

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING AGENDA
WEDNESDAY, OCTOBER 16, 2019
7:30 PM**

ROLL CALL

PRAYER AND PLEDGE

PUBLIC COMMENT ON ANY ITEMS ON THE CONSENT AGENDA

ITEMS NOT ADDRESSED ON THE AGENDA

SUPERFUND REPORT TO COMMISSIONERS

CHIEF EXECUTIVE'S REPORT

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*

B. COMMUNICATIONS

1. COMMUNICATION NO. [19-485](#)

Karen Hassler, Finance and Budget requesting Council of Commissioners authorize the Chief Executive to sign the attached grant award agreement with the United States Department of Justice and initial the bottom right hand corner of each subsequent "Special Conditions" page. This award requires no match

[19-485 Grant](#)

Concur and Place on File

2. COMMUNICATION NO. [19-488](#)

Pat Riordan, Land Systems Administrator requesting Council of Commissioners approve the Communication #19-465-Request from Peter J. Shea to purchase vacant City-County Property, adjacent to 2714 Pine Street.

[19-488 Map](#)

Concur and Place on File



3. COMMUNICATION NO [19-489](#)

Pat Holland, Government Building Manager requesting Council of Commissioners authorize the Chief Executive to sign a professional services agreement with Lockmer Plumbing and Heating for replacement of the Courthouse Boiler.

[19-489 Agreement](#)

[19-489 Insurance](#)

Concur and Place on File

4. COMMUNICATION NO [19-490](#)

Karen Sullivan, Health Department Officer requesting Council of Commissioners authorize the Chief Executive to sign the contract amendment between the Montana Department of Public Health and Human Services and the Health Department for the delivery of early intervention services, outreach and health education, and risk reduction services for people at risk for infection and those living with (HIV).

[19-490 Contract](#)

Concur and Place on File

5. COMMUNICATION NO [19-491](#)

Karen Sullivan, Health Department Officer requesting Council of Commissioners authorize the Chief Executive to sign the contract amendment to the Health Departments current Chronic Disease Program contract with the Montana Department of Public Health and Human Services.

[19-491 Contract](#)

Concur and Place on File

6. COMMUNICATION NO [19-492](#)

Karen Sullivan, Health Department Officer requesting Council of Commissioners authorize the Chief Executive to sign the contract amendment between the Montana Department of Public Health and Human Services and the Health Department for the delivery of early intervention services, outreach and health education, and risk reduction services for people at risk for infection and those living with (HIV).

[19-492 Contract](#)

Concur and Place on File

7. COMMUNICATION NO [19-493](#)

Karen Sullivan, Health Department Officer requesting Council of Commissioners authorize the Chief Executive to sign the contract between the Montana Department of Transportation and the Health Department for the Distribution of child safety seats by Child Passenger Safety Technicians to address the county's need for promoting the benefits of car seat use.

[19-493 Agreement](#)

Concur and Place on File



8. COMMUNICATION NO [19-494](#)

Karen Sullivan, Health Department Officer requesting Council of Commissioners authorize the Chief Executive to sign the contract between the Montana Department of Public Health and Human Services and the Health Department to provide maternal and child health services under the Maternal and Child Health Block Grant.

[19-494 Contract](#)

Concur and Place on File

9. COMMUNICATION NO [19-495](#)

Karen Sullivan, Health Department Officer requesting Council of Commissioners authorize the Chief Executive to sign the contract between the Montana Department of Public Health and Human Services and the Butte-Silver Bow Health Department to provide nutrition education, breastfeeding support, supplemental foods and referrals to community resources to eligible women, infants and children up to 5 years old.

[19-495 Contract](#)

Concur and Place on File.

10. COMMUNICATION NO 19-496

Dave Palmer, Chief Executive requesting Council of Commissioners authorize the Chief Executive to sign a lease agreement with Mary Kenneally, Town Pump, for the property at the corner of Platinum and Excel. Butte-Silver Bow uses this property yearly for the purpose of Christmas Tree collection and for sand piles for public use.

[19-496 Lease Agreement](#)

Concur and Place on File

11. COMMUNICATION NO. [19-497](#)

Leslie Clark, Human Resources Director requesting Council of Commissioners authorize the Chief Executive to sign the Collective Bargaining Agreement between the City-County of Butte-Silver Bow and the Laborers' International Union of North America, Local No. 1686 representing the Butte-Silver Bow Residential Metals Abatement Program Laborers.

[19-497 Agreement Summary](#)

[19-497 Agreement](#)

Concur and Place on File

12 COMMUNICATION NO. [19-498](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorize the Chief Executive to sign the HDR Engineering Contract Amendment #1 and Task Orders for Supervisory Control And Data Acquisition (SCADA) support and Special Projects.

[19-498 Amendment 1](#)

[19-498 Task Order 12](#)

[19-498 Task Order 13](#)

Concur and Place on File



13. COMMUNICATION NO. [19-499](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorize the Chief Executive to sign the HDR Engineering Contract Amendment #1 for Inundation Mapping of Basin Creek Dam #1, Storm Lake and Silver Lake.

[19-499 Amendment 1 Contract](#)

Concur and Place on File

14. COMMUNICATION NO. [19-500](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorize the Chief Executive to sign the HDR Engineering Contract Amendment #1 to the Pioneer Technical Services Dam Inspection Contract.

Concur and Place on File

[19-500Agreement](#)

15. COMMUNICATION NO. [19-501](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorize the Chief Executive to sign the Storm Water Management/BMP Maintenance Agreement for Northwestern Energy's fencing project.

[19-501 Agreement](#)

Concur and Place on File

16. COMMUNICATION NO. [19-502](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorize the Chief Executive to sign the Storm Water Management/BMP Maintenance Agreement for CSM Properties LLP-Mark Lisac's Warehouse Expansion.

[19-502 Agreement](#)

Concur and Place on file

17.COMMUNICATION NO. [19-503](#)

Mark Neary, Public Works Director requesting Council of Commissioners to hold a bid opening on October 23, 2019 related to the Wheel Loader for the Landfill.

Concur and Place on File

18.COMMUNICATION NO. [19-504](#)

Mark Neary, Public Works Director requesting Council of Commissioners to hold a bid opening on October 23, 2019 related to the Excavator for the Water Utility Division.

Concur and Place on File

19. COMMUNICATION NO. [19-505](#)

Ann Shea, Deputy County Attorney requesting Council of Commissioners to authorize the Butte-Silver Bow Family Drug Court to apply for grant funding on behalf of the county for the Residential Substance Abuse Treatment Program (RSAT) program conducted in our local detention facility.

Concur and Place on File



20. COMMUNICATION NO. [19-506](#)

Karen Byrnes Community Development Director requesting Council of Commissioners to authorize the Community Development Department to apply for Community Development Grant Program (CDBG) Planning funds from the Montana Department of Commerce.

Concur and Place on File

21 COMMUNICATION NO. [19-507](#)

Julia Crain, Superfund Date Administrator requesting Council of Commissioners authorize the Chief Executive to sign a DNRC Contract No. RD-WMM-605.

[19-507 Agreement](#)

Concur and Place on File

22. COMMUNICATION NO. [19-508](#)

Northey Tretheway, Spokesperson ROCC requesting Council of Commissioners to consider the ROCC position before signing Consent Decree

[19-508 Letter](#)

Note and Place on File

23. COMMUNICATION NO. [19-509](#)

Karen Byrnes Community Development Director requesting Council of Commissioners to request time on the November 6, 2019 council agenda to hold a Public Hearing on the Ordinance establishing the Harrison Avenue South Urban Renewal Area with a tax increment financing provision.

[19-509 map](#)

[19-509 memorandum](#)

[19-509 notice](#)

Hold in Committee of the Whole pending Public Hearing

SECTION 2: ORDINANCES AND RESOLUTIONS REFERRED TO JUDICIARY

1.COUNCIL.RESOLUTION NO. [19-64](#)

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE THOMAS/DAVIES MINOR SUBDIVISION-EXPEDITED REVIEW 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.

2.COUNCIL .RESOLUTION NO. [19-65](#)

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE AMENDED PLAT OF LOT 19 OF THE RIDGE VIEW II 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.



3. COUNCIL BILL NO. [19-12](#)
ORDINANCE NO. [19-12](#)

AN ORDINANCE ESTABLISHING THE BUTTE-SILVER BOW HARRISON AVENUE SOUTH URBAN RENEWAL AREA, CREATING THE BUTTE-SILVER BOW HARRISON AVENUE SOUTH URBAN RENEWAL DISTRICT AND ADOPTING THE BUTTE-SILVER BOW HARRISON AVENUE SOUTH URBAN RENEWAL PLAN WITH A TAX INCREMENT FINANCING PROVISION PURSUANT TO TITLE 7, CHAPTER 15, PART 42 AND 43 OF THE MONTANA CODE ANNOTATED, AND PROVIDING AN EFFECTIVE DATE HEREIN.

[Ordinance 19-12 Plan](#)

4. COUNCIL RESOLUTION NO. [19-66](#)

RESOLUTION VACATING, CLOSING, DISCONTINUING AND ABANDONING STREETS AND ALLEYS LOCATED IN THE BIG BUTTE ADDITION, FAIRWAY ADDITION, GREAT WESTERN ADDITION, LAWLOR ADDITION, STANLEY ADDITION AND VALDERBILT ADDITION OF THE OFFICIAL PLATS OF THE CITY-COUNTY OF BUTTE-SILVER BOW, MONTANA, SPECIFICALLY THE NW ¼ OF SECTION FOURTEEN TOWNSHIP THREE NORTH, RANGE EIGHT WEST, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" AND DEPICTED ON MAPS ATTACHED AND DENOTED AS EXHIBIT B1-B5, FINDING THE NECESSARY FACTS HEREIN AND PRESCRIBING THE EFFECTIVE DATE OF THIS RESOLUTION.

SECTION 3: ORDINANCES AND RESOLUTIONS FINAL READING

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](#)

2. 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 HERr.

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA

CALENDAR OF OTHER MEETINGS AND EVENTS

October 17, 2019, Zoning Board, 5:30 pm, Council Chambers

October 21, 2019, Parks & Recreation, 11:30 am, Butte Justice Center



October 22, 2019, Port of Montana, 12:00 pm, Hub Center, Silver Bow
October 22, 2019, Superfund Advisory (SARTA), 6:00 pm, Butte Justice Center
October 22, 2019, Urban Revitalization, 8:30 am, 1st Floor Conference Room
October 23, 2019, Local Emergency Planning, 12:00 pm, Butte Justice Center
October 23, 2019, South Butte TEDD, 3:30 pm, 1st Floor Conference Room
October 23, 2019, Substance Abuse Task Force, 3:30 pm, Emergency Operations Center,
3615 Wynne

ADJOURN

MEETINGS

FINANCE & BUDGET COMMITTEE MEETING

OCTOBER 16, 2019

7:00 PM BUTTE-SILVER BOW COURTHOUSE COUNCIL CHAMBERS

Expenditure report for the week of October 16, 2019 was reviewed and approved for
\$_____.

REPORTS

COMMITTEE OF THE WHOLE MEETING REPORT

OCTOBER 9, 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:

COMMUNICATIONS

SECTION 1. 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.

Cross Reference with Resolution 19-60 and Place on File



SECTION.2. 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](#)

Concur and Place on File

SECTION 3. 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](#)

Cross Reference with Resolution 19-62 and Place on File

SECTION 4. 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

SECTION 5. 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.

Cross Reference with Resolution 19-63 and Place on File

SECTION 6. 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.

Cross Reference with Resolution 19-61 and Place on File

SECTION 7. 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](#)

Hold in Abeyance



SECTION 8. 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.

Hold in Abeyance

SECTION 9. 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 Abeyance Presentation moved to November, 2019

FINANCE & BUDGET COMMITTEE MEETING REPORT

OCTOBER 9, 2019

6:00 PM BUTTE-SILVER BOW COURTHOUSE COUNCIL CHAMBERS

Expenditure report for the week of October 9, 2019 was reviewed and approved for the amount of \$860,591.70. for Fiscal Year 2020.

FINANCE & BUDGET COMMITTEE MEMBERS:

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

PUBLIC WORKS COMMITTEE MEETING REPORT

OCTOBER 10, 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. 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 upon holding a public hearing.

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	A
Eric Mankins	P
Shawn Fredrickson	A

JUDICIARY COMMITTEE MEETING REPORT

OCTOBER 9, 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

SECTION 1. CLAIMS APPROVAL

Name	Amount	Reason	Approved	
Christian Hansen	Total \$400.00	Demo Bond #474 (BARN AT 313 S WASHINGTON)		

Approved

1.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.

Hold in Abeyance



2.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](#)

Move to Final Reading as amended.

2.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

Move to Final Reading

JUDICIARTY COMMITTEE MEMBERS:

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

