

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING AGENDA
SEPTEMBER 16, 2009
7:30 PM COURTHOUSE COUNCIL CHAMBERS**

ROLL CALL_____

PRAYER_____

**APPROVAL OF THE MINUTES OF THE
THE REGULAR MEETING SEPTEMBER 2, 2009 AND
THE SPECIAL MEETING OF SEPTEMBER 9, 2009**

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 ON PETITION NO. 09-6 FILED BY PACIFIC HIDE & FUR DEPOT TO CLOSE AND VACATE A PORTION OF ERGO STREET. (Petition No. 09-6 being held in Public Works Committee) Proof of publication.

**SECTION 11 PRESENTATION
COMMUNICATION NO. 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.

**SECTION III PRESENTATION
COMMUNICATION NO. 09-616**

Brad Molnar, Montana Public Service Commission, requesting time on the September 16, 2009 agenda to speak in regards to the issues concerning the MSTI line.

SECTION IV

**PRESENTATION
COMMUNICATION NO. 09-622**

Gary Keeler, Transit Manager, requesting time on September 16, 2009 agenda for presentation regarding American Recovery Act Funds to build a bus storage building and approval for the Chief Executive to enter into an agreement with Montana Department of Transportation

SECTION V

**PRESENTATION
COMMUNICATION NO. 09-624**

Jeff Amerman, Director Finance and Budget Department, requesting time on September 16, 2009 agenda to make a presentation of the FY 2009-2010 preliminary budget.

SECTION VI

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. 09-5 John Harrington, Building Official, on behalf of EDL & EGL, LLC, requesting to close and vacate a portion of the alley between Busch and Harrison Avenue. **Recommendation: refer to Public Works.**
- 2. 09-7 John Harrington, Building Official, on behalf of Irene & Donald Weber to close and vacate a portion of the alley between Dakota and Colorado Streets. **Recommendation: refer to Public Works.**

C. COMMUNICATIONS

- 1. 09-610 Karen Byrnes, Community Development Department, requesting Council's authorization for the Chief Executive to sign Grant Award #2009-DJ-BX-0208 from the Department of Justice Office for the 2009 Edward Byrne Memorial Justice Assistance Grant Program. **Recommendation: Concur and place on file.**
- 2. 09-611 Lindsey Ide, Interim Personnel Director, requesting Council's approval of the Settlement Agreement with LIUNA Local #1686 representing the Public Works' Laborers and authorize the Chief Executive to execute the documents. **Recommendation: Concur and place on file.**
- 3. 09-613 Christina Talley, Student Activities Council Chairperson, requesting Council's permission to close a portion of Park Street on October 10, 2009 from 9:30 am to 11:30 a.m. for Montana Tech's Homecoming parade. **Recommendation: Refer to Committee of the Whole.**

4. 09-614 Sheriff John P Walsh, Butte-Silver Bow Law Enforcement, requesting Council and the Chief Executive to authorize the implementation and required signatures in reference to the grant award for the Selective Traffic Enforcement Program from Montana Department of transportation. **Recommendation: Concur and place on file.**
5. 09-616 Brad Molnar, Montana Public Service Commission, requesting time on the September 16, 2009 agenda to speak in regards to the issues concerning the MSTI line. **Recommendation: Concur and set presentation for September 16, 2009.**
6. 09-617 Greg Storey, 4023 Western Blvd., Butte, Montana, requesting Council investigate a grievance filed against the Animal Shelter and Shelter employee Erin Wall. **Recommendation: Refer to Committee of the Whole and refer this Communication to the Animal Shelter Board for a report back to Council.**
7. 09-618 Sheriff John P Walsh, Butte-Silver Bow Law Enforcement Department, requesting Council's approval to give the County Attorney authorization to submit amendments to Ordinance 2.20.085 Fees of sheriff. **Recommendation: Refer to Judiciary Committee..**
8. 09-620 Robin Busch, Business Manager, Butte Center for Performing Arts, requesting Council's authorization for the Chief Executive to sign the Cultural Trust Grants Expenditure Report. **Recommendation: Concur and place on file.**
9. 09-621 Rick Larson, Operations Manager-Utilities Division, requesting Council's authorization for the Chief Executive to amend the agreement for professional services with Pioneer Technical Services. **Recommendation: Concur and place on file.**
10. 09-622 Gary Keeler, Transit Manager, requesting time on September 16, 2009 agenda for presentation regarding American Recovery Act Funds to build a bus storage building and for approval for the Chief Executive to enter into an agreement with Montana Department of Transportation. **Recommendation: Set presentation for September 23, 2009 and allow for public comment at that time.**
11. 09-623 Todd Hoar, Director Developmental Disabilities Council, requesting Council's permission to close the parking lot and alleyway south of Mural Park from 3:00 pm Friday, October 2, 2009 to 3:00 pm Sunday October 4, 2009 for Oktober Fest and allow the consumption of alcohol. **Recommendation: Send to Josh Peck for signature page to be signed by all parties.**

12. 09-624 Jeff Amerman, Director Finance and Budget Department, requesting time on September 16, 2009 agenda to make a presentation of the FY 2009-2010 preliminary budget. **Recommendation: Concur and set presentation for September 16, 2009.**
13. 09-625 Jeff Amerman, Director Finance and Budget Department, requesting permission to hold a Public Hearing on September 23, 2009 regarding the FY 2009-2010 preliminary budget. **Recommendation: concur and set Public Hearing for September 23, 2009.**
14. 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). **Recommendation: Concur with request and hole in Committee of the Whole.**
15. 09-627 Kristen Rosa, TIFID Administrator, requesting Council's approval of Fischer Corporate Real Estate Service's as the approved Developer for TIFID #2 for the development of a transportation facility on Lot 3A, Plat No. 838B (Parcel No. 1739515). **Recommendation: concur and place on file.**
16. 09-628 Karen Byrnes, Community Development Director, requesting Council authorize the forgiveness of the CDBG loan in the amount of \$6,627.49 for the property located at 601 W. Galena to William Critz and have the Office of Finance and Budget make the adjustments. **Recommendation: Refer to Finance and Budget.**
17. 09-629 Kristen Rosa, TIFID Administrator, requesting Council authorize the Chief Executive to sign a contract between Crowley Fleck PLLP and Butte-Silver Bow for legal services associated with permanent easements for the wastewater line. **Recommendation: Concur and place on file.**
18. 09-630 Kristen Rosa, TIFID Administrator, requesting Council's authorization for the Chief Executive to sign a contract with Northwestern Energy for the construction of a gas service line in the TIFID. **Recommendation: Concur and place on file.**
19. 09-631 Theresa Hocking, RN/CIC/MSN/MPH, requesting Council's authorization for the Chief Executive to sign a contract and an amendment between Butte-Silver Bow Chemical Dependency Addictive Services and the State of Montana. **Recommendation: Concur and place on file.**
20. 09-632 Jon Sesso, Planning Director, requesting Council's authorization for the Chief Executive to sign a contract with Pioneer Technical Services, Inc. to perform engineering services regarding the Belmont Shaft Failures and Subsidence Mitigation Project. **Recommendation: Concur and place on file.**

- 21. 09-633 Lindsey Ide, Interim Personnel Director, requesting Council’s approval of the contract settlement with Local 400, Silver Bow Stationary Engineers and authorize the Chief Executive to execute the documents. **Recommendation: Concur and place on file.**
- 22. 09-634 Lindsey Ide, Interim Personnel Director, requesting Council’s approval of the contract settlement with the Federation of Butte-Silver Bow Public Employees and authorize the Chief Executive to execute the documents. **Recommendation: Concur and place on file.**

SECTION VII COMMUNICATIONS TO BE READ AND ACTED UPON

- 1. 09-619 Lee Phillips, Director Butte-Silver Bow Public Library, requesting Council honor commitment to provide grant match of funds and transfer into 2880 as presented in the CEO’s budget.

SECTION VIII ORDINANCES AND RESOLUTIONS – REFERRED TO JUDICIARY

**COUNCIL BILL NO. 09-7
ORDINANCE NO. 09-7**

- 1. AN ORDINANCE AMENDING BUTTE-SILVER BOW ORDINANCE NO. 360 AND CHAPTER 8.06 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (BS-B MC) ENTITLED “COMMUNITY DECAY”, AMENDING SECTIONS 8.06.020 AND 8.06.030, B-SB MC; ADDING A DEFINITION TO BE ENTITLED “JURISDICTIONAL AREA”; INCLUDING THE TOWN OF WALKERVILLE IN THE JURISDICTIONAL AREA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN

2. COUNCIL RESOLUTION NO. 09-57

A RESOLUTION TO CREATE A CAPITAL PROJECT FUND FOR THE BUTTE-SILVER BOW PUBLIC LIBRARY AND TO AUTHORIZE THE TRANSFER OF FUNDS TO BE DEPOSITED IN THE GENERAL FUND LIBRARY DEPRECIATION AND RESERVE FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

3. COUNCIL RESOLUTION NO. 09-58

A RESOLUTION ACCEPTING THE DONATION OF LOTS 11 AND 12 OF THE MOONLIGHT LODGE, AN UNFILED PLAT, MINERAL SURVEY NO. 800, LOCATED IN SECTION 13, TOWNSHIP 3 NORTH, RANGE 8 WEST, P.M.M., OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

4. COUNCIL RESOLUTION NO. 09-59

A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION WITH THE DEPARTMENT OF COMMERCE OF THE STATE OF MONTANA, FOR A MONTANA NEIGHBORHOOD STABILIZATION PROGRAM GRANT UNDER THE TERMS OF THE COMMUNITY DEVELOPMENT ACT OF 1974 (42 USC 5301) AS AMENDED.

**SECTION IX ORDINANCES AND RESOLUTIONS-
FINAL READING**

1. 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.

COUNCIL RESOLUTION NO. 09-56

A RESOLUTION RELATING TO \$750,000 SEWER SYSTEM REVENUE BONDS (DNRC WATER POLLUTION CONTROL STATE REVOLVING LOAN PROGRAM), CONSISTING OF \$390,700 SUBORDINATE LIEN, TAXABLE SERIES 2009A BOND, AND \$359,300 SERIES 2009B BOND; AUTHORIZING THE ISSUANCE AND FIXING THE TERMS AND CONDITIONS THEREOF.

SECTION X CALENDAR OF OTHER MEETINGS AND EVENTS

September 15	Housing Authority	5:30 PM	Silver Bow Homes
September 17	Zoning Board of Adjustment	5:30 PM	Council Chambers 3 rd Floor, Courthouse
September 21	Airport Authority	Noon	Bert Mooney airport Admin Office
September 23	Fire Advisory Council	5:00 PM	1 st Floor Conference Room
September 23	Local Emergency Planning Com	Noon	1st Floor Conference Room
September 23	Port of Montana	7:00 PM	Hub Center, Silver Bow Montana
September 23	Urban Revitalization	7:00 PM	1 st Floor Conference Room
September 24	Business Development Center	10:00 AM	Business Development Center
September 24	Planning Board	7:00 PM	Council Chambers, 3 rd Floor
October 1	Civic Center	5:00 PM	Civic Center Hospitality Room
October 6	Historic Preservation Commission	5:30 PM	1 st Floor Conference Room
October 6	Weed Board	7:00 PM	Weed Department
October 7	Fair Board	5:30 PM	Business Development Center
October 7	Butte Aids Support Services	7:00 PM	Community Center
October 7	Health Department	7:00 AM	Health Department
October 12	Archives	Noon	Archives Center, 17 W Quartz

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COMMITTEE OF THE WHOLE MEETING REPORT

SEPTEMBER 9, 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 placed on file.*

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. 09-529

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 V 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 VI 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. **Public Hearing was held and Committee recommends that Communication No. 09-575 be placed on file.**

FINANCE AND BUDGET COMMITTEE MEETING REPORT

SEPTEMBER 9, 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 approved with amendments and forwarded to full Council.*

1. **Library 460101**
820 - \$23,240 approve
2880 – 260 – 0, 390 – 0
Committee recommends approval of account 2880 – 260 - \$0, changing 390 - \$9,000 and adjusting Line item 820 accordingly.
2. **Golf Course 930 - \$60,000**
Contingent on \$30,000 contribution from Highland View Golf Course.
Committee recommends approval of Line item 930 – changing to \$80,000 with a \$30,000 contribution from Highland View Golf Club.
3. **Parks – 460430**
930 - \$370,000
Committee voted 3 ayes and 3 nays to recommend approval of 460430.
4. **Public Works – 430550**
940 - \$85,000 Snow Blower
Committee recommends approval of account 430550.
5. **Public Works 430540**
920 - \$40,000 Restrooms
Committee recommends approval of account 430540
6. **Transit 430430**
920 - \$585,000
Committee recommends approval of account 430430 with amendments and to be forwarded to full Council.

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 denied and placed on file.*

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

8/09/09	\$ 1,535.34
9/10/09	\$ 555,754.90

Committee recommends expenditures be approved and placed on file.

SECTION V**CLAIM APPROVAL**

536	Harrington Bottling	\$12,782.00	Curb/Gutter/Sidewalk Bond Refund
813	R Lynn Petersen	\$ 400.00	Refund of Bond A
1416	William Parini	\$ 400.00	Demo Bond Refund
1439	Rob Lee	\$ 1,000.00	ST Opening Bond Refund
1479	John Kuchtyn	\$ 1,000.00	Street Opening Bond Refund
1716	CPK LLC	4 5,681.21	Redeem Tax Assg #293700

Committee recommends all claims be approved as presented.

SECTION VII

COMMUNICATION NO. 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. *Committee recommends that Communication No. 09-600 be held in abeyance.*