

SECTION IV

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. 09-583 Sally Perino, Parking Director, requesting Council's authorization for the Chief Executive to sign a lease agreement with the Public Housing Authority. **Recommendation: Concur and place on file.**
- 2. 09-586 Robert Macioroski, Director Butte-Silver Bow Land Office, requesting Council direct the County Attorney's to prepare a Resolution and Certificate of Acceptance for transfer of Lots 11, 12 of the Moonlight Lode to Butte-Silver Bow. **Recommendation: Concur and hold in Committee of the Whole and refer to County Attorney for Resolution.**
- 3. 09-587 Sally Hollis, Clerk & Recorder ~ Election Administrator, informing Council of the cancellation of the Walkerville September Primary and providing Council with the Walkerville Mail Ballot Election Plan. **Recommendation: Concur and place on file.**
- 4. 09-589 John Walsh, Sheriff-Butte-Silver Bow Law Enforcement Department, requesting Council's authorization for the Chief Executive to sign a contract regarding the maintenance of copier, model #KM3060, located at Butte-Silver Bow Law Enforcement Business Office. **Recommendation: Concur and place on file.**
- 5. 09-590 Jeff Amerman, Finance and Budget, requesting Council's authorization for the Chief Executive to sign an engagement letter with Gilck Consulting Group to provide Technical Assistance with preparation of 2009 comprehensive annual financial report. **Recommendation: Concur and place on file.**
- 6. 09-591 Karen Byrnes, Community Development Director, requesting Council's authorization to submit grant termination request to Montana Department of Commerce Big Sky Economic Development Trust Fund and authorize the Chief Executive sign the request. **Recommendation: Concur and place on file.**
- 7. 09-592 Karen Byrnes, Community Development Director, requesting Council's authorization for the Chief Executive to sign a contract with Butte Local Development Corporation to provide economic development services for Butte-Silver bow 2009-2010. **Recommendation: Concur and place on file.**

8. 09-593 Rick Larson, Operations Manager/Utility Division, Butte-Silver Bow Public Works Department, requesting Council's authorization to purchase water treatment chemicals as a sole source. **Recommendation: Concur and place on file.**
9. 09-594 Rick Larson, Operations Manager/Utility Division, Butte-Silver Bow Public Works Department, requesting Council's authorization for the Chief Executive to sign an Agreement with Montana Department of Transportation to relocate an eight inch sanitary sewer line located under the interstate bridge near the Montana Pole and Treatment Plant. **Recommendation: Concur and place on file.**
10. 09-595 Rick Larson, Operations Manager/Utility Division, Butte-Silver Bow Public Works Department, requesting Council's authorization for the Chief Executive to sign an Agreement with Northwestern Energy to prepare and file an application with Montana Department of Natural Resources and Conservation for change of appropriation water right for the Mill Creek Generating Station. **Recommendation: Concur and place on file.**
11. 09-596 Rick Larson, Operations Manager/Utility Division, Butte-Silver Bow Public works Department, informing Council of a quote for inspections of five Water Division Dams and a storage capacity survey of Basin Creek #2 Dam for high hazard determination by Dowl HKM. **Recommendation: Concur and place on file.**
12. 09-597 Lindsey Ide, Interim Personnel Director, requesting Council's approval of a settlement agreement with the International Brotherhood of electrical Workers, Local Union 233 and authorize the Chief Executive to execute the documents. **Recommendation: Concur and place on file.**
13. 09-598 Roger Ebner, Emergency Management coordinator, requesting Council's approval to close Cinders Park September 15, 2009 from 10:00 am to 5:00 pm and authorize the Chief Executive so sign an Access Agreement with the Montana Army National Guard. **Recommendation: Concur and place on file.**
14. 09-599 Ristene Hall, Commissioner District No. 8, requesting Council's approval for the City to investigate water drainage problems at 358 E Mercury for Bill Maloney. **Recommendation: Refer to Public Works Committee.**
15. 09-600 Ristene Hall, Commissioner District No. 8, requesting Council's authorization for the City to investigate two ditches on the 1900 block of Aberdeen Street. **Recommendation: Refer to Public Works Committee.**

Dan Powers, Assistant Public Health Director, requesting Council's ap-

16. 09-601 proval to place a lien for costs associated with the demolition of the structure located at 658 S Montana. **Recommendation: Concur and place on file.**
17. 09-603 Dave Fawcett, Chair and Members of the Technical Review Committee for the Butte-Silver Bow Archives Renovation and Vault Addition Project, requesting Council's authorization of Change Order No. 2 for the Archives Renovation and Vault Addition Project. **Recommendation: Concur and place on file.**
18. 09-604 Dave Fawcett, Chair and Members of the Technical Review Committee for the Butte-Silver Bow Archives Renovation and Vault Addition Project, requesting Council's authorization for the Technical Review Committee to hire a project manager and authorize the Chief Executive to enter into an agreement with a project manager. **Recommendation: Concur and place on file.**
19. 09-605 Rick Larson, Operations Manager/Utility Division Butte-Silver Bow Public Works Department, requesting Council's authorization for time on the September 2, 2009 agenda for bid opening for sidewalk replacement project. **Recommendation: Concur and set bid opening for the September 2, 2009 meeting.**
20. 09-606 Lori Casey, Senior Planner, requesting Council's approval of the Preliminary Plat of the Fleecer View Subdivision Phase III – A Minor Subdivision. **Recommendation: Concur and place on file.**
21. 09-607 Lori Casey, Senior Planner, requesting Council's approval of the Final Plat of Albany Street Minor Subdivision II, with all seven conditions as stated. **Recommendation: Conditionally approve the Final Plat and place Communication on file.**
22. 09-608 Dave Palmer, Commissioner District No. 12, requesting time on the September 16, 2009 agenda for reports from recipients of FY 2008-2009 Economic Development Mill Levy and time on the September 23, 2009 agenda to accept sealed proposals for the allocation of the FY 2009-2010 Economic Development Mill Levy Funds. **Recommendation: Concur and set presentations for September 16, 2009 agenda and the September 23, 2009 agenda to accept proposals.**

SECTION V COMMUNICATIONS TO BE READ AND ACTED UPON

- 1. 09-602 Charlie O’Leary, Commissioner District No. 5, requesting Council’s support of a motion putting Butte-Silver Bow on record as a proponent of 2009 Montana Wolf Hunting Season.
- 2. 09-609 Janet Lindh, Chair, Planning Board, requesting Council appoint a new of Planning Board Member to replace Sheila Youngblood who resigned.

SECTION VI ORDINANCES AND RESOLUTIONS – REFERRED TO JUDICIARY

COUNCIL RESOLUTION NO. 09-54

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE ALBANY STREET MINOR SUBDIVISION II 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.

COUNCIL RESOLUTION NO. 09-55

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT OF THE FLEECER VIEW SUBDIVISION PHASE III 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 VI ORDINANCES AND RESOLUTIONS- FINAL READING

- 1. **COUNCIL BILL NO. 09-05
ORDINANCE NO. 09-05**

AN ORDINANCE AMENDING SECTION 1 OF BUTTE-SILVER BOW ORDINANCE NO. 178 AND CHAPTER 16.04 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “SUBDIVISION REGULATIONS;” AMENDING SECTION 16.04.010, B-SB MC ENTITLED “REGULATIONS ADOPTED BY REFERENCE;” PROVIDING FOR AMENDMENTS TO THE FOLLOWING SECTIONS: SECTION 1: GENERAL; SECTION 2: SUBDIVISION CLASSIFICATION AND PROCEDURES; SECTION 5: FINAL PLAT; SECTION 6: MINOR SUBDIVISION; APPENDIX A: FIRE PROTECTION STANDARDS; AND AMENDING AND RENAMING SECTIONS: SECTION 3: PREAPPLICATION PROCESS; SECTION 4: PRELIMINARY PLATS; SECTION 7: MAJOR SUBDIVISIONS; SECTION 8: SUBDIVISION EXEMPTIONS; SECTION 9: SUBDIVISION EXEMPTION DETERMINATION; SECTION 10: SPECIAL SUBDIVISIONS; SECTION 11: DESIGN STANDARDS; SECTION 12: REQUIRED IMPROVEMENTS; SECTION 13: GUARANTEE OF PUBLIC IMPROVEMENTS; SECTION 14: DEDICATION OF PUBLIC PARKS AND

OPEN SPACE; SECTION 15: UNIFORM STANDARDS FOR MONUMENTATION, CERTIFICATES OF SURVEY AND FINAL SUBDIVISION PLATS; SECTION 16: FLOOD HAZARD EVALUATION; SECTION 17: ENVIRONMENTAL ASSESSMENT; SECTION 18: ADMINISTRATIVE PROVISIONS; AND CREATION OF SECTION 19: ADOPTION; APPENDIX B: ADMINISTRATIVE MATERIALS; PROVIDING FOR THE REPEAL OF ALL PARTS OF ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**2. COUNCIL BILL NO. 09-06
ORDINANCE NO. 09-06**

AN ORDINANCE AMENDING SECTION 17.060.030 OF BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) WHICH SECTION ADOPTED THE ZONING MAP OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR A CHANGE TO THE OFFICIAL ZONING DISTRICT MAP BY REZONING AN AREA PRESENTLY ZONE R-1S (SINGLE-FAMILY SUBURBAN RESIDENCE) TO M-2 (HEAVY INDUSTRIAL) LEGALLY DESCRIBED AS ALL OF GOVERNMENT LOT 2, LOT 1 EXCEPT EAST PORTION, EAST PORTION OF LOT 1, PORTIONS OF THE BRILLANT #3088, AND PORTION OF TRACT B, COS 866-B, ALL SITUATED IN THE NE1/4 OF SECTION 26, TOWNSHIP 3 NORTH, RANGE 8 WEST, OF THE P.M.M OF THE CTIY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, PROVIDING FOR THE REPEAL OF ALL PARTS OF ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

3. COUNCIL RESOLUTION NO. 09-53

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A PARCEL OF REAL PROPERTY DESCRIBED AS THE NORTH TWENTY-EIGHT FEET OF LOT 5 IN BLOCK 7 OF THE SMITH AND KESSLER ADDITION, OWNED BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA TO THE ADJOINING OWNER PURSUANT TO POLICIES ADOPTED BY THE COUNCIL OF COMMISSIONERS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION VII CALENDAR OF OTHER MEETINGS AND EVENTS

September 3 Civic Center	5:00 PM	Civic Center Hospitality Room
September 7 Airport Authority	Noon	Bert Mooney Airport Admin Office
September 9 Fire Advisory Council	5:00 PM	1 st Floor Conference Room
September 9 Fair Board	5:30 PM	Business Development Center
September 9 Law Enforcement Commission	4:00 PM	Chief Executive's Conference Room
September 9 Library	5:00 PM	2 nd or 3 rd Floor – Library Building
September 14 Archives	Noon	Archives Center, 17 W Quartz
September 15 Housing Authority	5:30 PM	Silver Bow Homes Housing
September 15 Parks & Recreation	4:14 PM	Civic Center Conference Room
September 15 Technical Review Committee	1:30 PM	3 rd Floor Conference Water Co. Bldg
September 16 TIFID Board	11:30 AM	Business Development Ctr. Board Rm.
September 16 Community Enrichment	10 AM	Health Department
September 17 Zoning Board of Adjustment	5:30 PM	Council Chambers. 3 rd Floor Courthouse

ADJOURN _____

COMMITTEE OF THE WHOLE MEETING REPORT

AUGUST 26, 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 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 II COMMUNICATION NO. 09-390

Phyllis Ruana, Director of Animal Services, regarding information packet regarding department and overview of past and future goals for Council review. *Committee recommends that Communication 09-390 be held in abeyance.*

SECTION III 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 IV COMMUNICATION NO. 09-521

Robert A. Macioroski, Director Butte-Silver Bow Land Office, requesting Council's acceptance of a letter from Daniel J. Lowney for the acquisition of N28' of Lot 5, Block 7, Smith Kessler Addition in Section 12, Township 3 North, Range 8 West. *Committee recommends that Communication No. 09-521 be Cross referenced with Council Resolution No. 09-53 and placed on file.*

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 held in abeyance.*

SECTION VI COMMUNICATION NO. 09-541

Lori Casey, Senior Planner, requesting Council’s conditional approval of the Preliminary Plat of the Riverbend Minor Subdivision. *Committee recommends that Communication No. 09-541 be cross-referenced with Council Resolution No. 09-52 and placed on file.*

SECTION VII COMMUNICATION NO. 09-542

Lori Casey, Senior Planner, requesting Council’s approval of the proposed revisions and new fee schedule to Butte-Silver Bow Subdivision Regulations and prepare an ordinance adopting the approved revisions. *Committee recommends that Communication No. 09-542 be cross-referenced with Council Bill No. 09-05/Ordinance No. 09-05 and placed on file.*

SECTION VIII COMMUNICATION NO. 09-543

Stephen D Hess, Assistant Planning Director, requesting Council’s approval of Zoning Application No. 164 and prepare an ordinance adopting the proposed change to the Butte-Silver Bow Zoning. *Committee recommends that Communication No. 09-543 be cross-referenced with Council Bill No. 09-06/Ordinance No. 09-06 and placed on file.*

SECTION IX COMMUNICATION NO. 09-558

Bob Rowling, Parks & Recreation Superintendent, requesting the “Dedicated Park Property”, Greeley School was constructed on, be included on the Surplus Park Property list in order to determine how to legally sell the property. *Committee recommends that Communication No. 09-558 be placed on file.*

SECTION X COMMUNICATION NO. 09-569

John Morgan, Commissioner District No. 3, requesting Council’s authorization to have Butte-Silver Bow Parks and Recreation Department investigate park located off Ridgeway Avenue. *Committee recommends that Communication No. 09-569 be held in abeyance.*

SECTION XI COMMUNICATION NO. 09-571

Dan Dennehy, Director BSB Public Works Department, requesting time on August 26, 2009 Agenda to present information on the splash features for Clark Park. *Committee recommends that Communication No. 09-571 be placed on file.*

SECTION XII COMMUNICATION NO. 09-575

Kristen Rosa, TIFID Administrator, requesting Council’s authorization for a Public Hearing on September 9, 2009 for Developer’s Packet Proposals related to the construction of a Transportation Facility located in TIFID # 2. *Committee recommends that Communication No. 09-575 be held in abeyance for Public Hearing set for September 9, 2009.*

SECTION XIII COMMUNICATION NO. 09-578

McKenna Pfeifer and Will Gardner, Zeppies Bar, requesting Council’s authorization of Street Closure on Galena Street on September 9, 2009 for Curise Night from 5:30 pm to 2:00 am. *Committee recommends that Communication No. 09-578 be held in abeyance pending signatures.*

SECTION XIV

COMMUNICATION NO. 09-580

Dave Palmer, Commissioner District No. 12, requesting Council's authorization for Communication regarding vacant house located at 78 Missoula Ave. to be held in Committee of the Whole and be referred to Community Enrichment Committee and to Ed Randall. *Committee recommends Communication No. 09-580 be held in abeyance.*

SECTION XV

COMMUNICATION NO. 09-581

Dave Palmer, Commissioner District No. 12, requesting Council's authorization to extend "Ride the Bus" program through the school year and send Communication to Gary Keeler, Transit Director for his input. *Committee recommends that Communication No. 09-581 be held in abeyance.*

SECTION XVI

COMMUNICATION NO. 09-584

Dave Palmer, Council of Commissioners, requesting Council's approval to interview candidates and appoint a replacement of Commissioner Kronenberger, District No. 5 on August 26, 2009. *Committee recommends to approve appointment of Charlie O'Leary as Commissioner of District No. 5.*

FINANCE AND BUDGET COMMITTEE MEETING REPORT

AUGUST 26, 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. 09-482

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 that Communication No. 09-482 be held in abeyance.*

SECTION II COMMUNICATION NO. 09-577

Terry Schultz, Commissioner District No. 4, requesting Council's authorization of a resolution calling for a budget with no increased spending over the previous year. *Committee recommends that Communication No. 09-577 be held in abeyance.*

SECTION III 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 held in abeyance.*

SECTION IV EXPENDITURE REPORT

8/26/09	\$ 75,106.56
8/26/09	\$ 977,726.21

Committee recommends expenditures be approved and placed on file.

