

SECTION IV

**PRESENTATION
COMMUNICATION NO. 09-655**

Karen Byrnes, Director Community Development Department, requesting time on the October 21, 2009 agenda for applicants' presentations regarding Developer's Packet Proposals for (Surplus) parkland adjacent to Block, 9 Hillcrest addition, Section 28, Township 3 North, Range 7 West.

SECTION V

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

B. COMMUNICATIONS

- 1. 09-665 Ellen Crain, Archivist, Butte-Silver Bow, requesting Council's authorization to purchase furniture, fixtures and equipment through the State of Montana and have the Chief Executive sign a Memorandum of Understanding. **Recommendation: Concur and place on file.**
- 2. 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. **Recommendation: Note and hold in the Committee of the Whole.**
- 3. 09-669 Roger Ebner, Emergency Management Coordinator, requesting Council's authorization to accept Homeland security Grant Award and authorize the Chief Executive to sign award agreement: **Recommendation: Concur and place on file.**
- 4. 09-670 Lisa Lean-Anzik, Extension Service Administrative Assistant, requesting Council's authorization for the Chief Executive to enter into a maintenance contract with Lee's Office City for Lanier copier at Silver-Bow County Extension Office. **Recommendation: Concur and place on file.**
- 5. 09-671 Sheriff John Walsh, Butte-Silver Bow Law Enforcement Department, requesting Council's authorization to transfer \$270 from STEP account (100.111.4201.53.110) to cover cost expenditures for the STEP (Selective Traffic Enforcement Program) grant overtime shifts. **Recommendation: Refer to Finance and Budget Committee**
- 6. 09-672 Lee Phillips, Library Director, requesting Council's authorization for the Chief Executive to sign an approval of the grant application and agreement to provide funding from Humanities Montana for the Butte Digital Film Project. **Recommendation: Concur and place on file.**

7. 09-673 Dan Dennehy, Director Butte-Silver Bow Public Works Department, requesting Council's authorization for the Chief Executive to sign a contract with Butte's Best Lawn and Cleaning Services, LLC for Janitorial Services at the Public Works Administration Building and Maintenance Center. **Recommendation: Concur and place on file.**
8. 09-674 Dave Fawcett, Chair – Archives Renovation and Vault Addition Review Committee, requesting time on the October 21, 2009 agenda for a project update and introduction of the Project Manager. **Recommendation: Concur and set presentation for October 21, 2009.**
9. 09-675 Andrew Zdinak, Marketing Director, BLDC, requesting Council's authorization for loan from the Butte Local Development Corporation's Anaconda ARCO Loan Fund Committee to Peggy S. Lowney, D.M.D., P.C. **Recommendation: Concur and place on file.**
10. 09-676 Paul Babb, Chief Executive, requesting Council's authorization of the reappointments of Mr. Jim McGree and Mr. Harp Cote to the Anaconda/ARCO Loan Committee. **Recommendations: Concur and place on file.**
11. 09-677 Theresa Hocking, RN/CIC/MSN/MPH Health Officer, requesting Council's authorization for the Chief Executive to sign four contracts between Butte-Silver Bow Health Department and private entities. **Recommendation: Concur and place on file.**
12. 09-679 Irene Weber, requesting Council's authorization of refund of \$500 deposit for Petition No. 09-7 for an alley closure which was denied. **Recommendation: Concur and place on file.**
13. 09-680 Rick Larson, Operations Manager/Utility Division Public Works Department, requesting Council's authorization to conduct a bid opening for the 2009 Big Hole Water Transmission Main replacement Project. **Recommendation: Concur and set bid opening for October 21, 2009.**
14. 09-681 Dan Dennehy, Director Butte-Silver Bow Public Works, requesting Council's authorization for the Chief Executive to enter into an amended contract with the Department of the Army Corps of Engineers for water improvement projects. **Recommendation: Concur and place on file.**
15. 09-682 Paul Babb, Chief Executive, informing Council of the establishment of an Ad Hoc Committee to set the criteria and select a candidate for the Misdemeanor Probation Officer Position. **Recommendation: Concur and place on file.**

16. 09-683 Lindsey Ide, Personnel Director, requesting Council's authorization of the contract settlement with the International Association of Machinists and Aerospace Workers Local Union No. 88 and for the Chief Executive to execute the documents. **Recommendation: Concur and place on file.**
17. 09-684 Jon Sesso, Planning Director, requesting council's authorization of a contract with Water and Environmental Technologies, Inc. to perform engineering services for the Butte Fish Pond Project and for the Chief Executive to sign the contract. **Recommendation: Concur and place on file.**
18. 09-685 Kristen Rosa, TIFID Administrator, requesting Council's authorization of a grant request of TIFID funds for the Port of Montana Expansion Project. **Recommendation: Concur and place on file.**
19. 09-686 Steven Nordgren, Designer, requesting Council's authorization to place a sign on the front elevation of 21 Main Street, as Jade Hair Studio's primary ID. **Recommendation: Concur and place on file.**
20. 09-687 Karen Byrnes, Community Development Director, requesting Council's authorization for the Chief Executive to sign a contract amendment with the BSTF Program. **Recommendation: Concur and place on file.**
21. 09-688 Karen Byrnes, Community Development Director, requesting Council schedule a Public Hearing on November 4, 2009 to receive public comment on the 2009 Bulletproof Vest Grant funds received from the U.S. Department of Justice and amend the 2009-2010 Budget to create budget authority for the grant monies. **Recommendation: Set Public Hearing for November 4, 2009 meeting.**
22. 09-689 Dave Palmer, Commissioner District No. 12, requesting Council's concurrence with the appointment of Dan Foley to the Butte-Silver Bow Planning Board for a Two-Year term. **Recommendation: Concur and place on file.**

SECTION VI COMMUNICATIONS TO BE READ AND ACTED UPON

1. **09-667** Paul Babb, Chief Executive, requesting Council's concurrence in the appointment of Derek Harvey as a Probationary Entry Level Firefighter.
2. **09-678** Paul Babb, Chief Executive, requesting Council's concurrence in the confirmation of Mr. Chris Mjelde as a Firefighter.

2.

COUNCIL RESOLUTION NO. 09-60

A RESOLUTION ACCEPTING THE DONATION OF A PORTION OF THE WEST SIDE OF COVERT STREET BETWEEN EAST PARK STREET AND EAST BROADWAY STREET, AND MORE PARTICULARLY DESCRIBED ON CERTIFICATE OF SURVEY NO. 900A-RB, OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

3.

COUNCIL RESOLUTION NO. 09-71

A RESOLUTION ESTABLISHING CRITERIA FOR THE CLASSIFICATION OF UNSOLD TAX-DEED LANDS; DETERMINING THAT CERTAIN PROPERTY SHOULD BE HELD IN CITY-COUNTY OWNERSHIP BECAUSE OF COMPELLING PUBLIC INTEREST; ORDERING CERTAIN PARCELS OF REAL PROPERTY BE HELD IN CITY-COUNTY OWNERSHIP AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION IX CALENDAR OF OTHER MEETINGS AND EVENTS

October 22	Business Development Center	10:00 AM	Business Development Center
October 28	Fire Advisory Council	5:00 PM	1 st Floor Conference Room
October 28	Parking Commission	9:00 AM	Chief Executive’s Conference Room
October 28	Local Emergency Planning Com.	Noon	1 st Floor Conference Room
October 28	Port of Montana	Noon	Hub Center, Silver Bow, Montana
October 28	Urban Revitalization	9:00 AM	1 st Floor Conference Room
October 29	Planning Board	5:00 PM	Council Chambers, 3 rd Floor of Courthouse
November 2	Airport Authority	Noon	Bert Mooney Airport Admin Office
November 3	Historic Preservation Commission	5:30 PM	1 st Floor Conference Room
November 3	Weed board	7:00 PM	Weed Department
November 4	Health Department	7:00 AM	Health Department
November 4	Butte Aids Support Services	7:00 PM	Community Center
November 5	Civic Center	5:00 PM	Civic Center Hospitality Room

ADJOURN_____

COMMITTEE OF THE WHOLE MEETING REPORT OCTOBER 14, 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 PRESENTATION COMMUNICATION NO. 09-644

Dan Rapkoch, Contractor, MSTI Communications Manager, requesting time on the October 14, 2009 Agenda to address comments made on September 16, 2009 by Montana Public Service Commissioner Brad Molnar regarding MSTI. *Committee recommends that Communication No. 09-644 be placed on file.*

SECTION II 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 III COMMUNICATION NO. 09-482

Jeff Amerman, Finance and Budget Director requesting time on July 1, 2009 agenda for brief presentation on the budget process and budget schedule. *Committee recommends to concur with Communication No. 09-482 and place on file.*

SECTION VI 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 V COMMUNICATION NO. 09-529

Jill Honer, Steve Honer, Jeffrey Honer, & Natalie Munder, requesting Council amend Butte-Silver Bow Parks and Recreation Master Plan to include the establishment and maintenance of a Greater Butte-Silver Bow Scenic Drive route. *Committee recommends that Communication No. 09-529 be denied and place on file.*

SECTION XIII

COMMUNICATION NO. 09-655

Karen Byrnes, Director Community Development Department, requesting time on the October 21, 2009 agenda for applicants' presentations regarding Developer's Packet Proposals for (Surplus) parkland adjacent to Block, 9 Hillcrest addition, Section 28, Township 3 North, Range 7 West. *Committee recommends that Communication No. 09-655 be held in abeyance.*

SECTION XIV

COMMUNICATION NO. 09-656

Karen Byrnes, Director Community Development Department, requesting time on the October 28, 2009 agenda for a Public Hearing regarding Developer's Packet Proposals for (Surplus) Parkland adjacent to Block 9, Hillcrest Addition, Section 28, Township 3 North, Range 7 West. *Committee recommends that Communication No. 09-656 be held in abeyance.*

FINANCE AND BUDGET COMMITTEE MEETING REPORT

OCTOBER 14, 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 follows:

SECTION I COMMUNICATION NO. 09-579

Kristen Rosa, TIFID Administrator, requesting Council's authorization for the Chief Executive to sign Change Order #4 for the Markovich Construction Contract. *Committee recommends that Communication No. 09-579 be denied and placed on file..*

SECTION II COMMUNICATION NO. 09-628

Karen Byrnes, Community Development Director, requesting Council authorize the forgiveness of the CDBG loan in the amount of \$6,627.49 for the property located at 601 W. Galena to William Critz and have the Office of Finance and Budget make the adjustments. *Committee recommends to concur with the request of Communication No. 09-628 and place on file, as contingency has been met.*

SECTION III EXPENDITURE REPORT

10-14-09

\$1,159,069.41

Committee recommends expenditure be approved and placed on file.

SECTION VI

**COUNCIL BILL NO. 09-8
ORDINANCE NO. 09-8**

AN ORDINANCE AMENDING CHAPTER 2.20 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "LAW ENFORCEMENT DEPARTMENT"; AMENDING SECTION 2.20.085, B-SB MC SUBSECTIONS A THROUGH C AND E THROUGH H, ENTITLED "FEES OF SHERIFF"; ADDING NEW SUBSECTIONS TO BE NUMBERED X AND Y; INCREASING VARIOUS FEES CHARGED BY THE SHERIFF AND PROVIDING FOR THE DEPOSIT OF SUCH INCREASES INTO THE LAW ENFORCEMENT PATROL VEHICLE REPLACEMENT AND EQUIPMENT FUND; ADDING A NEW CHARGE FOR SERVING ALL CIVIL PROCESS PAPERS OR DOCUMENTS THAT NEED TO BE NOTARIZED; ADDING A NEW CHARGE FOR SERVING CHILD SUPPORT DOCUMENTS FOR THE STATE OF MONTANA; PROVIDING FOR THE DEPOSIT OF THE NEW CHARGES TO BE PLACED IN THE LAW ENFORCEMENT PATROL VEHICLE REPLACEMENT AND EQUIPMENT FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Bill No. 09-8, Ordinance No. 09-8 be moved to second reading.*

SECTION VII

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

AN ORDINANCE AMENDING SECTION 2 OF BUTTE-SILVER BOW ORDINANCE NO. 134 AND SECTION 2.04.010 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC); ADJUSTING THE ANNUAL SALARIES OF THE CHIEF EXECUTIVE, COUNTY ATTORNEY, SHERIFF, CLERK AND RECORDER, TREASURER, ASSESSOR, CITY JUDGE, JUSTICE OF THE PEACE, AUDITOR, SUPERINTENDENT OF SCHOOLS, CLERK OF THE DISTRICT COURT, CORONER AND MEMBERS OF THE COUNCIL OF COMMISSIONERS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Bill No. 09-09, Ordinance No. 09-09 be moved to second reading.*

SECTION VIII

COUNCIL RESOLUTION NO. 09-60

A RESOLUTION ACCEPTING THE DONATION OF A PORTION OF THE WEST SIDE OF COVERT STREET BETWEEN EAST PARK STREET AND EAST BROADWAY STREET, AND MORE PARTICULARLY DESCRIBED ON CERTIFICATE OF SURVEY NO. 900A-RB, OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 09-60 be moved to final reading and cross-referenced with Communication NO. 09-483.*

SECTION IX

COUNCIL RESOLUTION NO. 09-71

A RESOLUTION ESTABLISHING CRITERIA FOR THE CLASSIFICATION OF UNSOLD TAX-DEED LANDS; DETERMINING THAT CERTAIN PROPERTY SHOULD BE HELD IN CITY-COUNTY OWNERSHIP BECAUSE OF COMPELLING PUBLIC INTEREST; ORDERING CERTAIN PARCELS OF REAL PROPERTY BE HELD IN CITY-COUNTY OWNERSHIP AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 09-71 be moved to final reading.*

SECTION X

CLAIM APPROVAL

2498	Rob Lee	\$ 200.00	Demo Bond refund
2738	Glenn Kincaid	\$ 124.00	Refund Overpayment on Account

Committee recommends all claims be approved as presented.

SECTION VII

COMMUNICATION NO. 09-645

Glen Granger, Commissioner District No. 1, requesting Council's authorization for a traffic study to be conducted on the corner of Whiteway and Burlington Streets. *Committee recommends that Communication No. 09-645 be held in abeyance.*

SECTION VIII

COMMUNICATION NO. 09-659

Dan Dennehy, Director Butte-Silver Bow Public Works Department, requesting Council's approval for a presentation BY Thorne Butler to the Public Works Committee on October 14, 2009 regarding the closure of a portion of the alley between Busch Street and Harrison on behalf of EDL, EGL, LLC. *Committee recommends that Communication No. 09-659 be placed on file.*

RULES COMMITTEE
OCTOBER 14, 2009
5:30 PM COURTHOUSE COUNCIL CHAMBERS

SECTION I

COMMUNICATION 09-494

Terry Schultz, District 4 Council of Commissioners, requesting Rule XXIX require a 2/3 majority of Commissioners and that the Council affirm, by 2/3 majority vote, THE RULES AND ORDER OF BUSINESS OF THE COUNCIL OF COMMISSIONERS OF BUTTE-SILVER BOW, STATE OF MONTANA. *Committee recommends that Communication No. 09-494 be denied and placed on file.*