

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING AGENDA
FEBRUARY 2, 2011
7:30 PM COURTHOUSE COUNCIL CHAMBERS**

ROLL CALL _____

PRAYER _____

APPROVAL OF THE MINUTES OF THE REGULAR MEETING, [JANUARY 19, 2011](#)
AND THE SPECIAL MEETING OF [JANUARY 26, 2011](#).

ITEMS NOT ADDRESSED ON THE AGENDA _____

PUBLIC COMMENT ON ANY PUBLIC MATTER
NOT ON THE AGENDA _____

CHIEF EXECUTIVE'S REPORT _____

SECTION I 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. [11-36](#) Gary Keeler, Butte-Silver Bow Transit Director, requesting council's authorization for the Chief Executive to sign an agreement with Current Transportation Solutions. **Recommendation: Concur and place on file.**
2. [11-37](#) John Moodry, Supervisor, Butte-Silver Bow Weed Department, requesting council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Department.**
3. [11-38](#) Gary Keeler, Butte-Silver Bow Transit Director, requesting Council's approval of extension of sick leave for Al Shields. **Recommendation: Hold in Committee of the Whole and refer to the Human Resource Director.**
4. [11-39](#) Sally Hollis, Clerk and Recorder-Election Administrator, requesting Council's authorization of a purchase order in the amount of \$10,000 to Heritage Bookbinding for Historic Records Preservation: **Recommendation: Concur and place on file.**
5. [11-40](#) Dan Dennehy, Director Butte-Silver Bow Public Works Department, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**

6. [11-41](#) Dan Dennehy, Director Butte-Silver Bow Public Works Department, requesting Council's authorization of a budget transfer. **Recommendation:** *Refer to the Finance and Budget Committee.*
7. [11-42](#) Jeff Miller, Director Butte-Silver Bow Fire Services, requesting Council's authorization of a budget transfer. **Recommendation:** *Refer to the Finance and Budget Committee.*
8. [11-43](#) Dave Cunningham, Operation Manager, Butte-Silver Bow Public works Services Division, requesting time on the February 16, 2011 agenda for a presentation by Brian Milne with Interstate Engineering regarding pool options. **Recommendation:** *Concur and set presentation for February 16, 2011.*
9. [11-44](#) Dave Cunningham, Operation Manager, Butte-Silver Bow Public works Services Division, requesting Council's authorization for the Chief Executive to sign a contract with Robert Peccia and Associates to complete two (2) bridge evaluations. **Recommendation:** *Concur and place on file.*
10. [11-45](#) Chole R. Young, Secretary, Butte-Silver Bow Fair Board, ratifying Council of the revision of the Fair Board's By-Laws. **Recommendation:** *Note and place on file.*
11. [11-48](#) John Moodry, Supervisor, Butte-Silver Bow Weed Department, requesting time on the February 16, 2011 agenda to present a progress report on the Vegetation Law. **Recommendation:** *Concur and schedule presentation for February 16, 2011.*
12. [11-49](#) Kristen Rosa, TIFID Administrator, requesting Council's authorization for the Chief Executive to sign a Quitclaim Easement and Right-of Way Agreement with ARCO for waste water line. **Recommendation:** *Concur and place on file.*
13. [11-50](#) Kristen Rosa, TIFID Administrator, requesting Council's authorization for the Chief Executive to sign two "License Agreement for Underground Pipelines, Cables and Conduits" with Rarus Railway for the TIFID Waste Water Pipeline. **Recommendation:** *Concur and place on file.*
14. [11-51](#) Sheriff John P. Walsh, Butte-Silver Bow Law Enforcement, requesting Council's authorization of a budget transfer. **Recommendation:** *Refer to the Finance and Budget Committee.*
15. [11-52](#) Marko Lucich, Executive Director, Butte Chamber of Commerce and Kelly Smith, President, Silver Bow Area Lodging and Hospitality Association, requesting Council's authorization of the creation of the Tourism Business Improvement District (TBID) and adoption of a Resolution of Intent to create the district. **Recommendation:** *Concur and place on file.*

16. [11-53](#) John Terkla, 2936 Argyle Street, Butte, Montana, requesting Council's permission to open Red Bear Gun Pawn and Sales at 2030 Harrison. **Recommendation: Concur and place on file.**
17. [11-54](#) Karen Byrnes, Director, Community Development Department, requesting Council's authorization for the Chief Executive to sign the 2011 Urban and Community Forestry Grant Agreement. **Recommendation: Concur and place on file.**
18. [11-55](#) Bill Melvin, Manager, Civic Center, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
19. [11-56](#) Lori Casey, Acting Planning Director, requesting Council's conditional approval of the Final Plat of the Fleecer View Phase 3 – a Minor Subdivision. **Recommendation: Concur and place on file.**
20. [11-57](#) Dan Dennehy, Director Butte-Silver Bow Public Works Department, requesting Council's concurrence to dispose of scrap metal at the crusher site and to use the revenues received by selling the scrap for improvements of the current crusher. **Recommendation: Concur and place on file.**
21. [11-58](#) Karen Hassler, Butte-Silver Bow Public Works Department, requesting Council's authorization for the Chief Executive to sign an agreement with Carolina Software. **Recommendation: Concur and place on file.**

SECTION II

COMMUNICATIONS TO BE READ AND ACTED UPON

1. [11-47](#) Ed Randall, Manager Butte-Silver Bow Community Enrichment/Animal Services Department, requesting Council's approval for an emergency budget allocation allowing Butte-Silver Bow Community Enrichment Department to demolish 701 S Utah Street (National Hotel).

SECTION III

SUSPENSION OF THE RULES FOR FINAL PASSAGE

COUNCIL RESOLUTION NO. [11-4](#)

1. A RESOLUTION ACCEPTING THE DONATION BY WORLD MUSEUM OF MINING (WMM) TO THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, THE REAL PROPERTY HEREIN DESCRIBED ON EXHIBIT "A" TO THIS RESOLUTION AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

COUNCIL RESOLUTION NO. [11-5](#)

2. A RESOLUTION DECLARING THE INTENTION OF THE COUNCIL OF COMMISSIONERS OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, MONTANA TO CREATE A TOURISM BUSINESS IMPROVEMENT DISTRICT, TO BE KNOWN AS SPECIAL TOURISM BUSINESS IMPROVEMENT DISTRICT NO. 1, FOR THE PURPOSE OF PROMOTING TOURISM, CONVENTIONS, TRADE SHOWS AND TRAVEL TO THE CITY-COUNTY OF BUTTE-SIVER BOW; DESIGNATING AND DESCRIBING THE BOUNDARIES OF SAID PROPOSED SPECIAL TOURISM BUSINESS IMPROVEMENT DISTRICT; PROVIDING FOR THE PUBLICATION AND GIVING OF NOTICE OF THE PASSAGE AND ADOPTION OF THIS RESOLUTION AND PROVIDING FOR THE EFFECTIVE DATE HEREIN

SECTION IV

**ORDINANCES AND RESOLUTIONS –
REFERRED TO JUDICIARY**

COUNCIL RESOLUTION NO. [11-6](#)

1. A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL 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.

2.

COUNCIL RESOLUTION NO. [11-7](#)

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF CERTAIN PARCELS OF TAX DEEDED REAL PROPERTY OWNED BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION V

**ORDINANCES
SECOND READING**

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

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. [11-3](#)

2. 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 PUBLIC WORKS ROAD DEPARTMENT FROM THE SALE OF OBSOLETE ASSETS AT PUBLIC AUCTION FOR WINTER ROAD MAINTENANCE EQUIPMENT TO BE EXPENDED IN THE ROAD FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION VI

CALENDAR OF OTHER MEETINGS AND EVENTS

February 3	East Butte RRA	9:00 a.m.	1 st Floor Conference Room
February 3	Civic Center	5:00 p.m.	Civic Center Hospitality Room
February 7	Airport Authority	Noon	Bert Mooney Airport
February 8	Historic Preservation Commission	5:30 p.m.	1 st Floor Conference Room
February 9	Law Enforcement Commission	4:00 p.m.	Chief Executive's Conference Room
February 9	TIFID	9:00 a.m.	Business Development Ctr. Board Room
February 9	Fair Board	5:30 p.m.	Business Development Center
February 9	Fire Advisory Council	5:00 p.m.	1 st Floor Conference Room
February 9	Library	5:00 p.m.	2 nd or 3 rd Floor-Library Building
February 10	Urban Revitalization	9:00 a.m.	1 st Floor Conference Room
February 14	Archives	Noon	Archives Center
February 15	Parks and Recreation	4:15 p.m.	Civic Center Conference Room
February 15	Technical Review Committee	1:30 p.m.	3 rd Floor Conference Room, Water Bldg.
February 15	Housing Authority	5:30 p.m.	Silver Bow Homes Housing
February 16	Community Enrichment	10:00 a.m.	Health Department

ADJOURN

COMMITTEE OF THE WHOLE MEETING REPORT

JANUARY 26, 2011

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. 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 and request Rob Macioroski, Manager BSB Land Records, for an update in two weeks.*

SECTION II 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 placed on file.*

SECTION III COMMUNICATION NO. 10-568

Lynn Lloyd, General Manager and Gerry O'Brien, Editor, The Montana Standard, requesting Council's permission to mount an internet Web camera on the Original Mine Frame. *Committee recommends that Communication No. 10-568 be held in abeyance pending a lease agreement to be drafted by the Chief Executive.*

SECTION IV COMMUNICATION NO. 10-622

Terry L. Schultz, Butte-Silver Bow Council of Commissioners, District #4, requesting time on the November 23, 2010 Committee of the Whole Meeting to discuss a revised schedule for Committee Meetings. *Committee recommends that Communication No. 10-622 be placed on file.*

SECTION V COMMUNICATION NO. 10-624

Nicole von Gaza, Public Relations Coordinator, Butte Citizens for Preservation and Revitalization, Inc. requesting time on the November 23, 2010 Committee of the Whole Agenda to speak in regards to the Greek Café Revitalization. *Committee recommends that Communication No. 10-624 be held in abeyance – Developer Packet has been issued.*

SECTION VI

COMMUNICATION NO. 10-625

Mark Reavis, Architect, Community Preservation Design, requesting time on the November 23, 2010 Committee of the Whole Agenda to speak regarding policies, procedures and programs of the Urban Revitalization Agency. *Committee recommends that Communication No. 10-625 be held in abeyance and request Karen Byrnes, Director Community Development, address Council in two weeks.*

SECTION VII

COMMUNICATION NO. 10-634

Edward Banderob, 2601 Grand Avenue, Butte, Montana, requesting Council's consideration of six items regarding the Greeley Area Plan. *Committee recommends that Communication No. 10-634 be placed on file.*

SECTION VIII

COMMUNICATION NO. 10-656

Robert A. Macioroski, Director Butte-Silver Bow Land Office, requesting Council's authorization of a request to purchase County-Owned Property. *Committee recommends that Communication No. 10-656 be held in abeyance pending Certificate of Survey and preparation of Resolution/Deed.*

SECTION IX

COMMUNICATION NO. 10-665

James and Jana Mackin, 24 O'Neil, and Jeff Hoffman, 6 Gladstone Terrace, requesting time on the December 15, 2010 agenda to discuss a petition, signed by residents of Walkerville. *Committee recommends that Communication No. 10-665 be held in abeyance.*

SECTION X

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 the Chief Executive signing Certificate of Survey and preparation of Resolution/Deed.*

SECTION XI

COMMUNICATION NO. 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. *Committee recommends to concur with the request of Communication No. 11-16 and place on file.*

SECTION XII

COMMUNICATION NO. 11-21

Dave Cunningham, Operations Manager/Services Division, Butte-Silver Bow Public Works, requesting time on the February 9, 2011 agenda to hold a Public Hearing regarding a request by Union Pacific Railroad to close the 5th Street Railroad Crossing at Melrose. *Committee recommends that Communication No. 11-21 be held in abeyance.*

SECTION XIII

COMMUNICATION NO. 11-32

Robert Macioroski, Director, Butte-Silver Bow Land Sales Office, requesting Council's authorization to schedule a Public Presentation March 2, 2011 regarding redevelopment proposals for the Greek Café, 88 E. Part Street, Butte, Montana. *Committee recommends that Communication No. 11-32 be held in abeyance.*

SECTION XIV

COMMUNICATION NO. 11-33

Paul Babb, Chief Executive, requesting Council's authorization for the City and County of Butte-Silver Bow to donate the property the Greeley School is located on to the Public Housing Authority. *Committee recommends that Communication No. 11-33 be placed on file.*

SECTION XV

COMMUNICATION NO. 11-35

Robert Macioroski, Director, Butte-Silver Bow Land Sales Office, requesting Council's authorization to schedule a Public Hearing March 9, 2011 to solicit public comment on redevelopment proposals for the Greek Café, 88 E Park Street, Butte, Montana. *Committee recommends that Communication No. 11-35 be held in abeyance.*

FINANCE AND BUDGET COMMITTEE MEETING REPORT JANUARY 26, 2011

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. 11-22

Lori Casey, Butte-Silver Bow Planning Department, requesting Council's authorization of a budget transfer. *Committee recommends to approve Communication No. 11-22 and place on file.*

SECTION II COMMUNICATION NO. 11-30

Lee Phillips, Director, Butte-Silver Bow Public Library, requesting Council's authorization of a budget transfer. *Committee recommends to approve Communication No. 11-30 and place on file.*

JUDICIARY COMMITTEE MEETING REPORT

JANUARY 26, 2011

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. 10-581

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 pending response from the Animal Control Board.*

SECTION II 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, Ordinance No. 10-13 be held in abeyance pending Public Hearing.*

SECTION III 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. *Committee recommends that Council Bill No. 11-1, Ordinance No. 11-1 be moved to second reading with amendments.*

SECTION IV

COUNCIL RESOLUTION NO. 11-3

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 PUBLIC WORKS ROAD DEPARTMENT FROM THE SALE OF OBSOLETE ASSETS AT PUBLIC AUCTION FOR WINTER ROAD MAINTENANCE EQUIPMENT TO BE EXPENDED IN THE ROAD FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 11-3 be moved to second reading.*

SECTION III

CLAIM APPROVAL

Committee recommends all claims be approved as presented.

