

BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

**REGULAR MEETING
AGENDA**

**APRIL 16, 2008
7:30 PM COURTHOUSE COUNCIL CHAMBERS**

ROLL CALL_____

PRAYER_____

**APPROVAL OF THE MINUTES OF THE
REGULAR MEETING OF APRIL 2, 2008**_____

**ITEMS NOT ON THE AGENDA –
SUSPENSION OF THE RULES**_____

**PUBLIC COMMENT ON ANY
PUBLIC MATTER NOT ON THE AGENDA**_____

CHIEF EXECUTIVE’S REPORT_____

SECTION I PUBLIC HEARING

FOR THE PURPOSE TO OBTAIN PUBLIC COMMENTS REGARDING A REQUEST BY UDAP INDUSTRIES, INC. FOR A LOCAL OPTION ABATEMENT AS DESCRIBED BY MONTANA CODE ANNOTATES (MEA) 15-24-1402, NEW OR EXPANDING INDUSTRY – ASSESSMENT – NOTIFICATION. (Communication No. 08-179 being held in Committee of the Whole) Proof of publication

SECTION II INVITATION FOR BIDS

SEALED BIDS FOR THE REPLACEMENT OF WATER DISTRIBUTION MAINS AT VARIOUS LOCATIONS WITHIN BUTTE-SILVER BOW. (Communication No. 08-233) Proof of publication

SECTION III INVITATION FOR BIDS

SEALED BIDS FOR WATER DISTRIBUTION PRODUCTS ASSOCIATED WITH THE HIGH SERVICE WATER TANK CONSTRUCTION IN BUTTE-SILVER BOW COUNTY. (Communication No. 08-234) Proof of publication

SECTION IV

PUBLIC HEARING

FOR THE PURPOSE TO SOLICIT COMMENTS REGARDING THE ALLOCATIONS OF THE 2008 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM PUBLIC FACILITIES GRANT FROM THE MONTANA DEPARTMENT OF COMMERCE. (**Communication No. 08-188 being held in Committee of the Whole**)
Proof of publication

SECTION IV-A

PRESENTATION COMMUNICATION NO. 08-274

Jon Sesso, Planning, Planning Director, requesting time on 4/16/08 for a Staff presentation on draft plan for long-term future of the National Resource Damage Program.

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

B. PETITIONS

- 1. 08-4 John Harrington, Building Official on behalf of Charles and Roxanna Bulen, Sportsman Motel & RV to close and vacate a portion of 5th Street in Melrose. **Recommendation: refer to Public Works Committee.**

C. COMMUNICATIONS

- 1. 08-233 John C. VanDaveer, Public Works Director, requesting time on the 4/16/08 agenda to conduct a bid opening for water distribution products. **Recommendation: schedule bid opening.**
- 2. 08-234 John VanDaveer, Public Works Director, requesting time on the 4/16/08 agenda to conduct a bid opening for water distribution mains. **Recommendation: schedule bid opening.**
- 3. 08-235 Tim Clark, Personnel Director, requesting authorization for Chief Executive to enter into contract with Local #16/8 (Cook Attendants) **Recommendation: concur and place on file.**
- 4. 08-236 John VanDaveer, Public Works Director, requesting approval for Chief Executive to grant an additional 160 hours of donated sick leave for Gary Swoboda . **Recommendation: refer to Personnel**
- 5. 08-237 Paul Babb, Chief Executive, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
- 6. 08-238 Tim Clark, Personnel Director, requesting approval of line

item budget transfers. **Recommendation: refer to Finance and Budget Committee.**

7. 08-239 George Everett, Executive Director, requesting permission to close Main Street between Park and Broadway to hold Farmers' Market from 9AM to 1PM May 31 through September 27, 2008. **Recommendation: hold in Committee of the Whole while going through the process.**
8. 08-240 John C. VanDaveer, Public Works Director, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
9. 08-241 Tim Clark, Personnel Director, requesting authorization for Chief Executive, to sign contract with Local 1686. **Recommendation: concur and place on file.**
10. 08-242 Mike Leary, Terra Verde VFW, requesting permission to apply for 2008 Assistance to Firefighter Grant Program. **Recommendation: concur and place on file.**
11. 08-243 Karen Byrnes, Community Development Department, requesting Council schedule a public hearing for 4/16/08 to receive comment on 2008 Community Development Block Grant Program Public Facilities Grant. **Recommendation: schedule public hearing and hold in Committee of the Whole.**
12. 08-244 Barb Schonsberg, Manager Double Eagle Casino, requesting waiver of fees to conduct a medical benefit and raffle for the benefit of the Bosswell family from Basin. **Recommendation: concur and place on file**
13. 08-245 Debbie Alt, Accounts Payable, requesting authorization for Chief Executive to enter into contract with Empire Office Machines. **Recommendation: concur and place on file.**
14. 08-246 6th Grade Central Junior High students, requesting closure of the 1100 block of Delaware Street on 4/18/08 from 9 to 11 AM. **Recommendation: concur and place on file**
15. 08-247 Rick Larson, Director of Public Health, requesting authorization for Chief Executive to enter into four contracts. **Recommendation: concur and place on file.**
16. 08-248 Jack Whalen, Carnival Chairman, requesting waiver of fees and charges to sponsor a carnival May 19 – 26th for the benefit of the

Butte American Legion Baseball program. **Recommendation: concur and place on file.**

17. 08-249 Brendan R. McDonough, An Re’Ra’ Executive Committee, requesting waiver of fee to conduct a raffle for the An Ri’Ra’ Montana Irish Festival. **Recommendation: concur and place on file.**
18. 08-250 Clara Hartz, requesting to name the road in front of her property “Hartz Meadows”. **Recommendation: refer to Public Works Committee.**
19. 08-251 Karen Byrnes, Director Community Development Department, requesting authorization for Chief Executive to enter into a contract with Norman DeNeal for services of Urban Forester. **Recommendation: concur and place on file.**
20. 08-252 Lee Phillips, Director Butte-Silver Bow Library, requesting a budget increase in the amount of \$5,756.00 to be added to the General Fund line item. **Recommendation: refer to Finance and Budget Committee.**
21. 08-253 Mary M. McMahon, Clerk and Recorder/Election Administrator, requesting a public hearing requested for 4/16/08 be delayed until 4/30/08. **Recommendation: schedule public hearing for 4/30/08 and hold in Committee of the Whole.**
22. 08-254 John J. Walsh, Sheriff, requesting signature page for Highway Grant Application be signed by Chief Executive. **Recommendation: concur and place on file.**
23. 08-255 John P. Walsh, Sheriff, requesting conditional employment to Melissa O’Dell starting June 2, 2008. **Recommendation: concur and place on file.**
24. 08-256 Bob McCarthy, County Attorney, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
25. 08-257 John M. Moodry, Supervisor Weed Department, requesting authorization for Chief Executive to sign contracts for grant from Montana Department of Agriculture for the Big Hole River. **Recommendation: concur and place on file.**
26. 08-258 Jeff Amerman, Finance and Budget Director, requesting authorization for Credit/Debit Ad Hoc Committee to begin

negotiations with US Bank for services related to processing Credit/Debit cards for Butte-Silver Bow. **Recommendation: concur and place on file.**

27. 08-259 Jeff Miller, Director of Fire Services, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
28. 08-260 Kevin D. Curtis, Two Rivers GMB, IWW, requesting permission to set up a booth at the Miners #1 Union Hall Memorial during the National Folk Festival July 11-13th. **Recommendation: concur and place on file.**
29. 08-261 Paul Babb, Chief Executive, requesting approval of reappointments to the Tax Appeal Board. **Recommendation: concur and place on file.**
30. 08-262 Ed Randall, Community Enrichment Coordinator, requesting time on the May 7, 2008 agenda to make a presentation on the Community Enrichment Program for years 2006-2008. **Recommendation: hold in Committee of the Whole for Presentation 5/7/08.**
31. 08-263 Pat Callaghan, County Treasurer, requesting authorization for Chief Executive to sign forms Updating Depository Services Resolution for Government Entities. **Recommendation: concur and place on file.**
32. 08-264 Karen Byrnes, Community Development Director, requesting permission to submit a grant request to Montana Department of Commerce Community Development Block Grant Program – Planning Grant. **Recommendation: concur and place on file.**
33. 08-265 Paul D. Babb, Chief Executive, requesting concurrence in appointment of Robert Edwards to the Historic Preservation Commission. **Recommendation: concur and place on file.**
34. 08-266 Paul D. Babb, Chief Executive, requesting concurrence in appointment of Steve McArthur to the Butte-Silver Bow Fire Commission. **Recommendation: concur and place on file.**
35. 08-267 Paul D. Babb, Chief Executive, requesting concurrence in appointment of Shane Reilly to the Fair Board. **Recommendation: concur and place on file.**
36. 08-268 James M. Manning, Chairman Greenway Service District,

requesting a bid opening be scheduled on 5/7/08 agenda for bid opening for Silver-Bow Creek Greenway Trail Construction. **Recommendation: schedule bid opening and hold in Committee of the Whole.**

- 37. 08-269 Tim Clark, Personnel Director, requesting Fox Lawson and Compensation Study be place on 5/7/08 agenda to be read and acted upon. **Recommendation: schedule the presentation in order to be read and acted upon for May 7.**
- 38. 08-270 Jeff Amerman, Finance and Budget Director, requesting authorization for an inter-government loan to the Archives Building Capital Project Fund. **Recommendation: concur and place on file.**
- 39. 08-271 Robert M. McCarthy, County Attorney, requesting public hearing be set 4/30/08 to consider budget transfer to transfer monies from Metro Replacement & Depreciation cash reserves to the Archives Building Capital Project Fund. **Recommendation: schedule public hearing and hold in Committee of the Whole.**
- 40. 08-272 Tim Clark, Personnel Director, requesting concurrence to place Diane Regan as Administrative Coordinator/Payroll Technician At starting salary of \$27,500 (mid-point of a Grade 18 position). **Recommendation: concur and place on file.**
- 41. 08-273 Oversight Committee for Fox Lawson Classification Study, requesting Fox Lawson study be placed on 5/7/08 agenda to be read and acted upon. **Recommendation: place on May 7 agenda to be read and acted upon and hold in Committee of the Whole.**
- 42. 08-274 Jon Sesso, Planning Director, requesting time on 4/16/08 for a staff presentation on draft plan for long-term future of the Natural Resource Damage Program. **Recommendation: schedule Presentation and hold in Committee of the Whole.**

SECTION VI

ORDINANCES AND RESOLUTIONS – FINAL PASSAGE

1. COUNCIL RESOLUTION NO. 08-19

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A PARCEL OF REAL PROPERTY DESCRIBED AS LOTS 6 AND 8 IN BLOCK B OF THE WARREN AND KINGSBURY ADDITION 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.

2. COUNCIL RESOLUTION NO. 08-20

A RESOLUTION ACCEPTING THE DONATION OF A PORTION OF THE SOUTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER LYING IN SECTION 26, TOWNSHIP 2 SOUTH, RANGE 9 WEST P.M.M. CONTAINING 9.76 ACRES TO THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

3. COUNCIL RESOLUTION NO. 08-21

A RESOLUTION SUPPORTING MARIAH'S CHALLENGE AND ENCOURAGING BUTTE-SILVER BOW EMPLOYEES TO ASSIST IN THE SUCCESS OF MARIAH'S CHALLENGE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

4. COUNCIL RESOLUTION NO. 08-22

A RESOLUTION AUTHORIZING AND APPROVING THE DONATION OF CERTAIN REAL PROPERTY BY THE CITY AND COUNTY OF BUTTE-SILVER BOW TO THE PUBLIC HOUSING AUTHORITY OF BUTTE, A MONTANA MUNICIPAL CORPORATION AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

5. COUNCIL RESOLUTION NO. 08-23

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 DISTRICT COURT FUND FROM THE CASH RESERVES OF THIS FUND FOR THE PURPOSE OF REPLACING FUNDS USED TO PAY SEVERANCE BENEFITS FOR A RETIRED EMPLOYEE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

6. COUNCIL RESOLUTION NO. 08-24

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE MILE HIGH ESTATES NO 3 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.

7. COUNCIL RESOLUTION NO. 08-25

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE AMENDED PLAT OF THE KINGS ADDITION NO. 1 AND THE GWIN & DUCIE'S ADDITION 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 VII CALENDAR OF OTHER MEETINGS AND EVENTS

April 21	Airport Authority	Noon	Bert Mooney Airport
April 23	Local Emergency Planning Committee	Noon	1 st Floor Conference Room
April 23	Port of Montana	Noon	Hub Center
April 23	Urban Revitalization	9AM	Chief Executive's Conference Room
April 24	Business Development Center	10AM	Business Development Center
April 24	Planning Board	7PM	Council Chambers
April 30	LEPC	Noon	1 st Floor Conference Room
May 1	Civic Center	5PM	Civic Center Hospitality Room

ADJOURN

COMMITTEE OF THE WHOLE MEETING REPORT

APRIL 9, 2008

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

Ms. Shaw and Gentlemen:

We, your Committee of the Whole Committee, respectfully recommend as follows:

SECTION I PRESENTATION COMMUNICATION NO. 08-224

Mary M. McMahon, Clerk and Recorder, requesting time on the 4/9/08 agenda to conduct a brief discussion regarding election judges.

Mary McMahon, Clerk and Recorder, came to the microphone and explained some of her judges are volunteering to give what income is due to them to their service organization. Her concern is that if they provide us a service as an election judge, we have to cover them under Work Comp. Some of those organizations have their own policy to cover their members for any activity for which they represent their organization. County Attorney McCarthy said he believed their policy is a liability policy. We are required to provide Workers Compensation insurance. Volunteers are required to be covered by Workers Compensation and the reason is to protect the government. Ms. McMahon said she would take this back to the organizations.

Chairman said they would hold this Communication in Committee of the Whole.

SECTION II COMMUNICATION NO. 07-259

Jean Pentecost, Water Utility Division, requesting authorization for Chief Executive to enter into agreement with Richardson Family Trust for a land exchange. *Committee recommends that Communication No. 07-259 be held in abeyance.*

SECTION III COMMUNICATION NO. 07-669

Donald L. Kronenberger Sr. requesting council grant annexation of the Fish Creek/Little Fish Creek drainage strip off Highway 41 into the Jefferson Valley Rural Fire District. *Committee recommends that Communication No. 07-669 be held in abeyance.*

SECTION IV

COMMUNICATION NO. 08-75

Robert A. Macioroski, Director, requesting council direct County Attorney to prepare resolution and deed for transfer of co-owned property. *Committee recommends that Communication No. 08-75 be held in abeyance.*

SECTION V

COMMUNICATION NO. 08-103

Linda Sajor, Director MIS, requesting time on the 3/12/08 agenda for Fox Lawson representatives to present its final report of the classification and compensation study. *Committee recommends that Communication No. 08-103 be placed on file.*

SECTION VI

COMMUNICATION NO. 08-131

Rob Macioroski, Director Butte-Silver Bow Land Office, requesting council direct County Attorney to prepare resolution and deed for transfer of Melrose Cemetery to Butte-Silver Bow. **Committee recommends that Communication No. 08-131 be cross-referenced with Council Resolution No. 08-20 and placed on file.**

SECTION VII

COMMUNICATION NO. 08-151

Rob Macioroski, Director Butte-Silver Bow Land Office, requesting County Attorney's office be requested to prepare the resolution and deed for transfer of the co-owned property to Ron and Belle Ingram. *Committee recommends that Communication be cross-referenced with Resolution No. 08-19 and placed on file.*

SECTION VIII

COMMUNICATION NO. 08-173

Jon C. Sesso, Planning Director, requesting time on 3/26 agenda for a presentation on the preliminary design for the North Harrison Avenue Reconstruction Project *Committee recommends that Communication No. 08-173 be held in abeyance.*

SECTION IX

COMMUNICATION NO. 08-179

Tim Lynch, General Manager UDAP Industries, Inc. requesting time on 3/19/08 agenda to present a building project and discuss the tax abatement option for the new construction. *Committee recommends that Communication No. 08-179 be placed on file.*

SECTION X COMMUNICATION NO. 08-188

Karen Byrnes, Community Development Director, requesting time on the 4/2/08 agenda to hold a Community Needs Assessment public hearing. *Committee recommends that Communication No. 08-188 be placed on file.*

SECTION XI COMMUNICATION NO. 08-203

Frank Walsh, An Ri' Ra' Montana Irish Festival, requesting permission to close Park Street from Montana to Main 8, 9 and 10th, 2008 for An Ri' Ra' Festival. *Committee recommends that Communication No. 08-203 be held in abeyance.*

SECTION XII COMMUNICATION NO. 08-207

Kevin D. Curtis, requesting an encroachment permit to set up a booth at Main and Woolman Streets during National Folk Festival 7/11 – 13/08. *Committee recommends that Communication No. 08-207 be denied and placed on file.*

SECTION XIII COMMUNICATION NO. 08-223

Mary M. McMahon, Clerk and Recorder, requesting permission to hold a public hearing 4/16/08 for the purpose of amending the budget to create budgetary authority to begin the process to replace a deputy employee. *Committee recommends that Communication No. 08-233 be placed on file.*

SECTION XIV COMMUNICATION NO. 08-224

Mary M. McMahon, Clerk and Recorder/Election Administrator, requesting time on the 4/19/08 agenda to conduct a brief discussion regarding election judges. *Committee recommends that Communication No. 08-224 be held in abeyance.*

SECTION VII COMMUNICATION NO. 08-212

John P. Walsh, Sheriff, requesting approval of line item budget transfers.
Committee recommends approval of Communication No. 08-212 and places it on file.

SECTION VIII COMMUNICATION NO. 08-213

John P. Walsh, Sheriff, requesting approval of line item budget transfers.
Committee recommends approval of Communication No. 08-213 and places it on file.

SECTION IX COMMUNICATION NO. 08-214

John P. Walsh, Sheriff, requesting approval of line item budget transfers.
Committee recommends approval of Communication No. 08-214 and places it on file.

SECTION X COMMUNICATION NO. 08-221

Danette Harrington, Auditor, requesting approval of line item budget transfer.
Committee recommends approval of Communication No. 08-221 and places it on file.

SECTION XI COMMUNICATION NO. 08-227

John P. Walsh, Sheriff, requesting approval of line item budget transfers.
Committee recommends approval of Communication No. 08-227 and places it on file.

SECTION XII EXPENDITURE APPROVAL

4/2/08	\$350,575.13
4.9/08	\$386,505.56

MONTANA MUNICIPAL CORPORATION AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 22 be placed on final reading and passed*

SECTION V COUNCIL RESOLUTION NO. 08-23

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 DISTRICT COURT FUND FROM THE CASH RESERVES OF THIS FUND FOR THE PURPOSE OF REPLACING FUNDS USED TO PAY SEVERANCE BENEFITS FOR A RETIRED EMPLOYEE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 08-23 be placed on final reading and passed.*

SECTION VI COUNCIL RESOLUTION NO. 08-24

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE MILE HIGH ESTATES NO 3 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. *Committee recommends that Council Resolution No. 08-24 be placed on final reading and passed.*

SECTION VII COUNCIL RESOLUTION NO. 08-25

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE AMENDED PLAT OF THE KINGS ADDITION NO. 1 AND THE GWIN & DUCIE'S ADDITION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HEREWITH A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE MILE HIGH ESTATES NO 3 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. *Committee recommends that Council Resolution No. 08-25 be placed on final reading and passed.*

SECTION VIII

CLAIM APPROVAL

8266	William & Debra Nokes	\$3,290.93	Redeem Tax Assg.
8349	Fran Lyons	200.00	Demo Bond Refund
8360	Easy Money Finance, LLC	1,563.39	Redeem Tax Assg.

Committee recommends approval of all payments.

