

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS  
REGULAR MEETING AGENDA  
JANUARY 5, 2011  
7:30 PM COURTHOUSE COUNCIL CHAMBERS**

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

PRAYER \_\_\_\_\_

APPROVAL OF THE MINUTES OF THE REGULAR MEETING, DECEMBER 15, 2010  
AND THE SPECIAL MEETING OF DECEMBER 29, 2010.

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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  
PARATRANSIT PLAN FOR DISABLED TRANSPORTATION. (*Communication No. 10-679 be-  
ing held in Committee of the Whole*). **Proof of Publication.**

**SECTION II 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. **PETITIONS**

1. [10-06](#) John Harrington, Building Official requesting on behalf of  
Metals Banc Building, LLC to close and vacate a portion of  
the alley located between West Park Street and West Galena Street.  
***Recommendation: Refer to the Public Works Committee.***

C. **COMMUNICATIONS**

1. [11-01](#) Bill Melvin, Manager, Butte-Silver Bow Civic Center, requesting Coun-  
cil's authorization of a budget transfer. ***Recommendation: Refer to the  
Finance and Budget Committee.***
2. [11-02](#) Sheriff John P. Walsh, Butte-Silver Bow Law Enforcement Department,  
requesting Council's authorization of a budget transfer. ***Recommendation:***

*Refer to the Finance and Budget Committee.*

3. [11-03](#) Sheriff John P. Walsh, Butte-Silver Bow Law Enforcement Department, requesting Council's authorization of a budget transfer. **Recommendation:** *Refer to the Finance and Budget Committee.*
4. [11-04](#) Debbie Alt, Accounts Payable, requesting Council's authorization for the Chief Executive to sign a contract with Addco Office Systems, Inc. **Recommendation:** *Concur and place on file.*
5. [11-05](#) Sheriff John P. Walsh, Butte-Silver Bow Law Enforcement Department, requesting Council's authorization for the Chief Executive to sign the STEP Grant Contract from the MT Department of Transportation. **Recommendation:** *Concur and place on file.*
6. [11-06](#) Linda Sajor, Manager, Butte-Silver Bow Information Technology & Services, requesting Council's authorization of a budget transfer. **Recommendation:** *Refer to the Finance and Budget Committee.*
7. [11-07](#) Karen Byrnes, Director Community Development Department, requesting Council's authorization for the Chief Executive to sign two Agreements for rehab work at 726 S Main Street. **Recommendation:** *Concur and place on file.*
8. [11-08](#) Dan Dennehy, Director, Butte-Silver Bow Public Works Department, requesting Council's authorization to refer a new policy of providing asphalt to public or private utilities to the Public Works Committee. **Recommendation:** *Refer to the Public Works Committee.*
9. [11-09](#) Jeffrey L. Miller, Director, Butte-Silver Bow Fire Services, requesting Council's authorization of a budget transfer. **Recommendation:** *Refer to the Finance and Budget Committee.*
10. [11-10](#) Jeff Amerman, Director Finance and Budget, informing Council of the audit responsibilities for the audit relating to the financial statements for the year ending June 30, 2010. **Recommendation:** *Note and place on file.*
11. [11-11](#) Pat Holland, Butte-Silver Bow Government Buildings Manager, requesting Council's authorization for the Chief Executive to sign a Professional Services Agreement with Western Montana Engineering, Inc. regarding boiler replacement at the Civic Center and the Health Department. **Recommendation:** *Concur and place on file.*
12. [11-12](#) Karen Byrnes, Director, Butte-Silver Bow Community Development Department, requesting Council's authorization for the Chief Executive to sign a contract with Mark Wolfram Construction to perform stabilization work on the Columbia Garden Water Tower. **Recommendation:** *Concur and place on file.*

13. [11-13](#) Karen Byrnes, Director, Butte-Silver Bow Community Development Department, requesting Council’s authorization for the Chief Executive to sign a Planning Grant Agreement with the Montana Department of Commerce Community Development Block Grant Program for a Planning Grant related to the construction of an Emergency Operation Center. **Recommendation: Concur and place on file.**
14. [11-14](#) George Everett, Mainstreet Uptown Butte, requesting Council’s consideration of conversion of a loan for the 72<sup>nd</sup> National Folk Festival to a grant from the Hard Rock Fund. **Recommendation: Refer to Committee of the Whole.**
15. [11-15](#) Ed Randall, Community Enrichment/Animal Service Department, requesting Council’s approval to access petty cash for Butte-Silver Bow Animal Services Department in the amount of \$200 to be used for animal license transactions. **Recommendation: Concur and place on file.**
16. [11-16](#) Paul Babb, Chief Executive, requesting Council’s authorization for the Chief Executive to sign Memorandum of Understanding and Operating Agreement with Butte Events Team. **Recommendation: Refer to Committee of the Whole.**

**SECTION III**

**ORDINANCES AND RESOLUTIONS –  
REFERRED TO JUDICIARY**

**COUNCIL BILL NO. [11-1](#)  
ORDINANCE NO. 11-1**

AN ORDINANCE CREATING A NEW CHAPTER IN THE BUTTE-SILVER BOW MUNICIPAL CODE TO BE NUMBERED CHAPTER 10.22 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) AND ENTITLED “USE OF ELECTRONIC DEVICES WHILE OPERATING A MOTOR VEHICLE” AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**COUNCIL RESOLUTION NO. [11-01](#)**

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 COMMUNITY DEVELOPMENT DEPARTMENT FROM THE UNITED STATES DEPARTMENT OF JUSTICE TO THE CITY AND COUNTY OF BUTTE-SILVER BOW TO BE EXPENDED ON BULLETPROOF VESTS FOR LAW ENFORCEMENT OFFICERS PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**SECTION IV**

**ORDINANCES  
SECOND READING  
COUNCIL BILL NO. 10-12  
ORDINANCE NO. 10-12**

AN ORDINANCE AMENDING ORDINANCES NO. 53 AND 325, ALSO KNOWN AS THE “ZONING ORDINANCE” AND TITLE 17 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) WHICH SECTION ADOPTED THE ZONING REGULATIONS OF BUTTE-SILVER BOW, STATE OF MONTANA; AMENDING CHAPTER 17.04 ENTITLED “DEFINITIONS”; AMENDING CHAPTER 17.06 ENTITLED “DISTRICTS, BOUNDARIES AND MAP”; AMENDING THE TITLE OF CHAPTER 17.21 ENTITLED “I/OS INSTITUTIONS AND OPEN SPACE ZONING” TO BE REPLACED WITH “OS-C CONSERVATION OPEN SPACE ZONING DISTRICT”; REPEALING SECTIONS 17.21.010, 17.21.020, 17.21.030, 17.21.040, 17.21.050, 17.21.060, 17.21.070, 17.21.080, 17.21.090 AND 17.21.100 ADDING NEW SECTIONS TO BE NUMBERED 17.21.110, 17.21.120, 17.21.140, 17.21.150, 17.21.160, 17.21.170, 17.21.180, 17.21.190, 17.21.200, 17.21.210 AND 17.21.220; AMENDING THE TITLE OF CHAPTER 17.22 ENTITLED “C-1 LOCAL COMMERCIAL ZONE” TO BE REPLACED WITH “OS-D DEVELOPABLE OPEN SPACE ZONING DISTRICT”; ADDING NEW SECTIONS TO BE NUMBERED 17.22.010, 17.22.020, 17.22.040, 17.22.050, 17.22.060, 17.22.070, 17.22.080, 17.22.090, 17.22.100, 17.22.110, 17.22.120; ADDING A NEW CHAPTER TO BE NUMBERED 17.23 ENTITLED “LOCAL COMMERCIAL ZONE”; RENUMBERING SECTIONS 17.22.010, 17.22.020, 17.22.030, 17.22.040, 17.22.050, 17.22.060, 17.22.070, 17.22.080, 17.22.090, 17.22.100, 17.22.110 AND 17.22.120 TO BE NUMBERED AS 17.23.010, 17.23.020, 17.23.030, 17.23.040, 17.23.050, 17.23.060, 17.23.070, 17.23.080, 17.23.090, 17.23.100, 17.23.110 AND 17.23.120; AMENDING CHAPTER 17.38 ENTITLED “SPECIAL PROVISIONS”; AMENDING CHAPTER 17.40 ENTITLED “OFF STREET LOADING AND PARKING” AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

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

January 6 East Butte RRA	9:00 a.m.	1 <sup>st</sup> Floor Conference Room
January 6 Civic Center	5:00 p.m.	Civic Center Hospitality Room
January 10 Archives	Noon	Archives Center
January 12 Fair Board	5:30 p.m.	Business Development Center
January 12 Fire Advisory Council	5:00 p.m.	1 <sup>st</sup> Floor Conference Room
January 12 Law Enforcement Commission	4:00 p.m.	Chief Executive’s Conference Room
January 12 TIFID Board	9:00 a.m.	Business Development Ctr. Board Room
January 13 Urban Revitalization	9:00 a.m.	1 <sup>st</sup> Floor Conference Room
January 17 Airport Authority	Noon	Bert Mooney Airport
January 18 Housing Authority	5:30 p.m.	Silver Bow Homes Housing
January 18 Parks and Recreation	4:15 p.m.	Civic Center Conference Room
January 18 Technical Review Committee	1:30 p.m.	3 <sup>rd</sup> Floor Conference Room, Water Bldg.
January 19 Community Enrichment	10:00 a.m.	Health Department

**ADJOURN**

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# COMMITTEE OF THE WHOLE MEETING REPORT

## DECEMBER 29, 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 BID OPENING

SEALED BIDS ARE HEREBY INVITED FOR THE PURPOSE OF ACCEPTING BIDS FOR A NEW CRACK SEALER. (Communication No. 10-648 being held in Committee of the Whole). Proof of Publication was noted. *Committee recommends the bids be referred to the Public Works Department.*

### SECTION II BID OPENING

SEALED BIDS ARE HEREBY INVITED FOR THE PURPOSE OF ACCEPTING BIDS FOR A FLAT BED TRUCK WITH BOOM. (Communication No. 10-658 being held in Committee of the Whole). Proof of Publication was noted. *Committee recommends the bids be referred to the Public Works Department.*

### SECTION III PUBLIC HEARING

TO HEAR PUBLIC COMMENT REGARDING AMENDING THE BUDGET TO ALLOW FOR INCREASED EXPENDITURES OF UNANTICIPATED REVENUE RESULTING FROM A SILENT AUCTION CONDUCTED BY BUTTE-SILVER BOW PUBLIC WORKS. (Communication No. 10-666 being held in Committee of the Whole). **Proof of Publication was noted.**

### SECTION IV COMMUNICATION NO. 10-445

Charlie O'Leary, Butte-Silver Bow Commissioner District Number 5, requesting Council take the lead in the process of disposing of some parcels of parkland that have been deemed excess land and recommended for sale. *Committee recommends that Communication No. 10-445 be held in abeyance.*

### SECTION V COMMUNICATION NO. 10-480

Dr. Linda Reksten, Superintendent Butte School District #1, requesting Council's authorization to negotiate a trade of land in order to accommodate the sale of the Greeley School. *Committee recommends that Communication No. 10-480 be held in abeyance.*





**SECTION XX**

**COMMUNICATION NO. 10-679**

Gary Keeler, Butte-Silver Bow Transit Director, requesting Council schedule a public hearing on January 5, 2011 regarding the update to Butte-Silver Bow's transit plan for disabled transportation. *Committee recommends that Communication No. 10-679 be held in abeyance.*

**SECTION XXI**

**COMMUNICATION NO. 10-682**

Robert A. Macioroski, Director, Butte-Silver Bow Land Office, requesting Council's authorization of a request for land exchange. *Committee recommends that Communication No. 10-682 be held in abeyance pending Resolution and Transfer of Deed.*

# **FINANCE AND BUDGET COMMITTEE MEETING REPORT DECEMBER 29, 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. 10-635**

Theresa Hocking, Director Butte-Silver Bow Public Health Department, requesting Council's authorization of a budget transfer. *Committee recommends that Communication No. 10-635 be approved and placed on file.*

## **SECTION II COMMUNICATION NO. 10-636**

Bob Rowling, Director, Butte-Silver Bow Parks and Recreation, requesting Council's concurrence to increase Highland View Gold Course 2011 rates and fees. *Committee recommends an increase in adult fees of \$250 for single, \$375 for couples, and cart adult usage to \$100 per year, all other fees will remain at 2010 prices.*

## **SECTION III COMMUNICATION NO. 10-649**

Roxie Larson, Planning Department, requesting Council's authorization of a budget transfer. *Committee recommends that Communication No. 10-649 be approved and placed on file.*

## **SECTION IV COMMUNICATION NO. 10-650**

Lori Maloney, Clerk of the Court, requesting Council's authorization of a budget transfer. *Committee recommends that Communication No. 10-650 be approved and placed on file.*

## **SECTION V COMMUNICATION NO. 10-659**

Gary Keeler, Transit and Landfill coordinator, requesting Council's authorization of a budget transfer. *Committee recommends that Communication No. 10-659 be approved and placed on file.*

## **SECTION VI COMMUNICATION NO. 10-660**

Jeff Amerman, Director Finance and Budget, requesting Council's authorization of a budget transfer. *Committee recommends that Communication No. 10-660 be approved and placed on file.*

# JUDICIARY COMMITTEE MEETING REPORT

## DECEMBER 29, 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 COMMUNICATION NO. 10-539

Terry Schultz, Butte-Silver Bow Council of Commissioners, District Number 4, requesting Council's authorization of an ordinance prohibiting "hand held electronic devices" while operating a motor vehicle. *Committee recommends that Communication No. 10-539 be held in abeyance.*

### SECTION II COMMUNICATION NO. 10-581

Charlie O'Leary, Council of Commissioners, District 5, requesting Council's consideration of a Dog Leash Area. *Committee recommends that Communication No. 10-581 be held in abeyance.*

### SECTION III COUNCIL BILL NO. 10-12 ORDINANCE NO. 10-12

AN ORDINANCE AMENDING ORDINANCES NO. 53 AND 325, ALSO KNOWN AS THE "ZONING ORDINANCE" AND TITLE 17 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) WHICH SECTION ADOPTED THE ZONING REGULATIONS OF BUTTE-SILVER BOW, STATE OF MONTANA; AMENDING CHAPTER 17.04 ENTITLED "DEFINITIONS"; AMENDING CHAPTER 17.06 ENTITLED "DISTRICTS, BOUNDARIES AND MAP"; AMENDING THE TITLE OF CHAPTER 17.21 ENTITLED "I/OS INSTITUTIONS AND OPEN SPACE ZONING" TO BE REPLACED WITH "OS-C CONSERVATION OPEN SPACE ZONING DISTRICT"; REPEALING SECTIONS 17.21.010, 17.21.020, 17.21.030, 17.21.040, 17.21.050, 17.21.060, 17.21.070, 17.21.080, 17.21.090 AND 17.21.100 ADDING NEW SECTIONS TO BE NUMBERED 17.21.110, 17.21.120, 17.21.140, 17.21.150, 17.21.160, 17.21.170, 17.21.180, 17.21.190, 17.21.200, 17.21.210 AND 17.21.220; AMENDING THE TITLE OF CHAPTER 17.22 ENTITLED "C-1 LOCAL COMMERCIAL ZONE" TO BE REPLACED WITH "OS-D DEVELOPABLE OPEN SPACE ZONING DISTRICT"; ADDING NEW SECTIONS TO BE NUMBERED 17.22.010, 17.22.020, 17.22.040, 17.22.050, 17.22.060, 17.22.070, 17.22.080, 17.22.090, 17.22.100, 17.22.110, 17.22.120; ADDING A NEW CHAPTER TO BE NUMBERED 17.23 ENTITLED "LOCAL COMMERCIAL ZONE"; RENUMBERING SECTIONS 17.22.010, 17.22.020, 17.22.030, 17.22.040, 17.22.050, 17.22.060, 17.22.070, 17.22.080, 17.22.090, 17.22.100, 17.22.110 AND 17.22.120 TO BE NUMBERED AS 17.23.010, 17.23.020, 17.23.030, 17.23.040, 17.23.050, 17.23.060, 17.23.070, 17.23.080, 17.23.090, 17.23.100, 17.23.110 AND 17.23.120; AMENDING CHAPTER 17.38 ENTITLED "SPECIAL PROVISIONS"; AMENDING CHAPTER 17.40 ENTITLED "OFF STREET LOADING AND PARKING" AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Bill No. 10-12 be moved to second reading with amendments.*

**SECTION IV**

**COUNCIL BILL NO. 10-13  
ORDINANCE NO. 10-13**

AN ORDINANCE ADOPTING REGULATIONS FOR THE CONTROL AND MANAGEMENT OF STORM WATER TO BE CODIFIED AS CHAPTER 32 OF TITLE 13 OF THE BUTTE-SILVER BOW MUNICIPAL CODE ENTITLED “STORM WATER MANAGEMENT”; REGULATING THE DESIGN, CONSTRUCTION, USE AND MAINTENANCE OF ANY DEVELOPMENT OR OTHER ACTIVITY WHICH MAY RESULT IN IMPACTS TO WATER BODIES, PROVIDING FOR ADOPTION OF MUNICIPAL STORM WATER ENGINEERING STANDARDS; PROVIDING FOR OWNERSHIP OF STORM WATER MANAGEMENT FACILITIES AND BUTTE-SILVER BOW PARTICIPATION; SETTING FORTH REGULATIONS FOR MANAGEMENT, CONSTRUCTION AND INSPECTION OF FACILITIES; DEFINING AND PROHIBITING ILLICIT DISCHARGES TO THE BUTTE-SILVER BOW STORM WATER SYSTEM; PROVIDING FOR APPEALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PERMITS AND FEES; PROVIDING FOR PENALTY FOR VIOLATION AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Bill No. 10-13 be held in abeyance.*

**SECTION V**

**CLAIM APPROVAL**

*Committee recommends all claims be approved as presented.*

