

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING AGENDA
WEDNESDAY, OCTOBER 2, 2019
7:30 PM**

ROLL CALL

PRAYER AND PLEDGE

PUBLIC COMMENT ON ANY ITEMS ON THE CONSENT AGENDA

APPROVAL OF THE MINUTES

[Meeting Minutes September 18, 2019.](#)

ITEMS NOT ADDRESSED ON THE AGENDA

SUPERFUND REPORT TO COMMISSIONERS

CHIEF EXECUTIVE'S REPORT

BID OPENINGS, PUBLIC HEARINGS, AND/OR PRESENTATIONS

SECTION 1. PETITIONS

1.COMMUNICATION NO.[19-469](#)

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](#)

Refer to Public Works Committee

SECTION 2: 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**



B. COMMUNICATIONS

1.COMMUNICATION NO.[19-465](#)

Peter Shea, requesting Council of Commissioners authorize the Chief *Executive* to discuss the purchase of a single lot owned by Butte-Silver Bow, located at 2720 Pine Street, Butte Montana. The legal description is: CROSBY ADD, S20, T03 N, R07 W, BLOCK 10 LOT 1. The assessment code is: 0001902360

[19-465 Map](#)

Refer to Land Sales

2.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. I request that this communication be referred to the Judiciary Committee for discussion.

Refer to Planning Department

3.COMMUNICATION NO.[19-467](#)

Shawn Fredrickson, Commissioner District #1 requesting Council of Commissioners authorize the Chief Executive to consider creating guidelines for short-term vacation rentals within Butte-Silver Bow.

Refer to Judiciary Committee

4.COMMUNICATION NO.[19-468](#)

Ed Randall, Community Enrichment Department, Director requesting Council of Commissioners authorize the Chief Executive to sign the FY2020 Junk Motor Vehicle Graveyard Grant. The full amount of the FY2020 Grant is \$58,080.40.

Concur and Place on File

5.COMMUNICATION NO.[19-470](#)

Mathew Boyle, Parade Director, Butte American Foundation requesting Council of Commissioners authorize the Chief Executive to approve the 2019 Butte American Foundation (BAMF) Halloween Parade application for your approval. The Halloween Parade will be held on Thursday, October 31, 2019 at 6:00 p.m. Parade assembly will begin at 5 p.m. at the Lexington Gardens and be staged East on Granite, South on Covert, and East on Broadway. The parade route will begin at the corner of Arizona and Granite, proceeding West on Granite to Main, South on Main to Park St, and East on Park St. to Arizona. All approvals have been received.

[19-470 Agreement](#)

Concur and Place on File



6.COMMUNICATION NO.[19-472](#)

Leslie Clark, Director, Human Services requesting Council of Commissioners authorize the Chief Executive to sign the attached plan amendment to the Nationwide 457 (b) Deferred Compensation Plan. The purpose of this amendment is to allow Nationwide to modify, as they see fit, the Guaranteed Minimum Interest Rate of the Fixed Annuity Contract available as part of Butte-Silver Bow's plan with Nationwide.

[19-472 Amendment](#)

Concur and Place on File

7.COMMUNICATION NO.[19-473](#)

Karen Byrnes, Community Development Director requesting Council of Commissioners authorize the Chief Executive to sign the attached Amended Option Agreement with Bitterroot Gateway Development LLC, for the development of 40 E. Broadway.

[19-473 Agreement](#)

Concur and Place on File

8.COMMUNICATION NO.[19-474](#)

Lori Casey, Planning Director, requesting Council of Commissioners that the Planning Board has reviewed and recommends approval of the Harrison Avenue South Urban Renewal District Plan.

[19-474 Agreement](#)

Concur and Place on File

9.COMMUNICATION NO.[19-475](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorize the Chief Executive to sign a Montana Department of Natural Resources and Conservation (DNRC) Renewable Resource Grant and Loan (RRGL) Program Project Planning Grant Application.

[19-475 Grant](#)

Concur and Place on File

10.COMMUNICATION NO.[19-476](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorize the Chief Executive to sign the Storm Water Management/BMP Maintenance Agreement for the Iron Mountain Storage.

[19-476 Agreement](#)

Concur and Place on File

11.COMMUNICATION NO.[19-477](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorize the Chief Executive to sign the Storm Water Management/BMP Maintenance Agreement for the Multi - Family Housing Project Phase 2.

[19-477 Agreement](#)

Concur and Place on File



12. COMMUNICATION NO. [19-478](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorize the Chief Executive to sign the Notice of Termination for Phase 2 of the Dewey Boulevard waterline replacement and road rehabilitation Project.

[19-478 Termination Notice](#)

Concur and Place on File

13 COMMUNICATION NO. [19-479](#)

Lori Casey, Planning Director requesting Council of Commissioners authorize the Chief Executive to repeal all Sections of Chapter 15.18, Electrical Code of the Butte-Silver Bow Montana-Municipal Code for Section 15.18.030, Electrical Wiring Permit-Required.

Concur and Place on File

14. COMMUNICATION NO. [19-480](#)

Leslie Clark, Human Resources Director requesting Council of Commissioners authorize the Chief Executive to sign the attached Wellness and Health Services Agreement between the City-County of Butte-Silver Bow and the Health Check 360, a provider of wellness management and education-as well as many other services.

[19-480 Agreement](#)

Concur and Place on File

15. COMMUNICATION NO. [19-481](#)

Dylan Pipinich, Assistant Planning Director requesting Council of Commissioners authorize the Chief Executive to sign the Subdivision Improvement Agreement for approval to submit the Final Plat Resolution of the Amended Plat of Lot 19 of the Ridge View II Subdivision.

[19-481 Report](#)

[19-481 Agreement](#)

Concur and Place on File

16. COMMUNICATION NO. [19-482](#)

Ed Randall, Community Enrichment Department Director requesting Council of Commissioners permission for a Presentation on the October 16,2019 meeting to present an update on the Butte-Silver Bow Community Enrichment Department.

Hold in Committee of The Whole pending Presentation

17. COMMUNICATION NO. [19-483](#)

Dan Dennehy, Butte-Silver Bow Office of Emergency Management requesting Council of Commissioners authorize the Chief Executive to sign the agreement between Butte-Silver Bow and Motorola Solutions, Inc for the purpose of providing a combination of hardware, software, and services. The new radios will operate on both 7?800 MHz spectrum, as well as VHF, giving Butte-Silver Bow users maximum capability, flexibility and interoperability.

[19-483 Pricing Summary](#)

[19-483 System Description](#)

Concur and Place on File



18. COMMUNICATION NO. [19-484](#)

Dylan Pipinich, Assistant Planning Director requesting Council of Commissioners authorize the Chief Executive to review the Thomas/Davies Minor Subdivision for compliance with the Montana Subdivision and Platting Act and the Butte-Silver Bow Subdivision Regulations. The council shall approve, conditionally approve, or deny the subdivision based on the "Written Findings of Fact."

[19-484 Analysis](#)

SECTION 3: COMMUNICATIONS TO BE READ AND ACTED UPON

1.COMMUNICATION NO.[19-471](#)

Pat Holland, Government Buildings Manager requesting Council of Commissioners authorize the Chief Executive to allow a Bid Opening on October 2, 2019 regarding the Butte-Silver Bow Courthouse and LEA Boiler Replacement.

SECTION 4: ORDINANCES AND RESOLUTIONS REFERRED TO JUDICIARY

1.COUNCIL RESOLUTION NO [19-61](#)

A RESOLUTION ESTABLISHING THE TWO JUSTICE COURTS FOR THE CITY-COUNTY OF BUTTE-SILVER BOW, MONTANA EACH AS A “JUSTICE’S COURT OF RECORD” AND PROVIDING FOR AN EFFECTIVE DATE HEREIN

SECTION 5: ORDINANCES AND RESOLUTIONS FINAL READING

1.COUNCIL RESOLUTION NO.[19-58](#)

A RESOLUTION AUTHORIZING THE SOLE SOURCE PURCHASE OF NINE (9) EXPRESSVOTE MARKING DEVICES FOR THE CITY-COUNTY OF BUTTE-SILVER BOW, MONTANA BSB” CLERK AND RECORDER’S ELECTION ADMINISTRATION AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2.COUNCIL RESOLUTION NO.[19-59](#)

A RESOLUTION OF INTENT TO DECLARE THE DAY AFTER THANKSGIVING AS A LEGAL HOLIDAY FOR THE CITY-COUNTY OF BUTTE-SILVER BOW, MONTANA IN EXCHANGE FOR NOT OBSERVING COLUMBUS DAY AS A LEGAL HOLIDAY AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION 6 SUSPENSION OF THE RULES FOR FINAL PASSAGE

1.COUNCIL RESOLUTION NO.[19-60](#)

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.



2.COUNCIL RESOLUTION NO.[19-62](#)

A RESOLUTION ESTABLISHING THE ASSESSMENT FOR FISCAL YEAR 2020 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.

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA

CALENDAR OF OTHER MEETINGS AND EVENTS

October 14, 2019, Archives, 12:00 pm, Archives Center
October 3, 2019, Civic Center, 12:00 pm, Civic Center Hospitality Room
October 3, 2019, East Butte RRA, 9:00 am, 1st Floor Conference Room, *ad hoc basis*
October 14, 2019, Fair Board, 6:00 pm, Perkins or HOPS Meeting Room
October 10, 2019, Greenway Service District Board, 4:30 pm, Anaconda Comm. Service Bldg. October 15, 2019, Public Housing Authority, 5:00 pm, New Deal Community Center
October 9, 2019, Land Sales Committee, 1:30 pm, First Floor Conference Room
October 9, 2019, Law Enforcement Commission, 4:00 pm, Chief Executive Conference Room
October 9, 2019, Public Library Board, 5:00 pm, 3rd Floor, Library Bldg.
October 16, 2019, Parking Commission, 3:00 pm, Chief Executive Conference Room
October 8, 2019, Superfund Advisory (SARTA), 6:00 pm, Butte Justice Center
October 15, 2019, Technical Review Committee, 1:30 pm, 3rd Floor, Water Building
October 11, 2019, TIFID, 12:00 pm, Business Development Center
October 15, 2019, Urban Forestry Board, 1:00 pm, Business Development Center

ADJOURN

MEETINGS

FINANCE & BUDGET COMMITTEE MEETING

OCTOBER 2, 2019

7:00 PM BUTTE-SILVER BOW COURTHOUSE COUNCIL CHAMBERS

Expenditure report for the week of October 2, 2019 was reviewed and approved for \$ _____.

ECONOMIC DEVELOPMENT COMMITTEE MEETING

OCTOBER 2, 2019

6:00 PM BUTTE-SILVER BOW COURTHOUSE COUNCIL CHAMBERS

1. Monthly BLDC Presentation
2. Discussion of this year's Economic Mill Levy Grant process.



3. Discuss of the 2021 TBID work plan and action on the new Resolution for the TBID 2021 FY Levy amount.

REPORTS

COMMITTEE OF THE WHOLE MEETING REPORT

SEPTEMBER 25, 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. COMMUNICATION NO. [19-439](#)

Maria Pochervina, Executive Secretary Butte-Silver Bow TBID. Requesting Suspension of the Council of Commissioner rules to allow for public hearing and presentation of the fiscal year 2020 work plan and budget for the Butte-Silver Bow Tourism Business Improvement District (TBID on September 25, 2019).

[19-439 Plan](#)

[19-439 Suspension](#)

Held

SECTION 2. COMMUNICATION NO. [19-460](#)

Eileen Joyce, Butte-Silver Bow County Attorney requesting Council of Commissioners authorize a public hearing to be conducted at 7:30 p.m. on September 25, 2019 for the purpose of hearing all objections to Resolution No. 19-59 which is a Resolution of Intent to change the holidays observed by the City-County of Butte-Silver Bow, Montana: Specifically authorizing a holiday for the Friday after Thanksgiving in exchange for not having a holiday on Columbus Day.

Held

SECTION 3. COMMUNICATION NO. [19-383](#)

Mary McCormick, Butte-Silver Bow Historic Preservation Office requesting Council of Commissioners permission allow time on September 4, 2019 Agenda to make a presentation on Butte-Silver Bow's Historic Preservation Program.

Place on File

SECTION 4. COMMUNICATION NO. [19-397](#)

Patsy Coates, Property Specialist, Butte-Silver Bow Land Records Office requesting Council of Commissioners and the Chief Executive to concur with the request to hold a Tax Deed Public Auction on October 2, 2019 and request the County Attorney's Office to prepare two council Resolutions to be read upon and passed the same night as the Tax Deed Sale Public Auction with a date of October 02, 2019.

Hold in Abeyance



SECTION 5. COMMUNICATION NO. [19-416](#)

James F. Kilmer and Ben F. Pezdark, requesting Council of Commissioners authorize the Chief Executive to sign the Contract between Justice Courts 1 and 2 requests to renew the copier maintenance contract with Lee's Office City. The contract is for 2019-2020 on the Lanier LD320 D. The amount of the contract is \$576.00.

[19-416 Contract](#)

Hold in Abeyance

SECTION 6. COMMUNICATION NO. [19-441](#)

Angie Monaghan, Citizen requesting Council of Commissioners authorize the Chief Executive to discuss the Animal Control Ordinance that she deems unreasonable and unnecessary and would like changes to the ordinance.

Note and Place on File

SECTION 7. COMMUNICATION NO. [19-461](#)

James Kilmer, Justice Court requesting Council of Commissioners authorize the Butte Justice Court to become a Court of Record and refer this matter to the County Attorney so the resolution can be completed.

Hold in Abeyance

FINANCE & BUDGET COMMITTEE MEETING REPORT

SEPTEMBER 25, 2019

7:00 PM BUTTE-SILVER BOW COURTHOUSE COUNCIL CHAMBERS

Expenditure report for the week of September 25, 2019 was reviewed and approved for \$623,957.34.

FINANCE & BUDGET COMMITTEE MEMBERS:

- Brendan McDonough, Chairman P/
- Bill Andersen, Vice-Chairman A
- Dan Callahan P
- Jim Fisher P
- Josh O'Neill A
- Michele Shea P

PUBLIC WORKS COMMITTEE MEETING REPORT

SEPTEMBER 25, 2019

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. 19-399

Pat Riordan, Land Systems Administrator Street Closure Petition No. 18-3 by Montana Tech per Ordinance No. 362

[Legal Description](#)

Ask the County Attorney to draft the resolution

Passed unanimously

SECTION 2. COMMUNICATION NO.19-477

John Sorich, County Commissioner #4 requesting Council of Commissioners authorize the Chief Executive to discuss a letter regarding a traffic study and stop sign to be installed on Eagle And Gladstone Streets.

Referred to Public Work Department for study

Hold in Abeyance

PUBLIC WORKS COMMITTEE MEMBERS:

- Dan Olsen, Chairman P
- Jim Fisher P
- Dan Callahan P
- Brendan McDonough P
- Eric Mankins P
- Shawn Fredrickson A
- John Sorich Guest P

JUDICIARY COMMITTEE MEETING REPORT

SEPTEMBER 25, 2019

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:

CLAIMS

Name	Amount	Reason	Approved	
Angel Lampert	Total \$3886.37	Redeemed tax assg. #0001217900/ and interest	Yes	
Kevin Clark	Total: \$4855.32	Redeemed tax assg. #0000063600/ and interest.	Yes	
Ellen Schwartz	Total: \$600.00	Demo Bond #466 Refund	Yes	



Over the Top Roofing	Total: \$210.00	Building Permit #10013 Refund	Yes	
Jerad Grove	Total: \$210.00	Demo Permit #800 Refund	Yes	
Mark Smith	Total: \$1000.00	Demo Bond Permit	Yes	
Angel Lampert	Total: \$5502.74	Redeemed tax assg #0000008100/Assignment	Yes	

Motion is Approved

1. COUNCIL BILL NO. [19-10](#)

COUNCIL ORDINANCE NO. [19-10](#)

AN ORDINANCE AMENDING CHAPTER 2.88 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) AND ENTITLED "ANIMAL SERVICES BOARD"; AND SPECIFICALLY AMENDING SECTIONS 2.88.010, 2.88.020 AND 2.88.040 OF THE B-SB MC AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

[ORDINANCE NO. 19-10 REDLINE](#)

Hold in Abeyance

2. COUNCIL RESOLUTION NO. [19-58](#)

A RESOLUTION AUTHORIZING THE SOLE SOURCE PURCHASE OF NINE (9) EXPRESSVOTE MARKING DEVICES FOR THE CITY-COUNTY OF BUTTE-SILVER BOW, MONTANA BSB” CLERK AND RECORDER’S ELECTION ADMINISTRATION AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

Move to Final Reading

3. COUNCIL RESOLUTION NO. [19-59](#)

A RESOLUTION OF INTENT TO DECLARE THE DAY AFTER THANKSGIVING AS A LEGAL HOLIDAY FOR THE CITY-COUNTY OF BUTTE-SILVER BOW, MONTANA IN EXCHANGE FOR NOT OBSERVING COLUMBUS DAY AS A LEGAL HOLIDAY AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

Move to Final Reading

JUDICIARTY COMMITTEE MEMBERS:

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

