

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

July 7, 2010

7:30 PM COURTHOUSE COUNCIL CHAMBERS

ROLL CALL_____

PRAYER_____

APPROVAL OF THE MINUTES OF THE REGULAR MEETING, JUNE 16, 2010

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 DEVELOPER'S PACKET PROPOSALS FOR VACANT PROPERTY LOCATED IN THE 500 BLOCK OF EAST PARK STREET, BUTTE, MONTANA. (Communication No. 10-320 being held in Committee of the Whole) **Proof of Publication.**

SECTION II PUBLIC HEARING

TO HEAR PUBLIC COMMENT REGARDING DEVELOPER'S PACKET PROPOSALS FOR VACANT PROPERTY LOCATED AT 1508 DUNN AVE., WALKERVILLE, MONTANA. (Communication No. 10-321 being held in Committee of the Whole) **Proof of Publication.**

SECTION III PUBLIC HEARING

TO HEAR PUBLIC COMMENT REGARDING A PROPOSED APPLICATION TO THE MONTANA DEPARTMENT OF COMMERCE CDBG-ED PROGRAM. (Communication No. 10-393 being held in Committee of the Whole) **Proof of Publication.**

**SECTION IV PRESENTATION
COMMUNICATION NO. 10-399**

Terry Schultz, District 4 Commissioner, Butte-Silver Bow Council of Commissioners, requesting Council's authorization for a presentation July 7, 2010 regarding consideration of an ordinance allowing emergency responding physicians' similar status as other Emergency Responders.

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. COMMUNICATIONS

- 1. [10-406](#) Karen Byrnes, Community Development Director, requesting Council's authorization for the Chief Executive to sign a Maintenance Agreement with Empire Office Machines. **Recommendation: Concur and Place on file.**
- 2. [10-407](#) Eric Hassler, Residential Metals Program Manager Butte-Silver Bow Health Department, informing Council of bids received for soil remediation activities for projects at 225 Dakota, 1138 W. Mercury and 538 Colorado. **Recommendation: Note and place on file.**
- 3. [10-408](#) Frank Walsh, Chairman – 2010 An Ri Ra Montana Irish Festival, requesting Council's authorization of street closures to accommodate the 2010 AN RI RA Montana Irish Festival. **Recommendation: Concur and place on file.**
- 4. [10-409](#) John Walsh, Sheriff Butte-Silver Bow Law Enforcement Department, requesting Council's authorization for the Chief Executive to sign a contract with Community, Counseling, and Correctional Services, Inc. regarding the per diem rate to place youthful offenders at RYO. **Recommendation: Concur and place on file.**
- 5. [10-410](#) Lindsey Ide, Human Resources Director, requesting Council's authorization for the Chief Executive to sign a settlement agreement with LIUNA Local #1686. **Recommendation: Concur and place on file.**
- 6. [10-411](#) 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.**
- 7. [10-412](#) Eileen Joyce, County Attorney, requesting Council's authorization to recycle broken or obsolete equipment from the County Attorney's office. **Recommendation: Concur and place on file.**
- 8. [10-413](#) Will Steyh, Director/Coordinator Motorcycles and Miracles Event, requesting Council's authorization of street closures for the annual Motorcycles and Miracles Poker Run August 27 and 28, 2010. **Recommendation: Hold in abeyance pending signatures.**

9. [10-414](#) Dan Dennehy, Director Butte-Silver Bow Public Works Department, requesting Council's authorization of a request from Dave Cunningham, Operations Manager/Services Division for education assistance to attend a traffic and highway engineering class from Montana Tech during the fall semester of 2010. **Recommendation: Concur and place on file.**
10. [10-415](#) Dawn Silk, Water Division Accountant, requesting Council's authorization of a maintenance agreement with Empire Office Machines. **Recommendation: Concur and place on file.**
11. [10-416](#) Dan Dennehy, Director Butte-Silver Bow Public Works Department, requesting Council's authorization for the Chief Executive to sign Change Order Number 4 for Butte-Silver Bow WWTP Phase 1 Improvements Construction. **Recommendation: Concur and place on file.**
12. [10-417](#) Roger Ebner, Emergency Management Coordinator, requesting Council's approval to transfer ownership of a 1970 school bus from Butte-Silver Bow Government to the 15-90 Search and Rescue Team. **Recommendation: Concur and place on file.**
13. [10-418](#) Lori Casey, Senior Planner, requesting Council's conditional approval of the Final Plat of the Irish Eyes Major Subdivision and authorization for the Chief Executive to sign the Subdivision Improvement Agreement. **Recommendation: Concur and place on file.**
14. [10-419](#) Elaine Holm, Accounting Supervisor, Butte-Silver Bow Health Department, requesting Council's authorization for removal of inventory from the Health Department's Asset List. **Recommendation: Concur and place on file.**
15. [10-420](#) Jeff Amerman, Director Finance and Budget Department, requesting Council's authorization to make a presentation regarding the FY 2010-2010 budget strategy and process at the July 14, 2010 Committee of the Whole Meeting. **Recommendation: Concur and set presentation for July 14, 2010.**
16. [10-421](#) Jeff Amerman, Director Finance and Budget Department, requesting Council's authorization for the Chief Executive to sign an engagement letter with Glick Consulting Group to provide technical assistance with the preparation of the 2010 comprehensive annual financial report (CAFR). **Recommendation: Concur and place on file.**
17. [10-422](#) Gary Keeler, Butte-Silver Bow Transit Director, requesting Council's authorization for the Chief Executive to renew the Para-Transit Service and JARC DD transportation agreement with AWARE and Belmont Senior Citizen Center Transportation Services. **Recommendation: Concur and place on file.**

18. [10-423](#) Rick Larson, Operations Manager/Utility Division, Butte-Silver Bow Public Works Department, requesting Council's authorization for the Chief Executive to sign a contract with MSE-TETRAGENICS to provide emergency and regular service for electronic components at the water treatment facilities. **Recommendation: Concur and place on file.**
19. [10-424](#) Rick Larson, Operations Manager/Utility Division, Butte-Silver Bow Public Works Department, requesting Council's authorization to award the Harrison Ave. water main replacement products to Northwest Pipe Fittings, Inc., and authorize the Chief Executive to sign any related documentation in connection with the bid. **Recommendation: Concur and place on file.**
20. [10-425](#) Dan Dennehy, Director, Butte-Silver Bow Public Works Department, requesting Council's authorization for the Chief Executive to sign a contract with Montana Department of Transportation on the Grand/Harrison Ave. Project and the Harrison-Amherst/Front Project. **Recommendation: Concur and place on file.**
21. [10-426](#) Tom Malloy, Butte-Silver Bow Reclamation Manager, informing Council of a Bid Opening July 14, 2010 for the Mine Shaft Closure and Cap Replacement Project. **Recommendation: Note and place on file.**
22. [10-427](#) Paul David Babb, Chief Executive, requesting Council's authorization for the Chief Executive to enter into a contract with School District No. 1 to transfer ownership of the Jeremy Bullock Memorial Soccer Complex to Butte-Silver Bow. **Recommendation: Concur and place on file.**
23. [10-428](#) William and Diana Housel, 1919 Florida, inviting Council to visit their home to investigate problems with dogs in the neighborhood. **Recommendation: Note and place on file.**

SECTION VI

SUSPENSION OF THE RULES FOR FINAL PASSAGE

COUNCIL RESOLUTION NO. [10-58](#)

1. A RESOLUTION REAFFIRMING THE CITY-COUNTY OF BUTTE-SILVER BOW, MONTANA'S COMMITMENT TO PROVIDING EQUAL PROTECTION UNDER THE LAW AND TO PROVIDING GOODS AND SERVICES TO ITS CITIZENS WITHOUT REGARD TO RACE, RELIGION, OR NATIONAL ORIGIN, AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION VII

**ORDINANCES AND RESOLUTIONS –
REFERRED TO JUDICIARY
COUNCIL BILL NO. [10-5](#)
ORDINANCE NO. 10-5**

1. AN ORDINANCE AMENDING ORDINANCE NO. 204 AND CHAPTER 10.48 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “MISCELLANEOUS DRIVING RULES”; ADDING A NEW SECTION TO BE NUMBERED 10.48.370, B-SB MC AND ENTITLED “PROHIBITION OF USING MOBILE TELEPHONE AND OTHER ELECTRONIC COMMUNICATION DEVICE TO TEXT WHILE OPERATING A MOTOR VEHICLE OR RIDING A BICYCLE ON A PUBLIC HIGHWAY” AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

COUNCIL RESOLUTION NO. [10-55](#)

2. A RESOLUTION APPROVING FOREGONE PROPERTY TAXES ON THE MEADOWLANDS SENIOR APARTMENTS TO BE USED AS MATCHING FUNDS FOR THE HOME INVESTMENT PARTNERSHIP GRANT RECEIVED BY BUTTE-SILVER BOW AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

COUNCIL RESOLUTION NO. [10-56](#)

3. RESOLUTION RELATING TO A PROJECT OF THE PORT OF MONTANA PORT AUTHORITY AND THE ISSUANCE OF A REVENUE BOND TO FINANCE THE COSTS THEREOF; APPROVING THE PROJECT; AUTHORIZING THE ISSUANCE OF A BOND THEREFOR; ALLOCATING A PORTION OF THE COUNTY’S AUTHORITY TO ISSUE RECOVERY ZONE FACILITY BONDS AND AGREEING TO LEVY MILLS AS CERTIFIED BY THE PORT AUTHORITY PURSUANT TO SECTION 7-14-1131, M.C.A.

COUNCIL RESOLUTION NO. [10-57](#)

4. A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE IRISH EYES 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 VIII

**ORDINANCES AND RESOLUTIONS
FINAL READING**

COUNCIL RESOLUTION NO. [10-52](#)

1. RESOLUTION RELATING TO A PROJECT ON BEHALF OF WILLIAM CHARLES BUTTE MONTANA, LLC AND THE ISSUANCE OF A REVENUE BOND TO FINANCE THE COSTS THEREOF UNDER MONTANA CODE ANNOTATED, TITLE 90, CHAPTER 5, PART 1, AS AMENDED; APPROVING THE PROJECT; AUTHORIZING THE ISSUANCE OF A BOND THEREFOR; AND ALLOCATING A PORTION OF THE COUNTY’S AUTHORITY TO ISSUE RECOVERY ZONE FACILITY BONDS

COUNCIL RESOLUTION NO. [10-53](#)

2. A RESOLUTION RECOGNIZING THE ACCEPTNACE OF HOME INVESTMENT PART-
NERSHIP PROGRAM FUNDING TO CONSTRUCT THE MEADOWLANDS SENIOR
HOUSING PROJECT.

SECTION IX CALENDAR OF OTHER MEETINGS AND EVENTS

July 1 Civic Center	5:00 PM	Civic Center Hospitality Room
July 8 Civic Center	5:00 PM	Civic Center Hospitality Room
July 8 Urban Revitalization	9:00 AM	1 st Floor Conference Room
July 8 Zoning Board of Adjustment	5:30	Council Chambers, 3 rd Floor Courthouse
July 14 Fair Board	5:30 PM	Business Development Center
July 14 Fire Advisory Council	5:00 PM	1 st Floor Conference Room
July 14 Law Enforcement Commission	4:00 PM	Chief Executive's Conference Room
July 14 Library	5:00 PM	2 nd or 3 rd Floor Library Building
July 19 Airport Authority	Noon	Bert Mooney Airport
July 20 Housing Authority	5:30 PM	Silver Bow Homes Housing
July 20 Parks and Recreation	4:15 PM	Civic Center Conference Room
July 20 Technical Review Committee	1:30 PM	3 rd Floor Conf. Room Water Building
July 20 TIFID	11:30 AM	Business Development Ctr. Board Room
July 21 Community Enrichment	10:00 AM	Health Department

ADJOURN

COMMITTEE OF THE WHOLE MEETING REPORT

JUNE 23, 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 ARRA BOND ALLOCATION FOR THE PORT OF MONTANA EXPANSION PROJECT LOCATED IN THE TIFID. (Communication No. 10-352 being held in Committee of the Whole) **Proof of Publication was noted.**

SECTION II 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 III 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 IV 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 V 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 VI COMMUNICATION NO. 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. *Committee recommends that Communication No. 10-320 be held in abeyance pending, public hearing July 7, 2010.*

SECTION XIV

COMMUNICATION NO. 10-393

Karen Byrnes, Community Development Director, requesting permission to hold a CDBG Specific Public Hearing July 7, 2010. *Committee recommends that Communication No. 10-393 be held in abeyance pending public hearing July 7, 2010.*

SECTION XV

COMMUNICATION NO. 10-394

Bob Rowling, Butte-Silver Bow Parks/Recreation Director, requesting Council’s authorization of a request for proposals for the Butte-silver Bow Aquatic and Recreation Project. *Committee recommends to concur with the request of Communication No. 10-394 – but change RFP to state improvements to Stodden Park instead of clubhouse and place on file.*

SECTION XVI

COMMUNICATION NO. 10-399

Terry Schultz, District 4 Commissioner, Butte-Silver Bow Council of Commissioners, requesting Council’s authorization for a presentation July 7, 2010 regarding consideration of an ordinance allowing emergency responding physicians’ similar status as other Emergency Responders. . *Committee recommends that Communication No. 10-399 be held in abeyance pending presentation July 7, 2010.*

JUDICIARY COMMITTEE MEETING REPORT

JUNE 23, 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 10-396

Terry Schultz, District 4 Commissioner, Butte-Silver Bow Council of Commissioners, requesting Council's authorization of an ordinance prohibiting "texting" while operating a motor vehicle. *Committee recommends that Communication No. 10-396 be held in abeyance and sent to the County Attorney's Office to draft a resolution.*

SECTION II COMMUNICATION NO 10-397

Terry Schultz, District 4 Commissioner, Butte-Silver Bow Council of Commissioners, requesting Council's authorization of a resolution affirming all Butte-Silver Bow services, programs and laws are administered without regard to race, sex, national origin, of religion and be published in The Butte Weekly and The Montana Standard once adopted. *Committee recommends that Communication No. 10-397 be held in abeyance – sent to the County Attorney's Office to review Commissioner Schultz's draft and draft a resolution, without publishing.*

SECTION III COMMUNICATION NO 10-398

Terry Schultz, District 4 Commissioner, Butte-Silver Bow Council of Commissioners, requesting Council's authorization an ordinance requiring Pit Bulls be tethered on their home premises and on a tether or leash when within one hundred meters of any location where people congregate. *Committee recommends that Communication No. 10-398 be held in abeyance, move communication to the Animal Control Board and wait for a recommendation back to Council.*

SECTION IV 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 V

COUNCIL RESOLUTION No. 10-52

A RESOLUTION RELATING TO A PROJECT ON BEHALF OF WILLIAM CHARLES BUTTE MONTANA, LLC AND THE ISSUANCE OF A REVENUE BOND TO FINANCE THE COSTS THEREOF UNDER MONTANA CODE ANNOTATED, TITLE 90, CHAPTER 5, PART 1, AS AMENDED; APPROVING THE PROJECT; AUTHORIZING THE ISSUANCE OF A BOND THEREFOR; AND ALLOCATING A PORTION OF THE COUNTY'S AUTHORITY TO ISSUE RECOVERY ZONE FACILITY BONDS. *Committee recommends that Council Resolution No. 10-52 be moved to final reading.*

SECTION VI

COUNCIL RESOLUTION NO. 10-53

A RESOLUTION RECOGNIZING THE ACCEPTNACE OF HOME INVESTMENT PARTNERSHIP PROGRAM FUNDING TO CONSTRUCT THE MEADOWLANDS SENIOR HOUSING PROJECT. *Committee recommends that Council Resolution No. 10-53 be moved to final reading.*

SECTION III

CLAIM APPROVAL

Committee recommends all claims be approved as presented.

PUBLIC WORKS COMMITTEE MEETING REPORT

JUNE 23, 2010

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

Ladies and Gentlemen:

We, your Public Works Committee respectfully recommend as follows:

SECTION II COMMUNICATION NO. 09-645

Glen Granger, Commissioner District No. 1, requesting Council's authorization for a traffic study to be conducted on the corner of Whiteway and Burlington Streets. *Committee recommends that Communication No. 09-645 be held in abeyance.*

SECTION II COMMUNICATION NO. 10-223

Dan Dennehy, Director, Public Works, requesting Council review sign usage guidelines to better discuss placement of Children at Play signs. *Committee recommends that Communication No. 10-233 be held in abeyance.*

SECTION III COMMUNICATION NO. 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. *Committee recommends that Communication No. 10-330 be held in abeyance.*