

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS  
REGULAR MEETING AGENDA  
WEDNESDAY, NOVEMBER 6, 2019  
7:30 PM**

**ROLL CALL**

**PRAYER AND PLEDGE**

**PUBLIC COMMENT ON ANY ITEMS ON THE CONSENT AGENDA**

**APPROVAL OF THE MINUTES**

[September 4, 2019 Meeting Minutes](#)  
[September 18, 2019 Meeting Minutes](#)  
[October 2, 2019 Meeting Minutes](#)  
[October 9, 2019 Special Meeting](#)  
[October 16, 2019 Meeting Minutes](#)

**ITEMS NOT ADDRESSED ON THE AGENDA**

**CHIEF EXECUTIVE’S REPORT ON THE SUPERFUND.**

**SECTION 1: BID OPENINGS, PUBLIC HEARINGS, AND/OR PRESENTATIONS**

**1. PUBLIC HEARINGS**

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](#)

2. 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](#)



## 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. [19-510](#)

Rob McClain, Copper City Sign and Awning requesting Council of Commissioners to review my proposal for the production and installation of three awning for 2100 Harrison Ave. (Advanced Therapy Clinic).

*Concur and Place on File*

#### 2. COMMUNICATION NO. [19-512](#)

Linda Sajor, Clerk and Recorder requesting Council of Commissioners authorize the Chief Executive to sign the Sales Agreement with ES&S for ExpressVote Marking Devices, Maintenance, and ElectionWare Software.

[19-512 Agreement](#)

*Concur and Place on File*

#### 3. 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.

*Refer to Public Works Committee*

#### 4. COMMUNICATION NO. [19-514](#)

Mike Clague, Deputy County Attorney requesting Council of Commissioners authorize the Chief Executive to approve and sign the three contracts with the Community Counseling and Correctional Services Inc. together with a contract with Mona L. Sumner and a contract with Public Health Management Corp. These contracts are for services provided to the Butte-Silver Bow DUI Court.

[19-514 Monitoring Agreement](#)

[19-514 Chemical Dependency Agreement](#)

[19-514 Coordinator Agreement](#)

[19-514 General Agreement](#)

[19-514 Software Agreement](#)

*Concur and Place on File*

#### 5. COMMUNICATION NO. [19-516](#)

Pat Cunneen Senior Operations Engineer requesting Council of Commissioners authorize the Chief Executive to sign the Engineering Task Orders for Supervisory Control and Data Acquisition (SCADA) support TIFID Lift Station and the Montana Tech Lift Station.

[19-516 14 & 15 Agreement](#)

*Concur and Place on File*



6. COMMUNICATION NO. [19-517](#)

Pat Cunneen Senior Operations Engineer requesting Council of Commissioners authorize the Chief Executive to sign the Wheel Loader Agreement for the Landfill.

[19-517 Agreement](#)

*Concur and Place on File*

7. COMMUNICATION NO. [19-518](#)

Pat Cunneen Senior Operations Engineer requesting Council of Commissioners authorize the Chief Executive to sign the Water and Environmental Technologies MS4 Permit Assistance Storm Water Contract Amendment #1 for Storm Water.

[19-518 Contract](#)

*Concur and Place on File*

8. COMMUNICATION NO. [19-519](#)

Pat Cunneen Senior Operations Engineer requesting Council of Commissioners authorize the Chief Executive to sign the Basin Creek Dam #1 Gannett Fleming Engineering Services Agreement for Water Treatment.

[19-519 Agreement](#)

*Concur and Place on File*

9. COMMUNICATION NO. [19-520](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorize the Chief Executive to sign the contract with Great West Engineering for the Landfill Cell IV Expansion.

[19-520 Agreement](#)

*Concur and Place on File*

10. COMMUNICATION NO. [19-521](#)

Dave Palmer, Chief Executive requesting Council of Commissioners to accept this letter as my formal request for your concurrence in the following appointments to the Americans with Disabilities Act Advisory Committee.

*Concur and Place on File*

11. COMMUNICATION NO. [19-522](#)

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 URA Board of Directors.

*Concur and Place on File*

12. COMMUNICATION NO. [19-523](#)

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

*Concur and Place on File*



13. COMMUNICATION NO. [19-524](#)

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 Butte Local Development Corporation Board of Directors.

*Concur and Place on File*

14. COMMUNICATION NO. [19-525](#)

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 Parking Commission.

*Concur and Place on File*

15. COMMUNICATION NO. [19-526](#)

Pat Holland Government Buildings Manager requesting Council of Commissioners authorize the Chief Executive to sign the attached agreement previously budgeted Development Phase Design Build/Energy Saving Performance Contract with McKinstry to reduce resource use through facility improvements.

[19-526 Agreement](#)

*Concur and Place on File*

16. COMMUNICATION NO. [19-527](#)

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 Superfund Advisory and Redevelopment Trust Authority.

*Concur and Place on File*

17. COMMUNICATION NO. [19-528](#)

Dylan Pipinich, Assistant Planning Director requesting Council of Commissioners authorize the Chief Executive for permission to schedule a Public Hearing on November 26, 2019 to hear public comment on Zone Change Application No. 179.

[19-528 Analysis](#)

*Hold in Abeyance in Committee of the Whole pending Public Hearing*

18. COMMUNICATION NO. [19-529](#)

J.P. Gallagher, Parks and Recreation Director requesting Council of Commissioners authorize the Chief Executive to sign a Montana Department of Natural Resources and Conservation (DNRC), Forestry Division, Program Development Grant Application.

*Concur and Place on File*

19. COMMUNICATION NO. [19-530](#)

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 International Union of Operating Engineers, Local No. 400.

[19-530 Agreement.](#)

*Concur and Place on File*



20. COMMUNICATION NO. [19-531](#)

Jon Sesso, Superfund Coordinator requesting Council of Commissioners authorize the Chief Executive to sign the Addendum No. 4 to the Allocation Agreement between Butte-Silver Bow and the Atlantic Richfield Company.

[19-531 Addendum](#)

*Concur and Place on File*

**SECTION 3: COMMUNICATIONS TO BE READ AND ACTED UPON**

1. COMMUNICATION NO. [19-511](#)

Dan Dennehy, Emergency Management Director requesting Council of Commissioners to hold a bid opening on November 6, 2019 regarding the purchase of the new Tactical Armored Incident Response Vehicle.

2. COMMUNICATION NO. [19-515](#)

Chuck Merrifield, Chairman Parks and Recreation Board requesting Council of Commissioners to read the attached letter be read and acted upon by the Butte -Silver Bow Council of Commissioners. Attached to this communication is also the 2009 Parks, Trails, and Open Space master Plan along with a 2012 Master Plan Accomplishment Document.

[19-515 Letter](#)

[19-515 Report](#)

**SECTION 4: ORDINANCES AND RESOLUTIONS SECOND READING**

1 .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](#)

**SECTION 5: ORDINANCES AND RESOLUTIONS FINAL READING**

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 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.

**PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA**

**CALENDAR OF OTHER MEETINGS AND EVENTS**

November 6, 2019, Airport Authority, 12:00 pm, Bert Mooney Airport Authority Admin. Office  
November 6, 2019, Butte AIDS Support Services, 7:00 pm, Community Center  
November 6, 2019, Board of Health, 7:00 am, Health Dept. Conference Room  
November 7, 2019, Civic Center, 12:00 pm, Civic Center Hospitality Room  
November 7, 2019, East Butte RRA, 9:00 am, 1st Floor Conference Room, *ad hoc basis*  
November 8, 2019, TIFID, 12:00 pm, Business Development Center  
November 11, 2019, Fair Board, 6:00 pm, Perkins or HOPS Meeting Room  
November 11, 2019, Archives, 12:00 pm, Archives Center  
November 12, 2019, Superfund Advisory (SARTA), 6:00 pm, Butte Justice Center  
November 13,14, 2019, Land Sales Committee, 1:30 pm, First Floor Conference Room  
November 13, 2019, Law Enforcement Commission, 4:00 pm, Chief Executive Conference Room  
November 13, 2019, Public Library Board, 5:00 pm, 3rd Floor, Library Bldg.  
November 14, 2019, Greenway Service District Board, 4:30 pm, Butte 1st Floor Conference Room  
November 18, 2019, Parks & Recreation, 11:30 am, Butte Justice Center  
November 19, 2019, Technical Review Committee, 1:30 pm, 3rd Floor, Water Building  
November 19, 2019, Urban Forestry Board, 1:00 pm, Business Development Center  
November 19, 2019, Public Housing Authority, 5:00 pm, New Deal Community Center



## **ADJOURN**

## **MEETINGS**

### **FINANCE & BUDGET COMMITTEE MEETING**

*NOVEMBER 6, 2019*

*7:00 PM BUTTE-SILVER BOW COURTHOUSE COUNCIL CHAMBERS*

Expenditure report for the week of November 6, 2019 was reviewed and approved for the amount of \$ \_\_\_\_\_.

### **ECONOMIC DEVELOPMENT COMMITTEE MEETING**

*NOVEMBER 6, 2019*

*6:00 PM BUTTE-SILVER BOW COURTHOUSE COUNCIL CHAMBERS*

## **REPORTS**

---

### **FINANCE & BUDGET COMMITTEE MEETING REPORT**

*OCTOBER 23, 2019*

*6:00 PM BUTTE-SILVER BOW COURTHOUSE COUNCIL CHAMBERS*

Expenditure report for the week of October 23, 2019 was reviewed and approved for the amount of \$514,236.28 for Fiscal Year 2020.

#### **FINANCE & BUDGET COMMITTEE MEMBERS:**

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

### **COMMITTEE OF THE WHOLE MEETING REPORT**

*OCTOBER 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. [19-503](#)

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.

---



*Refer to Public Works Department*

2. 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.

*Refer to Public Works Department*

3. 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*

4. 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](#)

*Cross Reference with Communication 19-488, and Place on File*

5 .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.

*Refer to Judiciary Committee*

6. 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*

7. 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 Abeyance*





**PUBLIC WORKS COMMITTEE MEETING REPORT**

*OCTOBER 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. COMMUNICATION NO. [19-447](#)**

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.

*Note and Place on File*

**SECTION 2. 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 until Public Hearing*

**PUBLIC WORKS COMMITTEE MEMBERS:**

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

**JUDICIARY COMMITTEE MEETING REPORT**

*OCTOBER 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	
RANDY NICHOLS	Total \$600.00	Demo Bond #473 REFUND		

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.

*Note and Place on File*

2. 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.

*Move to Final Reading*

3. 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.

*Move to Final Reading*

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.

*Move to Final Reading*



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

COUNCIL 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](#)

*Move to Second Reading*

JUDICIARTY COMMITTEE MEMBERS:

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

