

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING AGENDA
JANUARY 8, 2014
7:30 P.M. COURTHOUSE COUNCIL CHAMBERS**

ROLL CALL _____

PRAYER _____

APPROVAL OF THE MINUTES OF THE REGULAR MEETING, DECEMBER 18, 2013.

ITEMS NOT ADDRESSED ON THE AGENDA _____

CHIEF EXECUTIVE'S REPORT _____

**SECTION 1 BID OPENING
COMMUNICATION NO. [13-775](#)**

PAT HOLLAND, MANAGER, BUTTE-SILVER BOW GOVERNMENT BUILDINGS, REQUESTING COUNCIL'S AUTHORIZATION FOR A BID OPENING ON JANUARY 8, 2014 REGARDING THE CIVIC CENTER FIRE SYSTEM UPGRADE.

**SECTION 2 PUBLIC HEARING
COMMUNICATION NO. [13-763](#)**

GARY KEELER, MANAGER, BUTTE-SILVER BOW TRANSIT, REQUESTING COUNCIL'S AUTHORIZATION TO HOLD A PUBLIC HEARING ON JANUARY 8, 2014 REGARDING THE UPDATE TO BUTTE-SILVER BOW'S PARA-TRANSIT PLAN FOR DISABLED TRANSPORTATION AND TO UPDATE COUNCIL ON PLANS TO OPERATE THE PARA-TRANSIT SERVICE WITH BUTTE-SILVER BOW PERSONNEL AND TO CANCEL A CONTRACT WITH AWARE.

PUBLIC COMMENT ON ANY ITEMS ON THE CONSENT AGENDA

SECTION 3 CONSENT AGENDA

- A. 1. COMMITTEE OF THE WHOLE MEETING REPORT
- 2. JUDICIARY COMMITTEE MEETING REPORT
- 3. FINANCE AND BUDGET COMMITTEE MEETING REPORT
- 4. PERSONNEL COMMITTEE MEETING REPORT

B. COMMUNICATIONS

1. [14-1](#) Linda Sajor, Manager, Butte-Silver Bow Information Technology and Services, requesting Council's authorization for the Chief Executive to sign End User Agreement with J&H Office Equipment, Inc., for Docuware document imaging system to scan permanent file documents, storage and searching documents electronically. [Agreement](#). **Recommendation: Concur and Place on File.**
2. [14-2](#) Chris Jasper, OSP Manager, Fatbeam LLC, requesting Council's authorization for Street Closure for partial closure of North Excelsior Avenue between West Broadway Street North to Zarelda Street, with no specific date provided for Fiber Optic Network to serve Butte School District. [Street Closure Form](#) [Map](#)
All Approval Signatures have been received.
Recommendation: Concur and Place on File.
3. [14-3](#) Barbara Miller, Executive Director, National Affordable Housing Network, requesting Council's authorization for a Presentation on January 15, 2014 for information regarding the Neighborhood Stabilization Program 3 for the purchase and redevelopment of vacant or abandoned properties in Butte-Silver Bow County, Montana. **Recommendation: Schedule a Presentation for January 15, 2014 and Hold in the Committee of the Whole.**
4. [14-4](#) Jeff Amerman, Director, Butte-Silver Bow Finance and Budget Department, requesting Council's authorization for the Chief Executive to sign County Funds Transfer for Medicaid Match Agreement with Montana Department of Public Health and Human Services for \$73,500.00 from July 1, 2013 through June 30, 2015. [Agreement](#) **Recommendation: Concur and Place on File.**
5. [14-5](#) Alyson Harvey-Williams, IT Computer Analyst, Butte-Silver Bow MIS Department, requesting Council's authorization to recycle broken or obsolete equipment. **Recommendation: Concur and Place on File.**
6. [14-6](#) Justin Ringsak, Online & Public Information Administrator, requesting Council's authorization to give a presentation on January 15, 2014 regarding the public launch of the new Butte-Silver Bow City-County website. **Recommendation: Schedule a Presentation for January 15, 2014 and Hold in the Committee of the Whole.**
7. [14-7](#) Robert A. Macioroski, Director, Butte-Silver Bow Land Office, requesting Council's authorization for the Christ Church Anglican to purchase county owned property through the adjacent landowner policy. **Recommendation: Concur and Place on File.**
8. [14-8](#) Karen Sullivan, Health Officer, Butte-Silver Bow Health Department, requesting Council's authorization to give a presentation on January 15, 2014 regarding operations at the Butte-Silver Bow Health Department. **Recommendation: Schedule a Presentation for January 15, 2014 and Hold in the Committee of the Whole.**

9. [14-9](#) Dan Foley, Butte-Silver Bow Commissioner, District No. 9, requesting Council's consideration of the placement of a stop sign at the intersection of Calhoun and Main Street. *Recommendation: Refer to Public Works Committee.*
10. [14-10](#) Dave Palmer, Butte-Silver Bow Commissioner, District No. 12, requesting Public Works Committee to determine if Fleecer Road and Carriger Lane are built to Butte-Silver Bow County standards. *Recommendation: Refer to Public Works Committee.*
11. [14-11](#) Karen Byrnes, Director, Butte-Silver Bow Community Development Department, requesting Council's authorization to hold a public hearing on January 22, 2014 regarding CDBG Program for the Montana Department of Commerce. [Notice of Public Hearing](#) *Recommendation: Schedule a Public Hearing for January 22, 2014 and Hold in the Committee of the Whole.*
12. [14-12](#) Chief Executive Matt Vincent, requesting Council's concurrence in appointments and reappointments to the Mosquito Control District Board. *Recommendation: Concur and Place on File.*
13. [14-13](#) Chief Executive Matt Vincent, requesting Council's concurrence in a reappointment to the Divide Refuse Board. *Recommendation: Concur and Place on File.*

SECTION 4 COMMUNICATIONS TO BE READ AND ACTED UPON

- [14-14](#) Chief Executive Matt Vincent, requesting Council's concurrence in the appointment of Mr. Dave Schultz as Director of the Butte-Silver Bow Public Works Department.

SECTION 5 ORDINANCES AND RESOLUTIONS REFERRED TO JUDICIARY

1. **COUNCIL BILL NO. [14-1](#)
ORDINANCE NO. [14-1](#)**

AN ORDINANCE AMENDING SECTION 4 OF ORDINANCE NO. 204 AND SECTION 10.32.010 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "STOP SIGNS"; ESTABLISHING STOP SIGNS ON THE NORTH AND SOUTH CORNERS OF SHERMAN STREET AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**SECTION 6 ORDINANCES AND RESOLUTIONS
FINAL READING**

1. RESOLUTION NO. [13-75](#)

A RESOLUTION AUTHORIZING AND APPROVING THE PURCHASE OF CERTAIN PARCELS OF REAL PROPERTY OWNED BY RALPH W. STODDEN AND GERTRUDE H. STODDEN TESTAMENTARY TRUST LOCATED IN SECTION 36, T3N, R8W, BUTTE-SILVER BOW, MONTANA (PARCEL NO. 1422300) FOR THE PURPOSE OF CONSTRUCTION OF THE BASIN CREEK WATER TREATMENT PLANT IN ACCORDANCE WITH THE LAWS OF THE STATE OF MONTANA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2. RESOLUTION NO. [13-76](#)

A RESOLUTION AUTHORIZING AND APPROVING THE DONATION BY THE BUTTE-SILVER BOW PARKING COMMISSION TO THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, REAL PROPERTY DESCRIBED AS ALL OF LOTS 19, 20, 21, AND 22 OF BLOCK NUMBERED 28 OF THE ORIGINAL TOWNSITE OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, DESIGNATED AS PARCEL NO. 2003150 (LOT 19) AND PARCEL NO. 2003200 (LOTS 20-22) FOR THE PURPOSE OF ALLOWING THE CITY-COUNTY TO FULFILL ITS OBLIGATION UNDER A MEMORANDUM OF UNDERSTANDING ENTERED INTO BETWEEN THE CITY-COUNTY AND NORTHWESTERN ENERGY CORPORATION CONCERNING THE ABOVE-DESCRIBED PROPERTY AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**SECTION 7 SUSPENSION OF THE RULES
FOR FINAL PASSAGE**

1. RESOLUTION NO. [14-1](#)

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF REAL PROPERTY OWNED BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, DESCRIBED AS PARCEL 1A AS SHOWN ON CERTIFICATE OF SURVEY #991A-RB, LOCATED IN THE SOUTHEAST ¼ OF SECTION 12, T 3N, R8W, PARCEL #390240 TO THE ADJOINING OWNER PURSUANT TO POLICIES ADOPTED BY THE COUNCIL OF COMMISSIONERS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA

SECTION 8 CALENDAR OF OTHER MEETINGS AND EVENTS

January 9	Greenway Service District Board	4:30 PM	1 st Flr Conference Rm Courthouse
January 13	Archives	12:00 PM	Archives Center
January 14	Weed Board	7:00 PM	Weed Department
January 15	Parking Commission	3:00 PM	Chief Executive Conference Rm
January 16	Zoning Board	5:30 PM	Council Chambers
January 17	Urban Revitalization	8:30 AM	1 st Flr Conference Rm Courthouse
January 21	Urban Forestry Board	1:00 PM	Business Development Center
January 21	Technical Review Board	1:30 PM	3 rd Floor Water Building
January 21	Suicide Prevention Meeting	4:00 PM	St James Hospital Dining Room
January 21	Housing Authority	5:00 PM	New Deal Community Center
January 21	Parks & Recreation	5:00 PM	1 st Flr Conference Rm Courthouse
January 22	Local Emergency Planning	12:00 PM	1 st Flr Conference Rm Courthouse
January 22	Port of Montana	12:00 PM	Hub Center, Silver Bow

ADJOURN

COMMITTEE OF THE WHOLE MEETING REPORT

DECEMBER 26, 2013

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 1 COMMUNICATION NO. [12-823](#)

Theodore L. and Virginia L. Musselman, 115 W. Pacific St., Butte, Montana, requesting Council's authorization to purchase a portion of the 1914 Old Glory Lode 495.

Recommendation: Cross Reference with Communication No. 13-776 and Place on File.

SECTION 2 COMMUNICATION NO. [13-703](#)

Dave Palmer, Butte-Silver Bow Commissioner, District No. 12, requesting Council's authorization in allowing for the introduction of an ordinance regarding Veterans Preference in any Butte-Silver Bow government job they have applied for and have met the minimum requirements for that job.

Recommendation: Hold in Abeyance. (Waiting on Hiring Policy to be Drafted in Human Resource Department)

SECTION 3 COMMUNICATION NO. [13-750](#)

Reverend Brian Miller, Christ Church Anglican, requesting Council's authorization to consolidate currently owned properties and to exchange a portion of their property for county-owned property adjacent to their property. [Maps](#) [Grant Deed](#)

Recommendation: Hold in Abeyance.

SECTION 4 COMMUNICATION NO. [13-756](#)

James R. Courtney, President, Butte Historical Society, requesting Council establish a Community Advisory Council to provide oversight to the Butte Heritage Drive Project Committee with each Commissioner selecting a citizen from their district to serve on the committee.

Recommendation: Hold in Abeyance. (Jim Jarvis Reviewing)

SECTION 5 COMMUNICATION NO. [13-757](#)

James R. Courtney, President, Butte Historical Society, requesting Council send a letter to the Montana Congressional Delegation in support of conducting a special resource study for the establishment of a national park and national heritage area in Southwest Montana to preserve Butte's mining heritage.

Recommendation: Hold in Abeyance. (Jim Jarvis Reviewing)

SECTION 6 COMMUNICATION NO. [13-759](#)

Robert F. Dwyer, III, requesting Council’s approval to transfer property ownership from the Butte-Silver Bow Parking Commission to the City and County of Butte-Silver Bow. [Map](#)
Recommendation: Hold in Abeyance. (Pending Resolution/Deed for Transfer)

SECTION 7 COMMUNICATION NO. [13-763](#)

Gary Keeler, Manager, Butte-Silver Bow Transit, requesting Council’s authorization to hold a Public Hearing on January 8, 2014 regarding the update to Butte-Silver Bow’s para-transit plan for disabled transportation and to update Council on plans to operate the para-transit service with Butte-Silver Bow personnel and to cancel a contract with AWARE.
Recommendation: Hold in Abeyance. (Pending Public Hearing Scheduled for January 8, 2014)

SECTION 8 COMMUNICATION NO. [13-770](#)

Larry R. Juhl, 912 Emma Street, Butte, MT, requesting Council’s authorization to purchase property adjacent to the east side of 912 Emma Street under the Adjacent Landowner Property Policy.
Recommendation: Hold in Abeyance. (Sent to Land Sales Committee)

SECTION 9 COMMUNICATION NO. [13-775](#)

Pat Holland, Manager, Butte-Silver Bow Government Buildings, requesting Council’s authorization for a Bid Opening on January 8, 2014 regarding the Civic Center Fire System Upgrade.
Recommendation: Hold in Abeyance. (Pending Bid Opening Scheduled for January 8, 2014)

SECTION 10 COMMUNICATION NO. [13-776](#)

Robert A. Macioroski, Director, Butte-Silver Bow Land Office, requesting Council’s approval for the Musselman request to purchase county-owned property and for the Chief Executive to sign the certificate of survey and to direct the County Attorney’s Office to prepare the resolution and deed for the transfer of the county-owned property to the appropriate parties. [Plat Communication No. 12-977](#)
Recommendation: Hold in Abeyance. (Pending Resolution/Deed to Transfer Land)

Committee Members:

Dan Foley	<i>Present</i>	Dennis Henderson	<i>Present</i>
Mark Moodry	<i>Present</i>	Dave Palmer	<i>Present</i>
Sheryl Ralph	<i>Present</i>	Bud Walker	<i>Present</i>
Brendan McDonough	<i>Present</i>	John Sorich	<i>Present</i>
Bill Andersen	<i>Present</i>	John Morgan, Vice-Chairman	<i>Present</i>
Jim Fisher	<i>Present</i>	Cindi Shaw, Chairman	<i>Absent</i>

JUDICIARY COMMITTEE MEETING REPORT

DECEMBER 26, 2013

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 1 COMMUNICATION NO. [13-707](#)

John Cummings, President, PFLAG Butte, requesting Council's authorization in allowing for the introduction of an ordinance regarding non-discrimination in Butte-Silver Bow to protect the LGBTQ community.

Recommendation: Cross Reference with Council Ordinance 13-17 and Place on File.

SECTION 2 COMMUNICATION NO. [13-783](#)

Linda Albright, 117 Pearl Street, Butte, MT, requesting Council's assistance in a sewer issue at 117 Pearl Street where a tap was not reconnected.

Recommendation: Authorize Payment Regarding Communication 13-783 of Judgment and Claims to Hunter Brothers Construction Invoice No. 1357 in the amount of \$1,815.00 and to R & S Johnson Construction Invoice No. 1691 in the amount of \$825.00.

SECTION 3 RESOLUTION NO. [13-75](#)

A RESOLUTION AUTHORIZING AND APPROVING THE PURCHASE OF CERTAIN PARCELS OF REAL PROPERTY OWNED BY RALPH W. STODDEN AND GERTRUDE H. STODDEN TESTAMENTARY TRUST LOCATED IN SECTION 36, T3N, R8W, BUTTE-SILVER BOW, MONTANA (PARCEL NO. 1422300) FOR THE PURPOSE OF CONSTRUCTION OF THE BASIN CREEK WATER TREATMENT PLANT IN ACCORDANCE WITH THE LAWS OF THE STATE OF MONTANA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

Recommendation: Move to Final Reading.

SECTION 4 RESOLUTION NO. [13-76](#)

A RESOLUTION AUTHORIZING AND APPROVING THE DONATION BY THE BUTTE-SILVER BOW PARKING COMMISSION TO THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, REAL PROPERTY DESCRIBED AS ALL OF LOTS 19, 20, 21, AND 22 OF BLOCK NUMBERED 28 OF THE ORIGINAL TOWNSITE OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, DESIGNATED AS PARCEL NO. 2003150 (LOT 19) AND PARCEL NO. 2003200 (LOTS 20-22) FOR THE PURPOSE OF ALLOWING THE CITY-COUNTY TO FULFILL ITS OBLIGATION UNDER A MEMORANDUM OF UNDERSTANDING ENTERED INTO BETWEEN THE CITY-COUNTY AND NORTHWESTERN ENERGY CORPORATION CONCERNING THE ABOVE-DESCRIBED PROPERTY AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

Recommendation: Move to Final Reading.

**SECTION 5 COUNCIL BILL NO. [13-17](#)
ORDINANCE NO. [13-17](#)**

AN ORDINANCE TO ENTITLED "ILLEGAL DISCRIMINATION" AND TO BE NUMBERED CHAPTER 5.68 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC); PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTIES; AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

Recommendation: Schedule a Public Hearing for January 15, 2014.

SECTION 6 CLAIM APPROVAL

NAME	AMOUNT	RECOMMENDATION
Mike McGruder	\$200.00	Authorize Payment

Committee Members:

Bill Andersen, Chairman	<i>Present</i>
Dan Foley, Vice-Chairman	<i>Present</i>
Dennis Henderson	<i>Present</i>
John Sorich	<i>Present</i>
Bud Walker	<i>Present</i>
Brendan McDonough	<i>Present</i>

FINANCE & BUDGET COMMITTEE MEETING REPORT DECEMBER 26, 2013

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 1 COMMUNICATION NO. [13-762](#)

David Kneebone, Little Basin Creek Volunteer Fire Company, requesting budget planning for a possible required match to a FEMA application for a regional grant of \$65,000 which will cover all 12 fire departments in Butte-Silver Bow.

Recommendation: Note and Place on File.

Expenditure report for the week of December 26, 2013 was approved for the amount of \$859,401.14.

Committee Members:

Dan Foley, Chairman	<i>Present</i>
Mark Moodry, Vice-Chairman	<i>Present</i>
Sheryl Ralph	<i>Present</i>
Brendan McDonough	<i>Present</i>
Bill Andersen	<i>Present</i>
Jim Fisher	<i>Present</i>

**PERSONNEL COMMITTEE MEETING
DECEMBER 26, 2013
6:30 PM COURTHOUSE COUNCIL CHAMBERS**

SECTION 1 COMMUNICATION NO. [13-767](#)

Judge Glen Granger, Butte-Silver Bow City Court, requesting Council's authorization to waive the sick leave requirement for Marilyn Starcevich that states an employee must be out of all other benefits such as vacation, sick leave, and comp time followed by a 5-day waiting period for any donation of sick leave hours and is requesting Council grant an additional 160 hours of donated time to Marilyn Starcevich.

Recommendation: Approve and Place on File.

SECTION 2 COMMUNICATION NO. [13-769](#)

Mark Moodry, Butte-Silver Bow Commissioner, District No. 1, requesting Council review the current Butte-Silver Bow policy pertaining to the donation of sick leave to the sick leave grant program and to amend the policy as necessary.

Recommendation: Hold in Abeyance.

Committee Members:

Mark Moodry, Chairman	<i>Present</i>
Dennis Henderson, Vice-Chairman	<i>Present</i>
Bud Walker	<i>Present</i>
Dave Palmer	<i>Present</i>
Sheryl Ralph	<i>Present</i>