

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

FEBRUARY 18, 2009

7:30 PM COURTHOUSE COUNCIL CHAMBERS

ROLL CALL_____

PRAYER_____

**APPROVAL OF THE MINUTES OF THE
SPECIAL MEETING OF 1/28/09 AND THE
REGULAR MEETING OF 2/4/09**_____

ITEMS NOT ADDRESSED ON THE AGENDA_____

PUBLIC COMMENT ON ANY PUBLIC MATTER_____

CHIEF EXECUTIVE'S REPORT_____

SECTION I PUBLIC HEARING

FOR THE PURPOSE TO SOLICIT PUBLIC COMMENTS TO CONSIDER A RESOLUTION THAT WILL AMEND THE FY 2008-2009 BUDGET TO CREATE BUDGET AUTHORITY FOR THE BIG SKY ECONOMIC DEVELOPMENT TRUST FUND GRANT AWARDED TO THE CITY AND COUNTY OF BUTTE-SILVER IN THE AMOUNT OF \$50,000.00. (Communication No. 09-83 being held in Committee of the Whole.) **Proof of publication**

**SECTION II PRESENTATION
COMMUNICATION NO. 09-94**

Jeff Amerman, Director of Finance and Budge Department, Aaron Rudio, Vice President for Public Finance, D. A. Davidson & Co., and Ellen Crain, Director, Butte-Silver Bow Public Archives, requesting time on the 2/18/09 agenda to present bid award of the second bond sale for the Archives Renovation and Vault Addition Project.

SECTION III

PRESENTATION COMMUNICATION NO. 09-108

Jim Smitham, Executive Director, Butte Local Development Corporation, requesting time on the 2/18/09 agenda to make a presentation.

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. 09-89 Gary Keeler, Transit Director, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
- 2. 09-90 George Everett, Mainstreet Uptown Butte, requesting authorization for Chief Executive to sign renewal agreement with Montana Main Street Program at Montana Department of Commerce. **Recommendation: approve and place on file.**
- 3. 09-91 Steve Hess, Assistant Planning Director, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
- 4. 09-92 Ellen Crain, Director Archives, requesting permission to purchase a service contract with Past Perfect Software. **Recommendation: concur and place on file.**
- 5. 09-93 Patsy Coates, Delinquent Property Specialist, requesting time on 3/4/09 agenda to conduct a bid opening for Title and Lien Search for 2009 County Tax Deed Process. **Recommendation: hold in Committee of the Whole for bid opening on 3/4/09.**
- 6. 09-95 Paul Babb, Chief Executive, requesting concurrence in appointment of Jim Shive to Historic Preservation Commission. **Recommendation: concur and place on file.**

7. 09-96 Ellen Crain, Director Archives, requesting permission to purchase a service contract with Lees' Office City for copy machine maintenance. **Recommendation: concur and place on file.**
8. 09-97 Karen Byrnes, Director Community Development Department, requesting authorization for Chief Executive to sign contract with Dave Svejkovsky Construction for rehab work at 734 and 734 ½ S. Main Street. **Recommendation: concur and place on file.**
9. 09-98 Karen Byrnes, Director Community Development Department, requesting authorization for Chief Executive to enter into Homeowner Deferred Repayment Assistance Agreement and the Housing Rehabilitation Lien Agreement for 734 and 734 ½ S. Main Street. **Recommendation: concur and place on file.**
10. 09-99 Karen Byrnes, Director Community Development Department, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
11. 09-100 Rick Larson, Director of Public Health, requesting authorization for Chief Executive to sign contract with Lee's Office City for maintenance agreement on copy machine. **Recommendation: concur and place on file.**
12. 09-101 Sally Hollis, Clerk and Recorder – Election Administrator, requesting approval of bid from the Blind Guy for six window covers for Clerk and Recorder's Office. **Recommendation: concur and place on file.**
13. 09-102 Karen Byrnes, Community Development Director, requesting authorization for Chief Executive to enter into Economic Development Mill Levy Funds Contracts. **Recommendation: concur and place on file.**
14. 09-103 Edward and Virginia Dennehy, requesting a release from an agreement not to transfer ownership of acquired property for not less than five years from the date of acquisition. **Recommendation: concur and place on file.**
15. 09-104 Bill Melvin, Civic Center Manager, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**

16. 09-105 Paul Babb, Chief Executive, requesting concurrence in appointment of Dan Foley to the Fire Advisory Council. **Recommendation: concur and place on file.**
17. 09-106 Dori Skrukrud, Greenway Service District, requesting time on 3/4/09 agenda to conduct a bid opening for Silver Bow Creek Greenway construction. **Recommendation: schedule bid opening for 3/4/09 and hold in Committee of the Whole.**
18. 09-107 Tim Clark, Personnel Director, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
19. 09-109 Paul Babb, Chief Executive, requesting concurrence in reappointment of Craig Thomas to the Law Enforcement Commission. **Recommendation: concur and place on file.**
20. 09-110 Paul Babb, Chief Executive, requesting concurrence in reappointment of Dan Harrington to the Tax Increment Financing Industrial District Board. **Recommendation: concur and place on file.**
21. 09-111 Paul Babb, Chief Executive, requesting concurrence in reappointment of Jack McCormick to the Law Enforcement Commission. **Recommendation: concur and place on file.**
22. 09-112 Paul Babb, Chief Executive, requesting concurrence in reappointment of Mark Shutey to the Planning Board. **Recommendation: concur and place on file.**
23. 09-113 Teri Fisher, Office Manager Metro Sewer, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
24. 09-114 John Walsh, Sheriff, requesting authorization for Chief Executive to sign grant award for the Selective Traffic Enforcement Program from the MT Department of Transportation. **Recommendation: concur and place on file.**
25. 09-115 Sherm Anderson and Tim Baker, requesting time on the 2/25/09 agenda to make a presentation on the Beaverhead-

Deerlodge Partnership. **Recommendation: schedule presentation for 2/25/09 and hold in Committee of the Whole.**

26. 09-116 Dan Dennehy, Public Works Director, requesting authorization for Chief Executive to amend the agreement for Professional Services with Morrison-Maierle, Inc. for Facility Planning and Pre-design Operations and Maintenance Manual. **Recommendation: concur and place on file.**
27. 09-117 Dan Dennehy, Public Works Director, requesting time on the 2/25/09 agenda to conduct a public hearing on the draft recommendations for the upgrade to the Butte-Silver Bow Wastewater Treatment Plant. **Recommendation: schedule public hearing for 2/25/09 and hold in Committee of the Whole.**
28. 09-118 Dan Dennehy, Director Department of Public Works, requesting authorization for Chief Executive to enter into contract with Montana Refining Company, Inc. for asphalt products for 2009 construction season. **Recommendation: concur and place on file.**
29. 09-120 Jeff Amerman, Director, Finance and Budget Department, requesting time on the 2/25/09 agenda to make a presentation on the new budget format. **Recommendation: set presentation for 2/25/09 and hold in abeyance.**
30. 09-121 Phyllis Ruana, Animal Services, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
31. 09-123 Gary Keeler, Landfill Manager, requesting authorization to expand the scope of work for Pioneer Technical for Landfill Closure Financial Assurance. **Recommendation: concur and place on file.**
32. 09-124 Gary Keeler, Transit Director, requesting authorization for Chief Executive to make application for Federal Section 5311 Transit Operating and Capital Assistance Funds. **Recommendation: concur and place on file.**

SECTION V COMMUNICATIONS TO BE READ AND ACTED UPON

1. 09-119 Stephen D. Hess, Acting Planning Director, requesting

Council approve proposed amendments to the City and County of Butte-Silver Bow, State of Montana, Subdivision Regulations as submitted.

2. 09-122 Mitzi Rossillon, Board Member Butte CPR, requesting time on 2/18/09 agenda to present request for support for Citizen's for Preservation to submit a grant from Challenge Cost Shares and also a letter committing to a partnership.

SECTION VI

ORDINANCES AND RESOLUTIONS – REFERRED TO JUDICIARY

1. COUNCIL BILL NO. 09-2 ORDINANCE NO-09

AN ORDINANCE AMENDING ORDINANCE NO. 178 AND TITLE 16, CHAPTER 16.04 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC); AMENDING THE BUTTE-SILVER BOW SUBDIVISION REGULATIONS; AMENDING SECTION 10: DESIGN STANDARDS, B. LANDS UNSUITABLE FOR SUBDIVISION, F. BRIDGES AND CULVERTS, SUBSECTION 2, G. STREETS AND PRIVATE ROADS, SUBSECTIONS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, AND SECTION 11, REQUIRED IMPROVEMENTS, B. STREETS, SUBSECTION 4 STREET SURFACING, C. SIDEWALKS, SUBSECTION 1. AND SUBSECTION 5, H. TRAFFIC CONTROL DEVICES, SUBSECTION 2, K. FIRE PROTECTION, L. SPECIAL STANDARDS FOR SUBDIVISIONS PROPOSED IN AREA OF HIGH FIRE HAZARD, AND CREATION OF APPENDIX A, FIRE PROTECTION STANDARDS; PROVIDING FOR THE REPEAL OF ALL PARTS OF ORDINANCES IN CONFLICT HEREWITH. AND PROVIDING FOR AN EFFECTIVE DATE HEREIN

2. COUNCIL RESOLUTION NO. 09-11

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, OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE TO BE EXPENDED IN THE LAW ENFORCEMENT AGENCY AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

3. COUNCIL RESOLUTION NO. 09-12

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 NATURAL RESOURCE DAMAGE PROGRAM TO BE EXPENDED IN THE COMMUNITY DEVELOPMENT FUND FOR THE PURPOSE TO CONTINUE WORK ALONG THE SILVER BOW CREEK GREENWAY AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

4. COUNCIL RESOLUTION NO. 09-13

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 ENVIRONMENTAL PROTECTION AGENCY TO BE EXPENDED IN THE COMMUNITY DEVELOPMENT FUND FOR THE PURPOSE TO PROVIDE EQUIPMENT AND FINANCIAL SUPPORT TO THE GREENHOUSE NURSERY – HARDENING FACILITY ON THE MONTANA TECH CAMPUS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

5. COUNCIL RESOLUTION NO. 09-15

A RESOLUTION RELATING TO \$3,0000,000 GENERAL OBLIGATION BONDS, SERIES 2009; DETERMINING THE FORM AND DETAILS, AUTHORIZING THE EXECUTION AND DELIVERY AND LEVYING TAXES FOR THE PAYMENT THEREOF.

SECTION VII

CALENDAR OF OTHER MEETINGS AND EVENTS

Feb. 25	Parking Commission	9AM	Chief Executive’s Conference Room
Feb. 25	Port of Montana	Noon	Hub Center
Feb. 25	Urban Revitalization	9AM	1 st Floor Conference Room
Feb. 26	Business Dev. Center	10AM	Business Development
Feb. 26	Planning Board	7PM	Council Chambers
Mar. 2	Airport Authority	Noon	Bert Mooney Airport
Mar. 3	Weed Board	7PM	Weed Department
Mar. 3	Historic Preservation Commission	5:30PM	1 st Floor Conference Room
Mar. 4	Butte Aids Support Services	7PM	Community Center

Mar. 4	Fire Advisory Council	5PM	1 st Floor Conference Room
Mar. 4	Health Department	7AM	Health Department
Mar. 5	Civic Center	5PM	Civic Center Hospitality Room

ADJOURN

COMMITTEE OF THE WHOLE MEETING REPORT FEBRUARY 11, 2006

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

Ladies and Gentlemen:

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

SECTION I INVITATION FOR BIDS

SEALED BIDS ARE HEREBY INVITED FOR THE PRECAST CONCRETE CULVERTS FOR THE SILVER BOW CREEK GREENWAY CONSTRUCTION . (Communication No. 09-71 being held in Committee of the Whole)
Proof of publication was noted and placed on file.

Dori Skukrud opened three bids:

	<u>Item I-A</u>	<u>Single Box</u>	<u>Total Bid</u>
Cretex Concrete Products Rapid City, South Dakota	\$133,080.07	\$81,129.60	\$214,209.67
Wilburt Precast Spokane, WA	\$197,129.60	\$103,415.00	\$300,475.00
Peterson Enterprises, Inc. Clinton, MT	\$130,000.00	\$65,000.00	\$195,000.00

It was moved by Commissioner Lee, seconded by Commissioner Shaw and carried with unanimous verbal vote to send the bids to refer the three bids to the Greenway Service District for review and report back to council

SECTION II PRESENTATION COMMUNICATION NO. 09-80

Bill Melvin, Civic Center Manager, requesting time on the 2/11/09 agenda for a presentation from Schelenker and McKittrick Architects, PC who will be overseeing the elevator modernization project at the Courthouse.

Bill Melvin, Civic Center Manager, explained the history of the elevator service. He introduced Rick Schelenker of SMA Architects at Helena.. Mr. Schelenker gave the commissioners a handout and conducted a power point presentation.

SECTION III

**PRESENTATION
COMMUNICATION NO. 09-81**

Bill Melvin, Civic Center Manager, requesting time on the 2/11/09 agenda for a presentation on energy conservation opportunities throughout Butte-Silver government.

Bill Melvin, Civic Center Manager, told the Commissions. He showed a power point presentation

SECTION IV

**PRESENTATION
COMMUNICATION NO. 09-84**

Cindy McIlveen, Planning Specialist, requesting time on the 2/11/09 agenda for a staff presentation and approval on 2/18/09 for endorsement of Comprehensive Parks, Recreation, open space and trails presentation.

Cindy McIlveen, Planning Specialist, show a power point presentation.
Committee recommends that Communication No. 09-84 be held for the 2/18/09 agenda.

SECTION V

COMMUNICATION NO. 08-722

Charlie O'Leary, Chairman Council of Commissioners, requesting examination of the ownership documents for the Storm Lake Dam Site. *Committee recommends that Communication No. 08-722 be held in abeyance.*

SECTION VI

COMMUNICATION NO. 08-733

Mollie A. Mafei, Deputy County Attorney, requesting concurrence in purchase of Parcel #1903255 in settlement of lawsuit with the James Company and recommending Parks Department remove playground equipment as part of the City-County's open space plan. **Committee recommends that Communication No. 08-733 be denied and placed on file**

SECTION VII

COMMUNICATION NO. 08-797

Robert A. Macioroski, Director Land Office, requesting County Attorney be Directed to prepare a resolution and documentation for transfer of storm sewer easement from Frank Antonioli. *Committee recommends that Communication No. 08-797 be cross referenced with Resolution No. 09-8 and placed on file.*

Resources Damage Program. *Committee recommends that Communication No. 09-59 be placed on file.*

SECTION XV COMMUNICATION NO. 09-65

Corey Biggers, Montana Mountain Bike Alliance, requesting time on 2/4/09 agenda to make a presentation on a proposal for a National Protection Area in the Lionhead. *Committee recommends that Communication No. 09-65 be denied and placed on file.*

SECTION XVI COMMUNICATION NO. 09-69

Don Kronenberger, Commissioner District 5, requesting issue of the “Partnership Strategy” and urging council to re-visit their 2006 resolution. *Committee recommends that Communication No. 09-69 be held in abeyance.*

SECTION XVII COMMUNICATION NO. 09-71

Milo Manning, Chairman Greenway Service District, requesting a bid opening be scheduled for 2/11/09 for the procurement of precast concrete culverts for Silver Bow Creek Greenway. *Communication No. 09-71 be placed on file.*

SECTION XVIII COMMUNICATION NO. 09-73

Frank Kriewald, requesting time on the 2/18/09 agenda for County Commissioners from Beaverhead, Madison and Jefferson Counties and people from Butte to discuss the Beaverhead Deer Lodge National Forest Plan. *Committee recommends that Communication no. 09-73 be held for 2/18/09 meeting.*

SECTION XIX COMMUNICATION NO. 09-75

Rob Macioroski, Director Land Records Department, requesting authorization to issue Developer’s Packet for vacant city-county owned property at 1622 N. Main Street, Walkerville, MT. *Committee recommends that Communication No. 09-75 be placed on file.*

SECTION XX COMMUNICATION NO. 09-80

Bill Melvin, Civic Center Manager, requesting time on 2/11/09 agenda for a presentation from Schelenker & Mc Kittrick Architects, PC who will be overseeing elevator modernization project at the Courthouse. *Committee recommends that Communication No. 09-80 be placed on file.*

SECTION XXI**COMMUNICATION NO. 09-81**

Bill Melvin, Civic Center Manager, requesting time on the 2/11/09 agenda for a presentation on energy conservation opportunities throughout Butte-Silver Bow Government Buildings. *Committee recommends that Communication No. 09-81 be placed on file.*

SECTION XXII**COMMUNICATION NO. 09-82**

Karen Byrnes, Community Development Director, requesting permission to submit a grant request to Community Development Block Grant Program for an economic development planning grant. *Committee recommends that Communication No. 09-82 be placed on file.*

SECTION XXIII**COMMUNICATION NO. 09-83**

Karen Byrnes, Community Development Director, requesting time on the 2/18/09 agenda to conduct a public hearing regarding the addition of unanticipated revenue to the 2008-2009 budget. *Committee recommends that Communication No. 09-83 be held for public hearing on 2/18/09.*

SECTION XXIV**COMMUNICATION NO. 09-84**

Cindy Mc Ilveen, Planning Specialist, requesting time on the 2/11/09 agenda for a staff presentation and approval on 2/18/09 for endorsement of comprehensive Parks Recreation, open space and trails presentation. *Committee recommends that Communication No. 09-84 be held for 2/18/09 meeting.*

