

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING AGENDA
NOVEMBER 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, NOVEMBER 4, 2015.

ITEMS NOT ADDRESSED ON THE AGENDA

CHIEF EXECUTIVE'S REPORT

SECTION 1 BID OPENING
COMMUNICATION NO. [15-499](#)

JEFFREY L. MILLER, DIRECTOR, BUTTE-SILVER BOW FIRE SERVICES, REQUESTING COUNCIL'S AUTHORIZATION TO HOLD A BID OPENING ON NOVEMBER 18, 2015 REGARDING THE 2016 1500 GPM PUMPER/TENDER FOR THE BIG BUTTE VOLUNTEER FIRE DEPARTMENT.

SECTION 2 PUBLIC HEARING
COMMUNICATION NO. [15-498](#)

JEFFREY L. MILLER, DIRECTOR, BUTTE-SILVER BOW FIRE SERVICES, REQUESTING COUNCIL'S AUTHORIZATION TO HOLD A PUBLIC HEARING ON NOVEMBER 18, 2015 REGARDING THE PROPOSED SOLE SOURCE PURCHASE OF TWENTY SELF-CONTAINED BREATHING APPARATUS FOR THE BUTTE-SILVER BOW FIRE DEPARTMENT.

SECTION 3 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. [15-504](#) J.P. Gallagher, Director of Butte-Silver Bow Parks & Recreation Department, requesting Council's authorization to hold a Bid Opening on December 2, 2015 regarding sports field lighting system for Miner's Field at Copper Mountain Sports Park. [Bid Invitation](#)
Recommendation: Schedule a Bid Opening on December 2, 2015 and Hold in the Committee of the Whole.



2. [15-505](#) Ronald Stormer, Director, Butte-Silver Bow Human Resources Department, requesting Council's concurrence and authorization to begin the recruitment process to hire an additional safety and risk management position authorized in the FY 2016-16 budget. [Documents](#) *Recommendation: Concur and Place on File.*
3. [15-506](#) Nondys Mason, Vice-President, Columbia Gardens Carousel Project, requesting Council's authorization to display a carousel horse with a donation box in the courthouse rotunda. *Recommendation: Refer to the Committee of the Whole.*
4. [15-507](#) Ed Randall, Community Enrichment/Animal Service Department, requesting Council's concurrence in the John McClernan kennel license request. [Application](#) *Recommendation: Concur and Place on File.*
5. [15-508](#) Nick Sandford, Road Operations Manager, Butte-Silver Bow Public Works Department, requesting Council's authorization for the Chief Executive to sign a Memorandum of Agreement with the Montana Department of Transportation. [Memorandum of Agreement](#) *Recommendation: Concur and Place on File.*
6. [15-509](#) Cindi Shaw, Butte-Silver Bow Commissioner, District No. 11, requesting the Public Works Committee review the possible need of speed limit signs, school zone signs and a designated painted crosswalk in the 1200 block of West Granite. *Recommendation: Refer to Public Works Committee.*
7. [15-511](#) Kristen Manson, Silver Bow Montessori School, requesting Council's authorization to hold a Turkey Trot Fun Run on November 26, 2015 in Uptown Butte. *All Approvals have been Received Recommendation: Concur and Place on File.*
8. [15-512](#) Dan Dennehy, Director, Emergency Management Agency, requesting Council's authorization for the Chief Executive to sign an agreement with Michael Holmes, LLC. [Agreement](#) *Recommendation: Concur and Place on File.*
9. [15-513](#) George Everett, Executive Director, Mainstreet Uptown Butte, requesting Council's authorization to hold the 25th Annual Christmas Stroll on December 4, 2015. *All Approvals have been Received Recommendation: Concur and Place on File.*
10. [15-515](#) Kristen Rosa, Administrator, Tax Increment Financing Industrial District (TIFID), requesting Council's authorization for the Chief Executive to sign a permit transfer notification. [Permit Transfer Notification](#) *Recommendation: Concur and Place on File.*
11. [15-516](#) Karen Sullivan, Health Officer, Butte-Silver Bow Health Department, requesting Council's authorization for the Chief Executive to sign an agreement between the Butte-Silver Bow Health Department and Julie Coyne, R.D. [Agreement](#) *Recommendation: Concur and Place on File.*
12. [15-517](#) Jon Sesso, Director, Butte-Silver Bow Planning Board, requesting Council's authorization for the Chief Executive to sign an agreement with Columbia Basin, LLC. [Agreement](#) *Recommendation: Concur and Place on File.*



13. [15-518](#) Dave Palmer, Butte-Silver Bow Commissioner, District No. 12, requesting Council's concurrence of the recommendations by the Economic Development Standing Committee regarding the Economic Development Mill Levy Funds. *Recommendation: Concur and Place on File.*
14. [15-519](#) Kristen Rosa, Administrator, Tax Increment Financing Industrial District (TIFID), requesting Council's authorization for the Chief Executive to sign a Memorandum of Understanding with Nelson Engineering Construction. [Memorandum of Understanding](#) *Recommendation: Concur and Place on File.*
15. [15-520](#) Kristen Rosa, Administrator, Tax Increment Financing Industrial District (TIFID), requesting Council's authorization for the Chief Executive to sign two (2) easements with NorthWestern Energy. [Easement 1](#) [Easement 2](#) *Recommendation: Concur and Place on File.*
16. [15-521](#) Roxella Lyons, Executive Director, Butte Rescue Mission, requesting Council's authorization for a business license exemption. *Recommendation: Concur and Place on File.*

SECTION 4 COMMUNICATIONS TO BE READ AND ACTED UPON

[15-510](#) David Schultz, Director, Butte-Silver Bow Public Works Department, requesting an opportunity to provide information to the Council regarding the relocation of the County shop complex.

[15-514](#) Ronald Stormer, Director, Butte-Silver Bow Human Resources Department, informing Council of the status of union negotiations to date.

SECTION 5 ORDINANCES AND RESOLUTIONS REFERRED TO JUDICIARY

1. COUNCIL BILL NO. [15-18](#)
ORDINANCE NO. [15-18](#)

AN ORDINANCE AMENDING ORDINANCE NO. 53 AND 325, ALSO KNOWN AS THE "ZONING ORDINANCE" AND TITLE 17 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB) WHICH SECTION ADOPTED THE ZONING REGULATIONS OF BUTTE-SILVER BOW, STATE OF MONTANA; AMENDING CHAPTER 17.10 ENTITLED "R-1 ONE FAMILY RESIDENCE ZONE"; SPECIFICALLY AMENDING SECTION 17.10.020 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. [Redline](#)

2. RESOLUTION NO. [15-46](#)

RESOLUTION OF INTENTION TO ISSUE TAX INCREMENT URBAN RENEWAL REVENUE BONDS (BUTTE UPTOWN URBAN RENEWAL DISTRICT), SERIES 2016.



**SECTION 6 ORDINANCES AND RESOLUTIONS
FINAL READING**

- 1. COUNCIL BILL NO. 15-16
ORDINANCE NO. 15-16** *(File too large to hyperlink)*

AN ORDINANCE REPEALING TITLE 13, CHAPTER 4 ENTITLED “WASTEWATER TREATMENT SYSTEM”, OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC), AND REPLACING IT WITH A NEW TITLE 13, CHAPTER 4 TO STILL BE ENTITLED “WASTEWATER TREATMENT SYSTEM”, OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC), AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

- 2. COUNCIL BILL NO. [15-17](#)
ORDINANCE NO. [15-17](#)**

AN ORDINANCE AMENDING CHAPTER 16 ENTITLED “AIR QUALITY CONTROL”, SPECIFICALLY AMENDING SECTIONS 8.16.030, 8.16.220, 8.16.300, AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA

CALENDAR OF OTHER MEETINGS AND EVENTS

November 19	Animal Service Dept Board	5:30 PM	1 st Floor Conference Rm., Courthouse
November 24	Port of Montana	12:00 PM	Hub Center, Silver Bow
November 25	Urban Revitalization	8:30 AM	1 st Floor Conference Rm., Courthouse
November 25	Local Emergency Planning	12:00 PM	1 st Floor Conference Rm., Courthouse
December 1	Historic Preservation	5:30 PM	Council Chambers, Courthouse
December 2	Board of Health	7:00 AM	Health Department
December 2	Airport Authority	12:00 PM	Bert Mooney Airport Authority Admin Office
December 2	Butte AIDS Support Services	7:00 PM	Community Center

ADJOURN _____



**ECONOMIC DEVELOPMENT COMMITTEE MEETING
NOVEMBER 18, 2015
6:00 PM COURTHOUSE COUNCIL CHAMBERS**

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.

SECTION 2 COMMUNICATION NO. [15-288](#)

Karen Byrnes, Director, Butte-Silver Bow Community Development Department, informing the Council of Commissioner's Economic Development Committee information regarding the use, occupancy, and revenue generated by the Business Development Center.

SECTION 3 COMMUNICATION NO. [15-419](#)

Dave Palmer, Butte-Silver Bow Commissioner, District No. 12, requesting the Economic Development Committee be allowed to interview area contractors and business owners to determine if Butte-Silver Bow policies are working or if changes are needed.



COMMITTEE OF THE WHOLE MEETING REPORT

NOVEMBER 10, 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 PRESENTATION

COMMUNICATION NO. [15-488](#) (*Rescheduled from October 28, 2015*)

KAREN BYRNES, DIRECTOR, BUTTE-SILVER BOW URBAN REVITALIZATION AGENCY, TO GIVE A PRESENTATION ON OCTOBER 28, 2015 REGARDING THE MARKETING EFFORTS AND INFORMATION RELATED TO THE PROPERTY AT 40 E BROADWAY. THIS PRESENTATION WILL BE GIVEN JOINTLY BY NORTHWESTERN ENERGY AND BUTTE-SILVER BOW.

Recommendation: Presentation Held.

SECTION 2 COMMUNICATION NO. [15-356](#)

Kenneth and Michelle Palmer, 936 Zarelda Street, Butte, MT., requesting Council's authorization to purchase county-owned property under the adjacent landowner policy. [Map](#)

Recommendation: Hold in Abeyance.

SECTION 3 COMMUNICATION NO. [15-415](#)

Robert A. Macioroski, Director, Butte-Silver Bow Land Office, requesting Council's authorization for the sale of county-owned property under the Adjacent Landowner Policy and for Council to ask the County Attorney to prepare the resolution and deed for the transfer of the property. [Property Transmittal Form](#)

Recommendation: Hold in Abeyance.

SECTION 4 COMMUNICATION NO. [15-470](#)

Dave Palmer, Butte-Silver Bow Commissioner, District No. 12, requesting a crosswalk installed on Center Street, speed zone signs to be installed on Center Street, a tree on the Corner of Buffalo and Main Streets to be trimmed, and review of the Alarm at the Fire Station.

Recommendation: Hold in Abeyance.

SECTION 5 COMMUNICATION NO. [15-488](#)

Karen Byrnes, Director, Butte-Silver Bow Urban Revitalization Agency, to give a Presentation on October 28, 2015 regarding the marketing efforts and information related to the Property at 40 E Broadway. This Presentation will be given jointly by NEW and Butte-Silver Bow.

Recommendation: Place on File.



SECTION 6 COMMUNICATION NO. [15-490](#)

Karen Byrnes, Director, Butte-Silver Bow Community Development Department, requesting Council's recommendation to approve Council Communication # 15-460 request from Blain Brown to purchase City-County property under the adjacent Landowner Policy. [Map](#)

Recommendation: Hold in Abeyance.

SECTION 7 COMMUNICATION NO. [15-496](#)

Julia Crain, Special Projects Manager, Planning Department, requesting Council's authorization for the Chief Executive to sign a location and property release with Zero Point Zero Productions, Inc. [Release](#)

Recommendation: Concur and Place on File.

SECTION 8 COMMUNICATION NO. [15-497](#)

Lori Casey, Assistant Planning Director, Butte-Silver Bow Planning Board, requesting Council's approval for Zone Change Application No. 173 and to ask the County Attorney to prepare an ordinance for adoption.

Recommendation: Hold in Abeyance.

SECTION 9 COMMUNICATION NO. [15-498](#)

Jeffrey L. Miller, Director, Butte-Silver Bow Fire Services, requesting Council's authorization to hold a Public Hearing on November 18, 2015 regarding the proposed sole source purchase of twenty self-contained breathing apparatus for the Butte-Silver Bow Fire Department.

Recommendation: Hold in Abeyance.

SECTION 10 COMMUNICATION NO. [15-499](#)

Jeffrey L. Miller, Director, Butte-Silver Bow Fire Services, requesting Council's authorization to hold a Bid Opening on November 18, 2015 regarding the 2016 1500 GPM Pumper/Tender for the Big Butte Volunteer Fire Department.

Recommendation: Hold in Abeyance.

Committee Members:

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



JUDICIARY COMMITTEE MEETING REPORT

NOVEMBER 10, 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. [15-8](#)

Brendan McDonough, Butte-Silver Bow Commissioner, District No. 8, requesting the County Attorney draft a “Vacant Property Registration” ordinance for Butte-Silver Bow.

Recommendation: Hold in Judiciary Committee.

SECTION 2 COUNCIL BILL NO. 15-16 ORDINANCE NO. 15-16

AN ORDINANCE REPEALING TITLE 13, CHAPTER 4 ENTITLED “WASTEWATER TREATMENT SYSTEM”, OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC), AND REPLACING IT WITH A NEW TITLE 13, CHAPTER 4 TO STILL BE ENTITLED “WASTEWATER TREATMENT SYSTEM”, OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC), AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

Recommendation: Move to Final Reading.

SECTION 3 COUNCIL BILL NO. [15-17](#) ORDINANCE NO. [15-17](#)

AN ORDINANCE AMENDING CHAPTER 16 ENTITLED “AIR QUALITY CONTROL”, SPECIFICALLY AMENDING SECTIONS 8.16.030, 8.16.220, 8.16.300, AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

Recommendation: Move to Final Reading.

SECTION 4 CLAIM APPROVAL

NAME	AMOUNT	RECOMMENDATION
Westmoreland Co Inc.	\$76,254.50	<i>Approved</i>
Leroy Coles	\$200.00	<i>Approved</i>
Logan Dunlap	\$200.00	<i>Approved</i>
Westmoreland	\$28,038.80	<i>Approved</i>

Committee Members:

Bud Walker, Chairman	<i>Present</i>
Bill Andersen, Vice-Chairman	<i>Absent</i>
Dave Palmer	<i>Present</i>
John Sorich	<i>Present</i>
Cindy Perdue-Dolan	<i>Present</i>
Brendan McDonough	<i>Present</i>



PUBLIC WORKS COMMITTEE MEETING REPORT

NOVEMBER 10, 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. [15-275](#)

Jim Fisher, Butte-Silver Bow Commissioner, District No. 6, requesting the Chief Executive and the Public Works Director, along with Council, write a letter to railroad companies who have railroad crossings in Butte-Silver Bow regarding repairing railroad crossing surfaces and the cleanup of weeds at all sites.

Recommendation: Dave Schultz advised he would meet with Eileen and get an opinion on Mr. McDonough's motion to send a certified letter from the county to the railroads. Hold in Abeyance.

SECTION 2 COMMUNICATION NO. [15-395](#)

John P. Morgan, Butte-Silver Bow Commissioner, District No.3, requesting a review of possibly placing a left turn arrow at the intersection of Montana Street and Front and Centennial while heading north.

Recommendation: Public Works has not received a report on the study done by the DOT. Nick will notify the committee. Hold in Abeyance.

SECTION 3 COMMUNICATION NO. [15-469](#)

Dave Palmer, Butte-Silver Bow Commissioner, District No. 12, requesting review of Dumpsters encroaching on the Public Right of Way.

Recommendation: Dave Schultz still looking into the ordinance. He advised he will work with Ed Randall and McGrees to get containers off the public streets.

SECTION 4 COMMUNICATION NO. [15-482](#)

Jim Fisher, Butte-Silver Bow Commissioner, District No. 6, requesting a study for the possible need of stop signs at the intersection of Longfellow and Gaylord Streets.

Recommendation: Nick advised and handed out the study on this intersection. Public Works recommended for it to stay the way it is. It doesn't warrant a sign. Place on File.

SECTION 5 COMMUNICATION NO. [15-502](#)

Brian Wilkins, Water Operations Manager, Public Works Department, requesting Council's authorization for the Chief Executive to sign an agreement to purchase land from Mark Matheny to build a new pump station for the Basin Creek Water Treatment Plant. [Agreement](#)

Recommendation: the land was reviewed by Commissioners Fisher and Henderson. Mr. Wilkins advised he spoke with the neighboring businesses and no problems with anyone. Place on File.



Committee Members:

Dennis Henderson, Chairman

Sheryl Ralph, Vice-Chairman

Brendan McDonough

Bud Walker

Jim Fisher

Dan Foley



FINANCE & BUDGET COMMITTEE MEETING REPORT NOVEMBER 10, 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 November 10, 2015 was approved for the amount of \$972,490.52.

Committee Members:

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



PERSONNEL COMMITTEE MEETING REPORT NOVEMBER 10, 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. [15-387](#)

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

Recommendation: Place in Suspense File.

Committee Members:

Dan Foley, Chairman

Dave Palmer, Vice- Chairman

Bill Andersen

Dennis Henderson

Jim Fisher



ECONOMIC DEVELOPMENT COMMITTEE MEETING REPORT NOVEMBER 4, 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. [15-288](#)

Karen Byrnes, Director, Butte-Silver Bow Community Development Department, informing the Council of Commissioner's Economic Development Committee information regarding the use, occupancy, and revenue generated by the Business Development Center.

Recommendation: Hold in Abeyance.

SECTION 3 COMMUNICATION NO. [15-419](#)

Dave Palmer, Butte-Silver Bow Commissioner, District No. 12, requesting the Economic Development Committee be allowed to interview area contractors and business owners to determine if Butte-Silver Bow policies are working or if changes are needed.

Recommendation: Hold in Abeyance.

Committee Members:

Dave Palmer, Chairman	Present
John Sorich, Vice- Chairman	Present
Dan Foley	Present
Sheryl Ralph	Present
Cindy Perdue-Dolan	Absent
Bill Andersen	Present

