

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS  
REGULAR MEETING AGENDA  
AMENDED PAGE 1  
JANUARY 6, 2010  
7:30 PM COURTHOUSE COUNCIL CHAMBERS**

ROLL CALL \_\_\_\_\_

PRAYER \_\_\_\_\_

APPROVAL OF THE MINUTES OF THE  
THE REGULAR MEETING, DECEMBER 23, 2009

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ITEMS NOT ADDRESSED ON THE AGENDA \_\_\_\_\_

PUBLIC COMMENT ON ANY PUBLIC MATTER  
NOT ON THE AGENDA \_\_\_\_\_

CHIEF EXECUTIVE'S REPORT \_\_\_\_\_

**SECTION I PUBLIC HEARING**

TO HEAR PUBLIC COMMENT REGARDING THE UPDATE TO BUTTE-SILVER BOW'S  
PARA-TRANSIT PLAN FOR DISABLED TRANSPORTATION. (Communication No. 09-775 be-  
ing held in the Committee of the Whole) **Proof of publication.**

**SECTION II BID OPENING**

SEALED BIDS ARE HEREBY INVITED FOR THE PURPOSE OF PURCHASING A  
LOADER MOUNTED SNOW BLOWER. (Communication No. 09-764 being held in the Committee of  
the Whole) **Proof of publication.**

**SECTION III CONSENT AGENDA**

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

**B. COMMUNICATIONS**

1. [10-01](#) Lee Phillips, Library Director, Butte-Silver Library, requesting Council's authorization for the Chief Executive to sign a contract with Butte Security for Fire Service monitoring. **Recommendation: Concur and place on file.**

2. [10-02](#) Lindsey Ide, Personnel Director, requesting Council's authorization for the Chief Executive to sign the Settlement Agreement with Pacific Northwest District Council of Carpenters, Local 112. **Recommendation: Concur and place on file.**
3. [10-04](#) Debbie Alt, Accounts Payable, requesting Council's authorization for the Chief Executive to sign a contract with ADDCO Office Systems, Inc. for maintenance service on the Hasler WJ150 postage machine and the WJJWP30 scale. **Recommendation: Concur and place on file.**
4. [10-05](#) Sheriff John P. Walsh, Butte-Silver Bow Law Enforcement Department, requesting Council's authorization of budget transfer. **Recommendation: Refer to Finance and Budget Committee.**
5. [10-06](#) Bill Melvin, Civic Center Manager, requesting Council's authorization of Budget Transfer. **Recommendation: Refer to Finance and Budget Committee.**
6. [10-07](#) Dave Cunningham, Butte-Silver Bow Public Works Services Division, requesting Council's authorization to schedule a bid opening on January 20, 2010 for Clark Park Splash Park. **Recommendation: Set bid opening for January 20, 2010 and hold in Committee of the Whole.**
7. [10-08](#) Karen Byrnes, Community Development Director, requesting Council's authorization to submit a grant application to the HOME Program and to the CDBG Program related to the Meadowlands Senior Affordable Housing Project and for the Chief Executive to sign all related documents. **Recommendation: Concur and place on file.**
8. [10-09](#) Lee Phillips, Chief Librarian, Butte-Silver Bow Public Library, requesting Council's authorization of budget transfer. **Recommendation: Refer to Finance and Budget Committee.**

#### SECTION IV COMMUNICATIONS TO BE READ AND ACTED UPON

1. [10-03](#) Paul Babb, Chief Executive, requesting Council's concurrence in the appointments to the Butte Natural Resource Damage Council (BNRC).
2. 09-626 Bob Rowling, Parks and Recreation Director, requesting Council's authorization for the issuance of a Developer's Packet for the disposition of surplus parkland located adjacent to Block 9 of the Hillcrest Addition, Section 28, T3N, R7W (Parcel No. 1092650).

**SECTION V**

**SUSPENSION OF THE RULES  
FOR FINAL PASSAGE**

**COUNCIL RESOLUTION NO. [10-02](#)**

A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION WITH THE DEPARTMENT OF COMMERCE OF THE STATE OF MONTANA, FOR A MONTANA COMMUNITY DEVELOPMENT BLOCK GRANT UNDER THE TERMS OF THE COMMUNITY DEVELOPMENT ACT OF 1974 (42 USC 5301) AS AMENDED.

**SECTION VI**

**ORDINANCES AND RESOLUTIONS –  
REFERRED TO JUDICIARY**

1. **COUNCIL RESOLUTION NO. [10-01](#)**

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW URBAN REVITALIZATION AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**SECTION VI**

**ORDINANCES  
SECOND READING**

1. **COUNCIL BILL NO. 09-11  
ORDINANCE NO. 09-11**

AN ORDINANCE GOVERNING PUBLIC HEALTH, SAFETY AND SECURITY FOR SPECIAL EVENTS, TO BE NUMBERED CHAPTER 8.24 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “SPECIAL EVENTS ORDINANCE”; PROVIDING FOR PERMITS; PROVIDING FOR APPLICATION PRECEDURES; PROVIDING FOR PROCEDURES FOLLOWING APPLICATION; PROVIDING FOR DENIAL OR REVOCATION OF PERMIT; PROVIDING FOR EXEMPTIONS; PROVIDING FOR FUNDING; PROVIDING FOR APPEALS; PROVIDING FOR ENFORCEMENT; AND PROVIDING FOR AN EFFECTIVE DATE HEREIN

2. **COUNCIL BILL NO. 09-14  
ORDINANCE NO. [09-14](#)**

AN ORDINANCE CREATING A NEW CHAPTER IN THE BUTTE-SILVER BOW MUNICIPAL CODE TO BE NUMBERED CHAPTER 2.89 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) AND ENTITLED “ANIMAL SERVICES BOARD”; PROVIDING FOR AN ANIMAL SERVICES BOARD; REPEALING ORDINANCE NO. 376 AND SECTIONS 2.88.010 AND 2.88.020 OF THE B-SB MC AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

3. **COUNCIL BILL NO. 09-15  
ORDINANCE NO. [09-15](#)**

AN ORDINANCE CREATING A NEW CHAPTER IN THE BUTTE-SILVER BOW MUNICIPAL CODE TO BE NUMBERED CHAPTER 2.87 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) AND ENTITLED “COMMUNITY ENRICHMENT DEPARTMENT”; PROVIDING FOR AN ANIMAL SERVICES DIVISION; AND A

COMMUNITY DECAY DIVISION AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

4. **COUNCIL BILL NO. 09-16**  
**ORDINANCE NO. [09-16](#)**

AN ORDINANCE AMENDING CHAPTER 2.10 OF THE BUTTE-SILVER BOW MUNICIPAL CODE ENTITLED "PERSONNEL SYSTEM"; AMENDING SECTIONS 2.10.010, 2.10.030, 2.10.040, 2.10.050, 2.10.060, 2.10.070 AND 2.10.080 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC); DELETING ALL REFERENCE TO PERSONNEL AND RENAMING PERSONNEL TO HUMAN RESOURCE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**SECTION VIII** **ORDINANCES AND RESOLUTIONS**  
**FINAL READING**

1. **COUNCIL BILL NO. 09-12**  
**ORDINANCE NO. 09-12**

AN ORDINANCE REPLACING CHAPTER 13.04 OF THE BUTTE-SILVER BOW MUNICIPAL CODE REGULATING THE USE OF THE BUTTE-SILVER BOW METRO SANITARY AND STORM SEWER DISTRICT NO. 1 SANITARY WASTEWATER TREATMENT SYSTEM; PRIVATE WASTEWATER DISPOSAL; CONSTRUCTION OF PUBLIC AND PRIVATE SEWERS; INDUSTRIAL DISCHARGERS; PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2. **COUNCIL BILL NO. 09-13**  
**ORDINANCE NO. [09-13](#)**

AN ORDINANCE AMENDING BUTTE-SILVER BOW ORDINANCE NO. 93 AND CHAPTER 13.08 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "SERVICE CHARGES FOR USE OF WASTEWATER TREATMENT SYSTEM"; ADDING A NEW SECTION TO BE NUMBERED 13.08.055; ADDING ADDITIONAL COMMERCIAL/INDUSTRIAL FEES FOR HIGH LOADING AND HIGH FLOW AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

3. **COUNCIL RESOLUTION NO. [09-89](#)**

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT OF THE ALEXANDER MINOR 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.

4. **COUNCIL RESOLUTION NO. [09-90](#)**

RESOLUTION RELATING TO \$750,000 LIMITED GENERAL OBLIGATION BONDS (DNRC DRINKING WATER STATE REVOLVING LOAN PROGRAM), CONSISTING OF \$416,300 TAXABLE SERIES 2010A BOND AND \$333,700 SERIES 2010B BOND;

AUTHORIZING THE ISSUANCE AND FIXING THE TERMS AND CONDITIONS THEREOF.

**SECTION IX CALENDAR OF OTHER MEETINGS AND EVENTS**

January 7 Civic Center	5:00 PM	Civic Center Hospitality Room
January 11 Archives	Noon	Archives Center, 17 W Quartz
January 13 Law Enforcement Commission	4:00 PM	Chief Executive's Conference Room
January 13 Library	5:00 PM	2 <sup>nd</sup> or 3 <sup>rd</sup> Floor-Library Building
January 13 Fair Board	5:30 PM	Business Development Center
January 13 Fire Advisory Council	5:00 PM	1 <sup>st</sup> Floor Conference Room
January 18 Airport Authority	Noon	Bert Mooney Airport
January 19 Housing Authority	5:30 PM	Silver Bow Homes Housing
January 19 Parks and Recreation	4:15 PM	Civic Center Conference Room
January 20 Community Enrichment	10:00 AM	Health Department

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# COMMITTEE OF THE WHOLE MEETING REPORT

## DECEMBER 30, 2009

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 I PUBLIC HEARING

TO HEAR PUBLIC COMMENT REGARDING INCREASING THE URBAN REVITALIZATION AGENCY'S BUDGET AUTHORITY IN THE URA LOAN FUND. (Communication No. 09-758 being held in Committee of the Whole). **Proof of Publication.**

### SECTION II PUBLIC HEARING

TO HEAR PUBLIC COMMENT REGARDING A CDBG PROJECT. (Communication No. 09-760 being held in Committee of the Whole). **Proof of Publication.**

### SECTION III PUBLIC HEARING

TO HEAR PUBLIC COMMENT REGARDING THE MEADOWLANDS SENIOR AFFORDABLE HOUSING PROJECT. (Communication No. 09-761 being held in Committee of the Whole). **Proof of Publication.**

### SECTION IV PRESENTATION COMMUNICATION NO. 09-733

Sally Hollis, Clerk and Recorder, requesting time on the December 30, 2009 agenda for a presentation on Room 109. *Committee recommends that Communication No. 09-733 be placed on file.*

### SECTION V PRESENTATION COMMUNICATION NO. 09-734

Sally Hollis, Clerk and Recorder, requesting time on the December 30, 2009 agenda for a presentation on the cost of the Walkerville Election. *Committee recommends that Communication No. 09-734 be held in abeyance.*

### SECTION VI PRESENTATION COMMUNICATION NO. 09-735

Sally Hollis, Clerk and Recorder, requesting time on the December 30, 2009 agenda for a presentation on changing Precinct Boundaries. *Committee recommends that Communication No. 09-735 be placed on file.*

**SECTION VII**

**PRESENTATION  
COMMUNICATION NO. 09-785**

Janet Krivacek, District Ranger, United States Department of Agriculture, requesting time on the December 30, 2009 agenda for a presentation regarding the Beaverhead Deerlodge National Forest, and to introduce Dave Myers, the new Forest Supervisor. *Committee recommends that Communication No. 09-785 be placed on file.*

**SECTION VIII**

**COMMUNICATION NO. 09-365**

Mike Sheehy, Commissioner District 10, requesting support on an ordinance that would make all new transmission line within our county be buried from border to border. *Committee recommends that Communication 09-365 be held in abeyance.*

**SECTION IX**

**COMMUNICATION NO. 09-513**

Dave Palmer, Commissioner District 12 requesting Chief Executive appoint a committee to explore designating an area of the Historic District as a Repository for Historic Structures to be demolished. *Committee recommends that Communication No. 09-513 be held in abeyance pending a report from the Historic District.*

**SECTION X**

**COMMUNICATION NO. 09-626**

Bob Rowling, Parks and Recreation Director, requesting Council’s authorization for the issuance of a Developer’s Packet for the disposition of surplus parkland located adjacent to Block 9 of the Hillcrest Addition, Section 28, T3N, R7W (Parcel No. 1092650). *Committee recommends that Communication No. 09-626 be referred to the Regular Council Meeting of January 6, 2010 – To Be Read and Acted Upon.*

**SECTION XI**

**COMMUNICATION NO. 09-666**

Bob Rowling, Parks and Recreation Director, requesting Council’s authorization to have the Chamber of Commerce and the Montana Department of Transportation spearhead establishing and maintaining a Greater Butte-Silver Bow scenic drive route. *Committee recommends that Communication No. 09-666 be held in abeyance.*

**SECTION XII**

**PRESENTATION  
COMMUNICATION NO. 09-699**

Paul Babb, Chief Executive, requesting time on the November 10, 2009 agenda to make a presentation on the taxable valuation for Silver Bow County and asking Council to take action as to the findings. *Committee recommends that Communication No. 09-699 be held in abeyance.*

**SECTION XIII**

**COMMUNICATION NO. 09-757**

Dan Powers, R.S., Butte-Silver Bow Health Department, requesting Council act as the governing board for the Melrose Refuse District and to Authorize enacting a Resolution specifying the assessment for the District. *Committee recommends that Communication No. 09-757 be held in abeyance pending resolution.*



# **FINANCE AND BUDGET COMMITTEE MEETING REPORT DECEMBER 30, 2009**

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 follow

## **SECTION I                      COMMUNICATION NO. 09-746**

Roxanne Larson, Planning Department, requesting Council's authorization for Budget Transfer. *Committee recommends that Communication No. 09-746 be approved and placed on file.*

## **SECTION II                      COMMUNICATION NO. 09-747**

Jeff Amerman, Finance and Budget Director, requesting Council's authorization for Budget Transfer. *Committee recommends that Communication No. 09-747 be approved and placed on file.*

## **SECTION III                      COMMUNICATION NO. 09-748**

Jon Sesso, Planning Department Director, requesting Council's authorization for Budget Transfer. *Committee recommends that Communication No. 09-748 be approved and placed on file.*

## **SECTION IV                      COMMUNICATION NO. 09-749**

Jon Sesso, Planning Department Director, requesting Council's authorization for Budget Transfer. *Committee recommends that Communication No. 09-749 be approved and placed on file.*

## **SECTION V                      COMMUNICATION 09-752**

Debra Williams, Justice Court Judge, requesting Council's authorization for a Budget Transfer. *Committee recommends that Communication No. 09-752 be approved and placed on file.*

## **SECTION VI                      COMMUNICATION NO. 09-768**

Theresa Hocking, RN, CIC, Director of Butte-Silver Bow health department, requesting Council's authorization for Budget Transfer. *Committee recommends that Communication No. 09-768 be approved and placed on file.*

**SECTION VII                      COMMUNICATION NO. 09-770**

Bill Melvin, Butte Civic Center Manager, requesting Council's authorization for Budget Transfer. *Committee recommends that Communication No. 09-770 be approved and placed on file.*

**SECTION VIII                      COMMUNICATION NO. 09-771**

Lindsey Ide, Personnel Director, requesting Council's authorization for Budget Transfer Request. *Committee recommends that Communication 09-771 be approved and placed on file.*

**SECTION IX                      COMMUNICATION NO. 09-776**

Dave Palmer, Council of Commissioners, requesting Council's authorization for Budget Transfer. *Committee recommends that Communication No. 09-776 be approved and placed on file.*

**SECTION X                      COMMUNICATION NO. 09-777**

Lee Phillips, Chief Librarian, requesting Council's authorization for Budget Transfer. *Committee recommends that Communication No. 09-777 be approved and placed on file.*

**SECTION XI                      COMMUNICATION NO. 09-781**

Rick Larson, Operations Manager, Butte-Silver Bow Public Works Department, requesting Council's authorization for a Budget Transfer. *Committee recommends that Communication No. 09-781 be held in abeyance.*







**SECTION VII**

**COMMUNICATION NO. 09-742**

Terry Schultz, Council of Commissioners, District 4, requesting time to discuss drainage problems at the intersection of Elm Street and Howard Street. *Committee recommends to place Communication No. 09-742 in suspense for four months.*

**SECTION VIII**

**COMMUNICATION NO. 09-743**

Terry Schultz, Council of Commissioners, District 4, requesting time to discuss a traffic survey and solutions for Eagle Street area. *Committee recommends that Communication No. be held in abeyance.*

**RULES COMMITTEE  
DECEMBER 30, 2009  
5:30 PM COURTHOUSE COUNCIL CHAMBERS**

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

Ladies and Gentlemen:

We, your Rules Committee respectfully recommend as follows:

**SECTION I                      COMMUNICATION NO. 09-783**

Dave Palmer, Chairman, Butte-Silver Bow Council of Commissioners, requesting the Rules Committee to meet to incorporate the changes in the way Council does business into the Rules and Order of Business of the Council of Commissioners. *Committee recommends to hold Communication No. 09-783 in the Rules Committee pertaining to setting public hearings and presentations, but withdraw bid openings.*