

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING AGENDA**

June 2, 2010

7:30 PM COURTHOUSE COUNCIL CHAMBERS

ROLL CALL _____

PRAYER _____

APPROVAL OF THE MINUTES OF THE REGULAR MEETING, [MAY 19, 2010](#)

ITEMS NOT ADDRESSED ON THE AGENDA _____

PUBLIC COMMENT ON ANY PUBLIC MATTER
NOT ON THE AGENDA _____

CHIEF EXECUTIVE'S REPORT _____

SECTION I 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

B. COMMUNICATIONS

1. [10-303](#) Jon Sesso, Director Butte-Silver Bow Planning Department, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
2. [10-304](#) Ellen Crain, Manager, Butte-Silver Bow Archives, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
3. [10-305](#) Sean Johnson, Vice President Montana East-West Shrine Game, requesting Council's authorization to hold a parade in Uptown Butte on July 17, 2010 in conjunction with the East-West Shrine Game. **Recommendation: Concur and place on file.**
4. [10-306](#) James Manning, Chairperson Greenway Service District, requesting Council's authorization for the Greenway Service District to purchase property along Silver Bow Creek. **Recommendation: Concur and place on file.**
5. [10-307](#) Sheriff John Walsh, Butte-Silver Bow Law Enforcement, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**

6. [10-308](#) Sheriff John Walsh, Butte-Silver Bow Law Enforcement, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
7. [10-309](#) Paul Babb, Chief Executive, requesting Council's authorization for the chief Executive to sign a request for Military Aerial support for Evel Knievel Week. **Recommendation: Concur and place on file.**
8. [10-310](#) Karen Byrnes, Director Community Development Department, requesting Council's authorization for the Chief Executive to enter into the Homeowner Deferred Repayment Assistance Agreement and the Housing Rehabilitation Lien agreement. **Recommendation: Concur and place on file.**
9. [10-311](#) Gary Keeler, Transit Director, requesting Council's authorization for the Chief Executive to execute agreements with the State of Montana for the purpose of receiving \$528,056.10 in Section 5311 transit operating assistance. **Recommendation: Concur and place on file.**
10. [10-312](#) Sally Hollis, Clerk and Recorder~ Election administrator, advising Council of those electors who have agreed to serve as election judges for the upcoming June 8, 2010 primary and requesting the option to add additional or replacement judges as may be necessary. **Recommendation: Concur and place on file.**
11. [10-313](#) Ed Fisher, Chief, Boulevard Fire Department, requesting Council's authorization to apply for two FEMA Grants. **Recommendation: Refer to the Finance and Budget Committee.**
12. [10-314](#) Lee Lebreche, Butte-Silver Bow Coroner, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
13. [10-315](#) Steve Kambich, City Court Judge, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee**
14. [10-316](#) Jim Jarvis, Historic Preservation Officer, requesting Council's concurrence for the submission of three grant applications for the 2010/2011 fiscal year and authorization for the Chief Executive to prepare and sign letters of support to accompany the proposals. **Recommendation: Concur and place on file.**
15. [10-317](#) Jim Jarvis, Historic Preservation Officer, requesting Council's authorization for the Chief Executive to execute a grant contract with Montana Department of Commerce to accept HB 645 grant funds to restore buildings at the Original Mine Yard. **Recommendation: Concur and place on file.**

16. [10-318](#) Dan Dennehy, Director Butte-Silver Bow Public works Department, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
17. [10-319](#) Lori Maloney, Clerk of District Court, requesting Council's authorization to recycle used and obsolete equipment. **Recommendation: Concur and place on file.**
18. [10-320](#) Dori Skrukrud, Community Development Coordinator, requesting Council's authorization to hold a public hearing July 7, 2010 regarding Developer's Packet Proposals for vacant property located in the 500 Block of East Park Street, Butte, Montana. **Recommendation: Concur and schedule public hearing for July 7, 2010.**
19. [10-321](#) Dori Skrukrud, Community Development Coordinator, requesting Council's authorization to hold a public hearing July 7, 2010 regarding Developer's Packet Proposals for property located at 1508 Dunn Ave., Walkerville, Montana. **Recommendation: Concur and schedule public hearing for July 7, 2010.**
20. [10-322](#) Dan Dennehy, Director Butte-Silver Bow Public Works Department, requesting Council's authorization for the Chief Executive to sign an agreement with Dowl HKM to provide engineering services for designing and providing specifications for the reconstruction of the intersection at Ottawa Street, Massachusetts Ave., and Florence Ave. **Recommendation: Concur and place on file.**
21. [10-323](#) Chief Executive, Paul Babb, requesting Council's concurrence of reappointments to the East Butte RRA Board. **Recommendation: Concur and place on file.**
22. [10-324](#) Chief Executive Paul Babb, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee**
23. [10-325](#) Eileen Joyce, Butte-Silver Bow County Attorney, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
24. [10-326](#) Sally Hollis, Clerk and Recorder, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
25. [10-327](#) Kristen Rosa, TIFID Administrator, requesting Council's authorization to schedule a public hearing on June 16, 2010 regarding the ARRA bond allocation for the William Charles Project located in the TFID. **Recommendation: Concur and schedule public hearing for June 16, 2010.**
26. [10-328](#) Marijo MacDonald, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**

27. [10-329](#) Theresa Hocking, RN CIC, Director of Butte-Silver Bow Public Health Department, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
28. [10-330](#) Terry Schultz, Commissioner District Number 4, requesting Council's authorization of the formation of a Special Improvement District for the Fairmont Street area. **Recommendation: Refer to the Public Works Committee.**
29. [10-331](#) Jon Sesso, Director Butte-Silver Bow Planning Department, requesting Council's authorization to designate Amherst Street as Butte-Silver Bow's next priority project for urban funding, authorize an appropriate letter to the Montana Highway Commission regarding this designation, consider future priority project nominations and schedule a presentation for June 9, 2010 to explain the projects in more detail. **Recommendation: Concur with request and schedule presentation for June 9, 2010.**
30. [10-332](#) Jon Sesso, Director Butte-Silver Bow Planning Department, requesting Council's concurrence in the proposed changes to the MDT's Urban System Routes and authorize the Chief Executive to submit an appropriate request letter to the Montana Highway Commission. **Recommendation: Concur and place on file.**
31. [10-333](#) Nancy Barry, Council Secretary, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
32. [10-334](#) Roger Ebner, Coordinator, Emergency Management Services, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
33. [10-335](#) Sharon Crase, Operations Assistant, Public Works Department, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
34. [10-338](#) Lori Casey, Senior Planner, requesting Council's conditional approval of the Preliminary Plat of the Columbia Gardens Estates – Major Subdivision. **Recommendation: Concur and place on file.**
35. [10-339](#) Theresa Hocking, RN CIC, Director Public Health Department, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
36. [10-341](#) Eric Hassler, Residential Metals Program Manager, Butte-Silver Bow Health Department, notifying Council of the acceptance of quotes for six projects for soil remediation activities by the Butte-Silver Bow Lead Program. **Recommendation: Note and place on file.**

37. [10-342](#) Eileen Joyce, Butte-Silver Bow County Attorney, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
38. [10-343](#) Dave Palmer, requesting Council's concurrence in appointment of Commissioner Ristene Hall to the Parks and Recreation Board. **Recommendation: Concur and place on file.**

SECTION II COMMUNICATIONS TO BE READ AND ACTED UPON

1. [10-336](#) Dave Palmer, Chairman, Butte-Silver Bow Council of Commissioners, requesting Council have a discussion concerning the use of radios in county-owned vehicles.
2. [10-337](#) Dave Palmer, Chairman, Butte-Silver Bow Council of Commissioners, requesting Council discuss the issue concerning the use of Solitude Drive in The Beef Trail area and request the Planning Department come to a final Resolution of the matter.
3. [10-340](#) Dave Fawcett, Chairman, Archives Renovation and Vault Addition Technical Re-view Committee, requesting Council's approval of Architect Contract Change Order Number Three and authorization for the Chief Executive to sign the change order upon presentation.

SECTION III SUSPENSION OF THE RULES FOR FINAL PASSAGE

COUNCIL RESOLUTION NO. [10-49](#)

1. RESOLUTION RELATING TO A PROJECT OF THE PORT OF MONTANA PORT AUTHORITY AND THE ISSUANCE OF A REVENUE BOND TO FINANCE THE COSTS THEREOF; GRANTING PRELIMINARY APPROVAL THERETO AND CALLING A PUBLIC HEARING THEREON

COUNCIL RESOLUTION NO. [10-50](#)

2. A RESOLUTION TO DONATE FOUR SETS OF BLEACHERS TO THE WHITEHALL CHAMBER OF COMMERCE AND THE TOWN OF WHITEHALL, AND PROVIDING FOR AN EFFECTIVE DATE HEREIN

SECTION IV

**ORDINANCES AND RESOLUTIONS –
REFERRED TO JUDICIARY**

COUNCIL RESOLUTION NO. [10-51](#)

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT OF THE COLUMBIA GARDENS MAJOR 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

SECTION V

**ORDINANCES AND RESOLUTIONS
FINAL READING**

1. **COUNCIL BILL NO. [10-3](#)
ORDINANCE NO. 10-3**

AN ORDINANCE AMENDING BUTTE-SILVER BOW ORDINANCE NO. 377 AND TITLE 15 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “BUILDINGS AND CONSTRUCTION”; AMENDING CHAPTER 15.05 ENTITLED “INTERNATIONAL ENERGY CONSERVATION CODE”; AMENDING SECTION 15.05.010 AND DELETING SECTION 15.05.030 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2. **COUNCIL BILL NO. [10-4](#)
ORDINANCE NO. 10-4**

AN ORDINANCE AMENDING BUTTE-SILVER BOW ORDINANCE NO. 151 AND CHAPTER 9.12 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “CURFEW FOR MINORS”; AMENDING SECTIONS 9.12.040, 9.12.050, 9.12.060, 9.12.070, 9.12.090, 9.12.100, 9.12.110 AND 9.12.120; DELETING SECTION 9.12.080; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

3. **[COUNCIL RESOLUTION NO. 10-42](#)**

A RESOLUTION OF ASSESSMENT APPROVING THE INCREASE IN THE SOLID WASTE DISPOSAL FEES FOR THE MELROSE REFUSE DISPOSAL DISTRICT, A “SPECIAL DISTRICT” AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION VI CALENDAR OF OTHER MEETINGS AND EVENTS

June 2 Board of Health	7:00 AM	Health Department
June 3 Zoning Board of Adjustment	5:30 PM	Council Chambers 3 rd Floor Courthouse
June 3 Civic Center	5:00 PM	Civic Center Hospitality Room
June 7 Airport Authority	Noon	Bert Mooney Airport
June 9 Library	5:00 PM	2 nd or 3 rd Floor-Library Building
June 9 Law Enforcement Commission	4:00 PM	Chief Executive's Conference Room
June 9 Fair Board	5:30 PM	Business Development Center
June 9 Fire Advisory Council	5:00 PM	1 st Floor Conference Room
June 10 Urban Revitalization	9:00 AM	1 st Floor Conference Room
June 15 Housing Authority	5:30 PM	Silver Bow Housing
June 15 Parks & Recreation	4:15 PM	Civic Center Conference Room
June 15 Technical Review Committee	1:30 PM	3 rd Floor Conference Room, Water Bldg.
June 16 TIFID Board	11:30 AM	Business Development Ctr. Board Room
June 16 Community Enrichment	10:00 AM	Health Department

ADJOURN _____

COMMITTEE OF THE WHOLE MEETING REPORT

MAY 26, 2010

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 THE PRELIMINARY PLAT OF THE COLUMBIA GARDENS ESTATES MAJOR SUBDIVISION. (Communication No. 10-264 being held in Committee of the Whole). **Proof of Publication was noted.**

SECTION II PUBLIC HEARING

TO HEAR PUBLIC HEARING REGARDING THE DONATION OF FOUR SETS OF USED BLEACHERS FROM THE BUTTE CIVIC CENTER TO BE USED IN THE WHITEHALL COMMUNITY THROUGH USAGE OF THE WHITEHALL CHAMBER OF COMMERCE AND TOWN OF WHITEHALL. (Communication No. 10-209 being held in Committee of the Whole). **Proof of Publication was noted.**

SECTION III PRESENTATION COMMUNICATION NO. 10-292

Bill Melvin, Butte Civic Center Manager, requesting time on the May 26, 2010 agenda to provide an update on the Elevator Modernization Project.

SECTION IV 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 held in abeyance.*

SECTION V COMMUNICATION NO. 10-121

Robert Macioroski, Director Butte-Silver Bow Land Office, requesting Council's approval to accept donated properties from Continental Public Land Trust. *Committee recommends that Communication No. 10-121 be held in abeyance.*

SECTION VI COMMUNICATION NO. 10-164

Jerry Jordan, President World Museum of Mining Board of Directors, requesting Council's authorization for time on the April 7, 2010 agenda for a presentation regarding a request to transfer ownership of the Orphan Girl Mine Yard to Butte-Silver Bow. *Committee recommends that Communication No. 10-164 be held in abeyance.*

SECTION XIV

COMMUNICATION NO. 10-295

Brandt Thomas, 1823 Wall Street, requesting review proposal to establish a folf (Frisbee golf) course in Clark Park. *Committee recommends that Communication No. 10-295 be held in abeyance.*

SECTION XV

COMMUNICATION NO. 10-302

Leesla Jonart, Secretary Westside Subdivision Homeowner's Association, requesting Council's authorization to lease property on Britania Boulevard identified as "Park Area" to develop a neighborhood park. *Committee recommends that Communication 10-302 be held in abeyance pending preparation of a lease agreement.*

FINANCE AND BUDGET COMMITTEE MEETING REPORT

MAY 26, 2010

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. 10-276

Lee LaBreche, Butte-Silver Bow Coroner, requesting Council's authorization of a budget transfer. *Committee recommends that Communication No. 10-276 be approved and placed on file.*

SECTION II COMMUNICATION NO. 10-277

Sheriff John Walsh, Butte-Silver Bow Law Enforcement Department, requesting Council's permission to expend \$6,500 from the vehicle replacement fund for a video camera system server. *Committee recommends that Communication No. 10-277 be approved and placed on file.*

SECTION III COMMUNICATION NO. 10-284

Teri Fisher, Office Manager, Butte-Silver Bow Metro Sewer, requesting Council's authorization of a budget transfer. *Committee recommends that Communication No. 10-284 be approved and placed on file.*

SECTION IV COMMUNICATION NO. 10-286

Ed Randall, Manager Community Enrichment/Animal Services, requesting Council's authorization of a budget transfer. *Committee recommends that Communication No. 10-286 be approved and placed on file.*

SECTION V COMMUNICATION NO. 10-287

Debra Williams, Justice of the Peace, requesting Council's authorization of a budget transfer. *Committee recommends that Communication No. 10-287 be approved and placed on file.*

SECTION VI COMMUNICATION NO. 10-290

John Walsh, Sheriff Butte-Silver Bow Law Enforcement Department, requesting Council's authorization of a budget transfer. *Committee recommends that Communication No. 10-290 be held in abeyance.*

SECTION VII

COMMUNICATION NO. 10-293

Dan Dennehy, Director Butte-Silver Bow Public works Department, requesting Council's authorization of a budget transfer. *Committee recommends that Communication No. 10-293 be approved and placed on file.*

SECTION VIII

COMMUNICATION NO. 10-294

Dan Dennehy, Director Butte-Silver Bow Public works Department, requesting Council's authorization of a budget transfer. *Committee recommends that Communication No. 10-29 be approved and placed on file.*

JUDICIARY COMMITTEE MEETING REPORT

MAY 26, 2010

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:

SECTION I COUNCIL BILL NO. 10-3 ORDINANCE NO. 10-3

AN ORDINANCE AMENDING BUTTE-SILVER BOW ORDINANCE NO. 377 AND TITLE 15 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "BUILDINGS AND CONSTRUCTION"; AMENDING CHAPTER 15.05 ENTITLED "INTERNATIONAL ENERGY CONSERVATION CODE"; AMENDING SECTION 15.05.010 AND DELETING SECTION 15.05.030 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Bill No. 10-3, Ordinance No. 10-3 be moved to final reading.*

SECTION II COUNCIL BILL NO. 10-4 ORDINANCE NO. 10-4

AN ORDINANCE AMENDING BUTTE-SILVER BOW ORDINANCE NO. 151 AND CHAPTER 9.12 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "CURFEW FOR MINORS"; AMENDING SECTIONS 9.12.040, 9.12.050, 9.12.060, 9.12.070, 9.12.090, 9.12.100, 9.12.110 AND 9.12.120; DELETING SECTION 9.12.080; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Bill No. 10-4, Ordinance No. 10-4 be moved to final reading.*

SECTION III COUNCIL RESOLUTION NO. 10-15

A RESOLUTION ACCEPTING THE DONATION BY CONTINENTAL PUBLIC LAND TRUST (CPLT) TO THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, THE REAL PROPERTY HEREIN DESCRIBED ON EXHIBIT "A" TO THIS RESOLUTION FOR THE PURPOSE OF PROMOTING AND FACILITATING REDEVELOPMENT OF THESE PROPERTIES AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 10-15 be held in abeyance.*

SECTION IV COUNCIL RESOLUTION NO. 10-42

A RESOLUTION OF ASSESSMENT APPROVING THE INCREASE IN THE SOLID WASTE DISPOSAL FEES FOR THE MELROSE REFUSE DISPOSAL DISTRICT, A "SPECIAL DISTRICT" AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 10-42 be moved to final reading.*

SECTION V CLAIM APPROVAL

Committee recommends all claims be approved as presented.

