-Silver Bow Public Works Department, requesting Council's authorization to have a Bid Opening on March 4, 2015 for the flocculation piping procurement for the Basin Creek Water Treatment Plant. *Recommendation: Schedule a Bid Opening for March 4, 2015 and Hold in the Committee of the Whole.*
8. [15-65](#) Sally Hollis, Butte-Silver Bow Clerk and Recorder, requesting Council's authorization for the Chief Executive to sign an agreement with Election Systems & Software. *Recommendation: Concur and Place on File.*
9. [15-66](#) Patsy Coates, Property Specialist, Butte-Silver Bow Land Office, requesting Council's authorization to have a Bid Opening on March 4, 2015 and for Council to award the bid to the lowest bidder at the March 4, 2015 Regular Meeting. *Recommendation: Schedule a Bid Opening for March 4, 2015 and Hold in the Committee of the Whole.*
10. [15-67](#) Karen Sullivan, Health Officer, Butte-Silver Bow Health Department, requesting Council's authorization for the Chief Executive to sign an agreement with Empire Office Machines. [Agreement](#) *Recommendation: Concur and Place on File.*
11. [15-68](#) Karen Sullivan, Health Officer, Butte-Silver Bow Health Department, requesting Council's authorization for the Chief Executive to sign a Memorandum of Understanding with Butte AIDS Support Services. [Memorandum of Understanding](#) *Recommendation: Concur and Place on File.*
12. [15-69](#) Lori Casey, Acting Planning Director, Butte-Silver Bow Planning Board, requesting Council's authorization for the Chief Executive to sign the Certified Local Government grant application. [Grant Application](#) *Recommendation: Concur and Place on File.*
13. [15-70](#) Linda Redfern, Secretary/Treasurer, Butte Community Celebrations, LLC, requesting Council's authorization for the annual Duggan Dolan Blarney Stone Fun Run on March 8, 2015. *All Approvals have been Received. Recommendation: Concur and Place on File.*
14. [15-71](#) Dave Schultz, Director, Butte-Silver Bow Public Works Department, requesting Council's authorization for the Chief Executive to sign an agreement with the Department of Transportation for construction/reconstruction of sidewalks. [Agreement](#) *Recommendation: Concur and Place on File.*



15. [15-72](#) Dave Schultz, Director, Butte-Silver Bow Public Works Department, requesting Council’s authorization for the Chief Executive to sign the right-of-way deed, agreement and easement regarding the service road at the Basin Creek Water Treatment Plant. [Easement](#) [Agreement](#) [Right-Of-Way Deed](#) *Recommendation: Concur and Place on File.*

16. [15-73](#) Danette L. Gleason, Director, Butte-Silver Bow Finance and Budget Department, requesting Council’s authorization for Newland & Company to give a Presentation on February 25, 2015 regarding the audit performed on the Fiscal Year 2014. *Recommendation: Schedule a Presentation on February 25, 2015 and Hold in the Committee of the Whole.*

17. [15-74](#) Danette L. Gleason, Director, Butte-Silver Bow Finance and Budget Department, requesting Council review the Landfill Financial Assurance Test for Fiscal Year 2014 and Place it on File in the Clerk and Recorder’s Office. [Report](#) *Recommendation: Concur and Place on File.*

18. [15-75](#) Chief Executive Matt Vincent, requesting Council’s concurrence in the reappointment of Dr. Jonathan Bodine to the Airport Authority Board. *Recommendation: Concur and Place on File.*

**SECTION 3 ORDINANCES AND RESOLUTIONS
REFERRED TO JUDICIARY**

**1. COUNCIL BILL NO. [15-2](#)
ORDINANCE NO. [15-2](#)**

AN ORDINANCE AMENDING BUTTE-SILVER BOW ORDINANCE NO. 14-14 AND AMENDING CHAPTER 2.94 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “SUPERFUND REDEVELOPMENT TRUST AUTHORITY” BY AMENDING SECTION 2.94.050 ENTITLED “AUTHORITY ESTABLISHED” AND AMENDING SECTION 2.94.060 ENTITLED “APPOINTMENT – TERMS – AND – VACANCY”, AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. [Redline](#)

**2. COUNCIL BILL NO. [15-3](#)
ORDINANCE NO. [15-3](#)**

AN ORDINANCE AMENDING ORDINANCE NO. 22 AMENDING CHAPTER 2.16 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “FIRE DEPARTMENT” BY AMENDING SECTION 2.16.370 ENTITLED “APPLICANTS AND MEMBERS OF PAID FIRE DEPARTMENT – REQUIREMENTS” AND REPEALING SECTION 2.16.700 ENTITLED “ENTIRE DEVOTION OF TIME” AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. [Redline](#)

**3. COUNCIL BILL NO. [15-4](#)
ORDINANCE NO. [15-4](#)**

AN ORDINANCE AMENDING SECTION 4 OF THE ORDINANCE NO. 204 AND SECTION 10.32.010 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “STOP SIGNS”; ESTABLISHING STOP SIGNS ON THE SOUTHEAST CORNER OF MEADOWLARK LANE AT THE INTERSECTION OF MEADOWLARK LANE AND TRANQUILITY LANE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.



4. RESOLUTION NO. [15-4](#)

A RESOLUTION IN SUPPORT OF A COMPREHENSIVE RESTORATION OF THE HISTORIC SILVER BOW CREEK CORRIDOR, FROM TEXAS AVENUE AND EXTENDING WEST THROUGH THE URBAN CORE OF BUTTE TO THE CREEK'S CONFLUENCE WITH BLACKTAIL CREEK AT MONTANA STREET; REQUESTING THAT SAID RESTORATION BE COMPARABLE TO THE LEVEL OF WORK COMPLETED IN THE CREEK'S 26 MILE STRETCH TOP THE WARM SPRINGS PONDS; AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**SECTION 4 ORDINANCES AND RESOLUTIONS
FINAL READING**

1. RESOLUTION NO. [15-2](#)

A RESOLUTION DECLARING THE INTENTION OF THE COUNCIL OF COMMISSIONERS OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, MONTANA TO CREATE A SPECIAL IMPROVEMENT DISTRICT, TO BE KNOWN AS SPECIAL IMPROVEMENT DISTRICT NO. 1029, FOR THE PURPOSE OF ACCEPTING THE DONATION OF, AND IMPROVING FLEECER ROAD AND CARRIGER LANE AND THE SURROUNDING DITCHES AND CULVERTS, LOCATED IN SECTIONS 1 AND 2, TOWNSHIP 2 NORTH, RANGE 9 WEST P.M.M., TO THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; DESIGNATING AND DESCRIBING THE BOUNDARIES OF SAID PROPOSED SPECIAL IMPROVEMENT DISTRICT; STATING THE PURPOSE OF AND GENERAL CHARACTER OF THE IMPROVEMENTS TO BE MADE IN SAID SPECIAL IMPROVEMENT DISTRICT; ESTIMATING THE APPROXIMATE COST THEREOF FOR FIVE YEARS; DETERMINING AND DECLARING THAT PROPERTY WITH IN SAID SPECIAL IMPROVEMENT DISTRICT WILL BE ESPECIALLY BENEFITTED AND AFFECTED BY SUCH PROPOSED IMPROVEMENT; DECLARING THAT SUCH PROPERTY SHOULD BE ASSESSED FOR THE COST THEREOF OF IMPROVEMENTS AND EXTENDING SUCH ASSESSMENTS TO BE IN ANNUAL INSTALLMENTS AND PROVIDING FOR THE FUNDS UPON WHICH SAID SPECIAL IMPROVEMENT FUNDS SHALL BE DRAWN; PROVIDING FOR THE PUBLICATION AND GIVING OF NOTICE OF THE PASSAGE AND ADOPTION OF THIS RESOLUTION AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**SECTION 5 SUSPENSION OF THE RULES
FOR FINAL PASSAGE**

1. RESOLUTION NO. 15-3

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF CERTAIN PARCELS OF TAX DEEDED REAL PROPERTY OWNED BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.



PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA

CALENDAR OF OTHER MEETINGS AND EVENTS

February 19	Zoning Board	5:30 PM	Council Chambers, Courthouse
February 24	Port of Montana	12:00 PM	Hub Center, Silver Bow
February 25	Urban Revitalization	8:30 AM	1 st Floor Conference Rm., Courthouse
February 25	Local Emergency Planning	12:00 PM	1 st Floor Conference Rm., Courthouse
February 26	Planning Board	5:30 PM	Council Chambers, Courthouse
March 3	Historic Preservation	5:30 PM	Council Chambers, Courthouse
March 4	Board of Health	7:00 AM	Health Department
March 4	Airport Authority	12:00 PM	Bert Mooney Airport Authority Admin Office
March 4	Butte AIDS Support Services	7:00 PM	Community Center

ADJOURN _____



COMMITTEE OF THE WHOLE MEETING REPORT FEBRUARY 11, 2015

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

Ladies and Gentlemen,

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

SECTION 1 COMMUNICATION NO. [14-549](#)

Dave Palmer, Butte-Silver Bow Commissioner, District No. 12, requesting Council ask the Planning Board to consider limiting the placement of pre-1976 mobile homes and the placement of mobile home parks in general.

Recommendation: Hold in Abeyance.

SECTION 2 COMMUNICATION NO. [14-592](#)

Dave Palmer, Butte-Silver Bow Commissioner, District No. 12, requesting Council's consideration to expand the no-shoot boundary within Butte-Silver Bow.

Recommendation: Hold in Abeyance.

SECTION 3 COMMUNICATION NO. [15-9](#)

Brendan McDonough, Butte-Silver Bow Commissioner, District No. 8, requesting a sign to be erected at the Original Mineyard to thank individuals who worked to convert the area into an event center for the community.

Recommendation: Hold in Abeyance.

SECTION 4 COMMUNICATION NO. [15-24](#)

Kathy Dunks, Operations Manager, Western Montana Mental Health Center, requesting Council's authorization for a Developer's Packet to be issued for city-owned property on E. Quartz Street. [Map](#)

Recommendation: Hold in Abeyance.

SECTION 5 COMMUNICATION NO. [15-27](#)

Dave Schultz, Director, Butte-Silver Bow Public Works Department, requesting Council's authorization to give a Presentation on February 4, 2015 regarding bike lanes on the flats.

Recommendation: Place on File.



SECTION 6 COMMUNICATION NO. [15-38](#)

Raul and Shirley Samaniego, 102 E Center Street, Butte, requesting Council seek a solution to the parking situation during events and/or festivals in the area of the Original Mineyard.

Recommendation: Hold in Abeyance.

SECTION 7 COMMUNICATION NO. [15-54](#)

Bill Andersen, Butte-Silver Bow Commissioner, District No. 10, requesting Council address parking issues for residents within the two-hour parking district.

Recommendation: Hold in Abeyance.

Committee Members:

Dan Foley	Present	Dennis Henderson	Absent
Cindy Perdue-Dolan	Present	Dave Palmer	Present
Sheryl Ralph	Present	Bud Walker	Present
Brendan McDonough	Present	John Sorich	Present
Bill Andersen	Present	John Morgan, Vice-Chairman	Present
Jim Fisher	Absent	Cindi Shaw, Chairman	Absent



JUDICIARY COMMITTEE MEETING REPORT

FEBRUARY 11, 2015

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

Ladies and Gentlemen,

We, your Judiciary Committee, respectfully recommend as follows:

SECTION 1 COMMUNICATION NO. [14-480](#)

Brendan McDonough, Butte-Silver Bow Commissioner, District No. 8, requesting Council request the County Attorney to draft a resolution to support the ongoing environmental cleanup efforts in Butte-Silver Bow.

Recommendation: Hold in Abeyance.

SECTION 2 COMMUNICATION NO. [15-6](#)

Brendan McDonough, Butte-Silver Bow Commissioner, District No. 8, requesting sections 8.06.075 and 8.06.090 of the Municipal Code be reviewed and revised to levy fines for non-compliance through an administrative process rather than through a criminal judicial procedure.

Recommendation: Hold in Abeyance.

SECTION 3 COMMUNICATION NO. [15-43](#)

Jeffrey L. Miller, Director, Butte-Silver Bow Fire Services, requesting Council's authorization for ordinance changes to Chapter 2.16.

Recommendation: Ask County Attorney to make the necessary changes to Chapter 2.16 and Hold in Abeyance.

SECTION 4 RESOLUTION NO. [15-2](#)

A RESOLUTION DECLARING THE INTENTION OF THE COUNCIL OF COMMISSIONERS OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, MONTANA TO CREATE A SPECIAL IMPROVEMENT DISTRICT, TO BE KNOWN AS SPECIAL IMPROVEMENT DISTRICT NO. 1029, FOR THE PURPOSE OF ACCEPTING THE DONATION OF, AND IMPROVING FLEECER ROAD AND CARRIGER LANE AND THE SURROUNDING DITCHES AND CULVERTS, LOCATED IN SECTIONS 1 AND 2, TOWNSHIP 2 NORTH, RANGE 9 WEST P.M.M., TO THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; DESIGNATING AND DESCRIBING THE BOUNDARIES OF SAID PROPOSED SPECIAL IMPROVEMENT DISTRICT; STATING THE PURPOSE OF AND GENERAL CHARACTER OF THE IMPROVEMENTS TO BE MADE IN SAID SPECIAL IMPROVEMENT DISTRICT; ESTIMATING THE APPROXIMATE COST THEREOF FOR FIVE YEARS; DETERMINING AND DECLARING THAT PROPERTY WITH IN SAID SPECIAL IMPROVEMENT DISTRICT WILL BE ESPECIALLY BENEFITTED AND AFFECTED BY SUCH PROPOSED IMPROVEMENT; DECLARING THAT SUCH PROPERTY SHOULD BE ASSESSED FOR THE COST THEREOF OF IMPROVEMENTS AND EXTENDING SUCH ASSESSMENTS TO BE IN ANNUAL INSTALLMENTS AND PROVIDING FOR THE FUNDS UPON WHICH SAID SPECIAL IMPROVEMENT FUNDS SHALL BE DRAWN; PROVIDING FOR THE PUBLICATION AND GIVING



OF NOTICE OF THE PASSAGE AND ADOPTION OF THIS RESOLUTION AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

Recommendation: Move to Final Reading.

SECTION 5 CLAIM APPROVAL

NAME	AMOUNT	RECOMMENDATION
Dorothy Privett	\$35.00	<i>Approved</i>
Butte Moxie LLC	\$620.38	<i>Approved</i>
Mike McGree	\$200.00	<i>Approved</i>
Dale Carpenter	\$2,000.00	<i>Approved</i>



PUBLIC WORKS COMMITTEE MEETING REPORT FEBRUARY 11, 2015

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

Ladies and Gentlemen,

We, your Public Works Committee, respectfully recommend as follows:

SECTION 1 COMMUNICATION NO. [14-10](#)

Dave Palmer, Butte-Silver Bow Commissioner, District No. 12, requesting Public Works Committee to determine if Fleecer Road and Carriger Lane are built to Butte-Silver Bow County standards.

Recommendation: Cross Reference with Resolution No. 15-2 and Place on File.

SECTION 2 COMMUNICATION NO. [14-326](#)

Mark Moodry, Butte-Silver Bow Commissioner, District No. 1, requesting the Public Works Department conduct a safety analysis at the intersections of Meadowlark Dr. and Tranquility Lane and East Lake and Albany St.

Recommendation: Hold in Abeyance.

SECTION 3 PETITION NO. [15-1](#)

Michael A. Nasheim, Building Official, Building Code Department, requesting Council's authorization for a petition to close and vacate a portion of Russell Street adjoining Lots 1 and 3, Block V of the Townsite of Ramsay. [Applicants](#) [Legal Description](#) [Map](#)

Recommendation: Hold in Abeyance.

Committee Members:

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



FINANCE & BUDGET COMMITTEE MEETING REPORT FEBRUARY 11, 2015

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

Ladies and Gentlemen,

We, your Finance and Budget Committee, respectfully recommend as follows:

Expenditure report for the week of February 11, 2014 was approved for the amount of \$1,070,516.94.

Expenditure Approval vote was 6 yea and 0 nay.

Committee Members:

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

Commissioners Palmer and Ralph sat in for Absent commissioners.



PERSONNEL COMMITTEE MEETING REPORT FEBRUARY 11, 2015

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

Ladies and Gentlemen,

We, your Personnel Committee, respectfully recommend as follows:

SECTION 1 COMMUNICATION NO. [14-531](#)

Mark Moodry, Butte-Silver Bow Commissioner, District No. 1, requesting Council consider adopting a resolution requiring Butte-Silver Bow employees to utilize the Bert Mooney Airport for travel when traveling on behalf of Butte-Silver Bow.

Recommendation: Approve BSB Travel Policy presented by BSB HR Director Ron Stormer and Place on File.

SECTION 2 COMMUNICATION NO. [14-565](#)

Ronald Stormer, Director, Butte-Silver Bow Human Resources Department, requesting Council establish a pay and salary philosophy for the City-County government.

Recommendation: Place in Suspense File for 6 months.



ECONOMIC DEVELOPMENT COMMITTEE MEETING REPORT FEBRUARY 4, 5, AND 9, 2015

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

Ladies and Gentlemen,

We, your Economic Development Committee, respectfully recommend as follows:

SECTION 1 COMMUNICATION NO. [14-593](#)

Dave Palmer, Butte-Silver Bow Commissioner, District No. 12, requesting Council's authorization for the Distressed Property Management Report to be referred to the Economic Development Committee for review and recommendations to Council.

Recommendation: Hold in Abeyance.

SECTION 2 COMMUNICATION NO. [15-37](#)

Dave Palmer, Butte-Silver Bow Commissioner, District No. 12, requesting the opening of the Economic Development Mill Levy proposals into the public record and referred to the Economic Development Standing Committee for review and recommendations.

Recommendation: Approve the Funding List in the Amount of \$68,000 and Hold this Communication in Abeyance.

