

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

**May 5, 2010**

**7:30 PM COURTHOUSE COUNCIL CHAMBERS**

ROLL CALL \_\_\_\_\_

PRAYER \_\_\_\_\_

APPROVAL OF THE MINUTES OF THE REGULAR MEETING, APRIL 21, 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 THE PUBLIC FACILITY COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION FOR THE EMMA PARK NEIGHBORHOOD CENTER. (Communication No. [10-232](#) being held in Committee of the Whole.) **Proof of Publication.**

**SECTION II PUBLIC HEARING**

TO HEAR PUBLIC COMMENT REGARDING THE DONATION OF A SURPLUS FIRE APPARATUS FROM THE HOME ATHERTON VOLUNTEER FIRE DEPARTMENT TO THE ELK PARK VOLUNTEER FIRE DEPARTMENT. (Communication No. [10-243](#) being held in Committee of the Whole.) **Proof of Publication.**

**SECTION III 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. [10-245](#) Maryjo MacDonald, Law Library, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
2. [10-246](#) John Harrington, Building Official, Building Code Department, requesting Council's authorization to adopt the 2009 edition of the International Energy Conservation Code and delete section 15.05.030 of the Butte-Silver Bow Municipal Code. **Recommendation: Concur and place on file.**

3. [10-247](#) Ron Davis, President Butte Broadcasting Inc., requesting Council's permission to place a radio transmitter and antenna on the Bell Diamond Mine Head Frame. **Recommendation: Refer to the Public Works Department.**
4. [10-249](#) Sheriff John Walsh, Butte-Silver Bow Law Enforcement Department, requesting Council's authorization of budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
5. [10-250](#) Sheriff John Walsh, Butte-Silver Bow Law Enforcement Department, requesting Council's authorization of budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
6. [10-251](#) Sheriff John Walsh, Butte-Silver Bow Law Enforcement Department, requesting Council's authorization of budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
7. [10-252](#) Dawn Silk, Water Division Accountant, requesting Council's authorization for the Chief Executive to sign two maintenance agreements with Empire Office Machines. **Recommendation: Concur and place on file.**
8. [10-253](#) Kristi Hager, Director and Producer, Cool Water Hula, 10<sup>th</sup> Anniversary, requesting Council's authorization for the use of Emma Park and the Bell Diamond Mine Yard on July 9<sup>th</sup> and 10<sup>th</sup>, 2010 for the Cool Water Hula 10<sup>th</sup> Anniversary rehearsal and performance. **Recommendation: Concur and place on file.**
9. [10-254](#) Robert Macioroski, Director Butte-Silver Bow Land Office, requesting Council's authorization to issue a Developer's Packet for City-County owned properties located on East Park Street. **Recommendation: Concur and place on file.**
10. [10-255](#) Marianne Casagrande, Executive Director, New Hope Pregnancy Clinic, requesting Council's permission to hold a raffle and for a waiver of any associated fees. **Recommendation: Concur and place on file.**
11. [10-256](#) Sheriff John Walsh, Butte-Silver Bow Law Enforcement Department, requesting Council's authorization to hold a public hearing on May 19, 2010 for the purpose of receiving comment and discussing the application for and the allocation of the FY 2010 Justice Assistance Grant funds. **Recommendation: Concur and schedule public hearing for May 19, 2010**
12. [10-257](#) Cindi Shaw, Commissioner District 11, requesting Council's authorization to conduct a traffic study on Empire Street. **Recommendation: Refer to the Public Works Committee.**
13. [10-258](#) Thomas Malloy, reclamation Manager, Planning Department, requesting Council's authorization for the Chief Executive to sign an Access Agreement with Montana Economic Revitalization and Development Institute, Inc. (MERDI). **Recommendation: Concur and place on file.**

14. [10-259](#) Jim Jarvis, Historic Preservation Officer, requesting Council's authorization for the Chief Executive to sign an amended contract requesting a deadline extension with Preserve America. **Recommendation: Concur and place on file.**
15. [10-260](#) Joseph Lee, Commissioner, District Number Two, requesting Council's authorization for the County Attorney to prepare a resolution directing the three football fields at Copper Mountain Park be named "George Paul Little Guy Football Fields" and authorizing the Little Guy Football organization to place an appropriate memorial at the Copper Mountain Park Complex. **Recommendation: Concur and ask the County Attorney to prepare a Resolution.**
16. [10-261](#) Roger Ebner, Emergency Management Coordinator, requesting Council's authorization for the Chief Executive to sign an amended Professional Services Agreement with All Hands Consulting of Columbia, Maryland. **Recommendation: Concur and place on file.**
17. [10-262](#) Sheriff John Walsh, Butte-Silver Bow Law Enforcement Department, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
18. [10-263](#) Kelly Warmouth, 3645 Gladstone Ave, requesting Council's permission to open a pawn shop at 1001 E Front Street. **Recommendation: Concur and place on file**
19. [10-264](#) Lori Casey, Senior Planner, requesting Council's authorization to schedule a public hearing on May 26, 2010 for the Preliminary Plat of the Columbia Gardens Estates Major Subdivision. **Recommendation: Concur and schedule public hearing for May 26, 2010.**
20. [10-265](#) Paul Babb, Chief Executive, requesting Council's concurrence of two new appointments and one reappointment to the Board of Health. **Recommendation: Concur and place on file.**
21. [10-266](#) Rick Larson, Operations Manager Utility Division, Butte-Silver Bow Public Works Department, requesting Council's authorization for the Chief Executive to sign an amendment to the agreement for Professional Services with DOWL HKM. **Recommendation: Concur and place on file.**
22. [10-267](#) George Everett, Executive Director, Mainstreet Uptown Butte, requesting Council's authorization of a short-term loan in the amount of \$50,000 to assist with expenses for the 72<sup>nd</sup> National Folk Festival. **Recommendation: Refer to the Finance and Budget Committee.**
23. [10-268](#) Jeffrey Miller, Director of Butte-Silver Bow Fire Services, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**

24. [10-270](#) Jeff Amerman, Finance and Budget Director, requesting Council's authorization for the Chief Executive to execute two engagement letters with Newland and Company. **Recommendation: Concur and place on file.**
25. [10-271](#) Andrew Zdinak, Marketing Director, Butte Local Development Corporation, requesting Council's approval of a loan from the Butte Local Development Corporation's Anaconda ARCO Loan Fund Committee to Guidry Enterprises LLC. **Recommendation: Concur and place on file.**
26. [10-272](#) Gary Keeler, Transit Manager, Butte-Silver Bow Public Works Department, requesting Council's approval to award the bid for the Bus Storage Building and Bus Shelter improvements to Sullway Construction: **Recommendation: Concur and place on file.**
27. [10-273](#) Rick Larson, Operations Manager-Utilities Division, Butte-Silver Bow Public Works Department, requesting Council's authorization for the Chief Executive to sign an agreement with H&H Contracting, Inc. for the purpose of the 2010 Water Main Replacement Phase 1 Work. **Recommendation: Concur and place on file.**
28. [10-274](#) Chuck Schnabel, owner Quarry Brewing, requesting Council's approval to place a new projecting sign on the south facing wall at 45 W Galena. **Recommendation: Concur and place on file.**
29. [10-275](#) Robert Macioroski, Land Office Director, requesting Council's approval of land exchange and donation to correct encroachment of public ROW on private property (Oklahoma and Galena Streets) and convey ownership of a portion of non-dedicated alley to the City-County and secure access/utility easement. **Recommendation: Concur and place on file.**

#### SECTION IV

#### COMMUNICATIONS TO BE READ AND ACTED UPON

1. [10-244](#) Sheriff John Walsh, Butte-Silver Bow Law Enforcement, requesting Council's confirmation of Jarett Branson as a permanent member of the Butte-Silver Bow Law Enforcement Department.
2. [10-248](#) Mark Moodry, Commissioner District Number seven, requesting Council's concurrence in recognizing Bob Pavlovich for his efforts relating to locating the Southwest Montana Veterans' Home in Butte with a Memorial Plaque to be presented at a Regular Council Meeting.
3. [10-269](#) Kristen Rosa, TIFID Administrator, requesting Council's authorization to schedule time on the May 5, 2010 agenda to present the annual report of the TIFID.

**SECTION V**

**ORDINANCES AND RESOLUTIONS –  
REFERRED TO JUDICIARY**

1. **COUNCIL BILL NO. 10-3**  
**ORDINANCE NO. 10-3**

AN ORDINANCE AMENDING BUTTE-SILVER BOW ORDINANCE NO. 377 AND TITLE 15 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “BUILDINGS AND CONSTRUCTION”; AMENDING CHAPTER 15.05 ENTITLED “INTERNATIONAL ENERGY CONSERVATION CODE”; AMENDING SECTION 15.05.010 AND DELETING SECTION 15.05.030 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2. **COUNCIL BILL NO. 10-4**  
**ORDINANCE NO. 10-4**

AN ORDINANCE AMENDING BUTTE-SILVER BOW ORDINANCE NO. 151 AND CHAPTER 9.12 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “CURFEW FOR MINORS”; AMENDING SECTIONS 9.12.040, 9.12.050, 9.12.060, 9.12.070, 9.12.090, 9.12.100, 9.12.110 AND 9.12.120; DELETING SECTION 9.12.080; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

3. **COUNCIL RESOLUTION NO. 10-40**

A RESOLUTION VACATING, CLOSING, DISCONTINUING AND ABANDONING A PORTION OF NORTH IDAHO STREET ADJACENT TO LOT 1A IN BLOCK 4 OF THE RAVIN ADDITION TO THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PRESCRIBING THE EFFECTIVE DATE OF THIS RESOLUTION AND FINDING THE NECESSARY FACTS HEREIN.

4. **COUNCIL RESOLUTION NO. 10-41**

A RESOLUTION DIRECTING THE BUTTE-SILVER BOW TREASURER TO MAIL NOTICE OF PENDING TAX DEED ISSUANCE TO ALL PERSONS CONSIDERED INTERESTED PARTIES FOR EACH PROPERTY FOR WHICH THERE HAS BEEN ISSUED A TAX CERTIFICATE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 15-18-212, MCA; FURTHER DIRECTING THE TREASURER TO ISSUE TAX DEED FOR THOSE PARCELS OF PROPERTY WHERE THERE HAS BEEN ISSUED A TAX CERTIFICATE AND THE EXPIRATION DATE OF THE REDEMPTION PERIOD HAS EXPIRED AND THE REQUIRED PAYMENTS HAVE NOT BEEN MADE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

5 **COUNCIL RESOLUTION NO. 10-42**

A RESOLUTION OF ASSESSMENT APPROVING THE INCREASE IN THE SOLID WASTE DISPOSAL FEES FOR THE MELROSE REFUSE DISPOSAL DISTRICT, A “SPECIAL DISTRICT” AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.



SERVICES ADMINISTRATION. THE REVENUE IS THE RESULT OF UNSPENT FUNDS FROM THE PRIOR YEAR.

3. **COUNCIL RESOLUTION NO. 10-39**

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 MAINTENANCE DISTRICT 1 & 4 FUND FROM THE STATE OF MONTANA DEPARTMENT OF TRANSPORTATION TO PURCHASE A SWEEPER TO BE EXPENDED IN THE GENERAL FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**SECTION VII**

**CALENDAR OF OTHER MEETINGS AND EVENTS**

May 6 Civic Center	5:00 PM	Civic Center Hospitality Room
May 12 Fair Board	5:30 PM	Business Development Center
May 12 Law Enforcement Commission	4:00 PM	Chief Executive's Conference Room
May 12 Fire Advisory Council	5:00 PM	1 <sup>st</sup> Floor Conference Room
May 12 Library	5:00 PM	2 <sup>nd</sup> or 3 <sup>rd</sup> Floor-Library Bldg.
May 13 Urban Revitalization	11:00 AM	1 <sup>st</sup> Floor Conference Room
May 17 Airport Authority	Noon	Bert Mooney Airport
May 18 Housing Authority	5:30 PM	Silver Bow Housing
May 18 Parks and Recreation	4:15 PM	Civic Center Conference Room
May 18 TIFID	11:30 AM	Business Development Ctr. Board Room
May 18 Technical Review Committee	1:30 PM	3 <sup>rd</sup> Floor Conference Room Water Bldg.
May 19 Community Enrichment	10:00 AM	Health Department

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# COMMITTEE OF THE WHOLE MEETING REPORT

## APRIL 28, 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 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 placed in Suspense file.*

### 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. 10-184

Jeffrey Miller, Director of Fire Services, requesting Council's authorization to donate the Home Atherton Volunteer Fire Department's 1976 Ford 8000 pumper to the Elk Park Volunteer Fire Department. *Committee recommends that Communication No. 10-184 be held in abeyance pending a public hearing on May 5, 2010 and introduction of a resolution.*

### SECTION VI COMMUNICATION NO. 10-197

Troy Hansen, Misdemeanor Probation Officer, requesting Council's authorization for the Chief Executive to sign an agreement with Community Counseling and Correctional Services (CCCS) for urinalysis testing of individuals sentenced to Misdemeanor Probation. *Committee recommends to concur with the request of Communication 10-197 and place on file.*



# **FINANCE AND BUDGET COMMITTEE MEETING REPORT**

## **APRIL 28, 2010**

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 follow

### **SECTION I COMMUNICATION NO. 10-67**

Sally Perino, Supervisor, Parking Commission, requesting Council's authorization of budget transfer. *Committee recommends that Communication No. 10-67 be approved and placed on file.*

### **SECTION II COMMUNICATION NO. 10-198**

Sheriff John Walsh, Butte-Silver Bow Law Enforcement Department, requesting Council's authorization of a budget transfer. *Committee recommends that Communication No. 10-198 be approved and placed on file.*

### **SECTION III COMMUNICATION NO. 10-204**

Sheriff John Walsh, Butte-Silver Bow Law Enforcement Department, requesting Council's authorization of a budget transfer. *Committee recommends that Communication No. 10-204 be approved and placed on file.*

### **SECTION IV COMMUNICATION NO. 10-205**

Gary Keeler, Transit and Landfill Coordinator, requesting Council's authorization of budget transfer. *Committee recommends that Communication No. 10-205 be approved and placed on file.*

### **SECTION V COMMUNICATION NO. 10-206**

Rick Larson, Operations Manager-Utilities Division, Butte-Silver Bow Public Works Department, requesting Council's authorization of a budget transfer. *Committee recommends that Communication No. 10-206 be approved and placed on file.*

### **SECTION VI COMMUNICATION NO. 10-207**

Sheriff John Walsh, Butte-Silver Bow Law Enforcement Department, requesting Council's authorization of budget transfer. *Committee recommends that Communication No. 10-207 be approved and placed on file.*



# **JUDICIARY COMMITTEE MEETING REPORT**

## **APRIL 28, 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 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 II COUNCIL RESOLUTION NO. 10-31**

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. *Committee recommends that Council Resolution No. 10-31 be moved to final reading.*

### **SECTION III COUNCIL RESOLUTION NO. 10-37**

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 HEALTH DEPARTMENT FROM THE SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION. THE REVENUE IS THE RESULT OF UNSPENT FUNDS FROM THE PRIOR YEAR. *Committee recommends that Council Resolution No. 10-37 be moved to final reading.*

**SECTION IV**

**COUNCIL RESOLUTION NO. 10-39**

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 MAINTENANCE DISTRICT 1 & 4 FUND FROM THE STATE OF MONTANA DEPARTMENT OF TRANSPORTATION TO PURCHASE A SWEEPER TO BE EXPENDED IN THE GENERAL FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 10-39 be moved to final reading.*

**SECTION V**

**CLAIM APPROVAL**

*Committee recommends all claims be approved as presented.*

