

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING AGENDA
DECEMBER 23, 2009
7:30 PM COURTHOUSE COUNCIL CHAMBERS**

ROLL CALL

PRAYER

**APPROVAL OF THE MINUTES OF THE
THE REGULAR MEETING, DECEMBER 2, 2009**

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. PETITIONS

1. [09-10](#) John Harrington, Building Official, Building Code Department, on behalf of Lee Hackman, requesting to close and vacate a portion of the alley between Montana and Placer Streets adjacent to Lots 4-10 and 15-21, Block 10 of the South Park Addition.

C. COMMUNICATIONS

1. [09-744](#) Janet Krivacek, District Ranger, United States Department of Agriculture, requesting time on the December 30, 2009 agenda for a presentation regarding the Beaverhead Deerlodge National Forest, and to introduce Dave Myers, the new Forest Supervisor. **Recommendation: Concur and set presentation for December 30, 2009.**
2. [09-745](#) Ellen Crain, Director Butte-Silver Bow Public Archives, requesting Council's authorization to enter into a contract with the Montana Arts Council, which ensures that the Butte-Silver Bow Public Archives may receive grant funds to process government records. **Recommendation: Concur and place on file.**

3. [09-746](#) Roxanne Larson, Planning Department, requesting Council's authorization for Budget Transfer. **Recommendation: Refer to Finance and Budget Committee.**
4. [09-747](#) Jeff Amerman, Finance and Budget Director, requesting Council's authorization for Budget Transfer. **Recommendation: Refer to Finance and Budget Committee.**
5. [09-748](#) Jon Sesso, Planning Department Director, requesting Council's authorization for Budget Transfer. **Recommendation: Refer to Finance and Budget Committee.**
6. [09-749](#) Jon Sesso, Planning Department Director, requesting Council's authorization for Budget Transfer. **Recommendation: Refer to Finance and Budget Committee.**
7. [09-750](#) Jeff Amerman, Finance and Budget Director, requesting Council's authorization for the Chief Executive to sign an engagement letter with Dorsey & Whitney LLP to serve as Bond Counsel for the Butte-Silver Bow Water Utility Division revenue bonds. **Recommendation: Concur and place on file.**
8. [09-751](#) Linda Sajor, Director MIS, requesting Council's authorization for the Chief Executive to sign maintenance agreements for the phone systems at the Courthouse, Law Enforcement, Health Department and Public Works with Black Box Networks. **Recommendation: Concur and place on file.**
9. [09-752](#) Debra Williams, Justice Court Judge, requesting Council's authorization for a Budget Transfer. **Recommendation: Refer to Finance and Budget Committee.**
10. [09-753](#) Linda Sajor, Director, MIS, requesting Council's authorization for the Chief Executive to sign a maintenance agreement with Sernda Labs for the Mitel Phone system. **Recommendation: Concur and place on file.**
11. [09-754](#) Lee Phillips, Chief Librarian, Butte-Silver Bow Public Library, requesting Council's authorization for the Chief Executive to sign an agreement to provide funding from The Montana Cultural Trust for the Butte Digital Image Project. **Recommendation: Concur and place on file.**
12. [09-755](#) Eileen Joyce, County Attorney and Mary Pahut, Director Victim/Witness Advocacy Program, requesting Council's authorization to apply for Continuation Grant #09-V01-90495 Victim/Witness Advocacy Program from Montana Board of Crime Control. **Recommendation: Concur and place on file.**

13. [09-756](#) Theresa R. Hocking, RN/CIC/MSN/MPH, Health Officer, requesting Council's authorization for the Chief Executive to sign seven contracts between Butte-Silver Bow and private entities. **Recommendation: Refer to Finance and Budget Committee, hold pending review of County Attorney.**
14. [09-758](#) Karen Byrnes, Community Development Director, requesting Council's authorization to hold a public hearing on December 30, 2009 in regards to increasing the Urban Revitalization Agency's budget authority in the URA Loan Fund. **Recommendation: Concur and set public hearing for December 30, 2009.**
15. [09-759](#) Karen Byrnes, Community Development Director, requesting permission to submit an application to Montana Board of Housing for Low Income Housing Tax Credits related to the construction of the Meadowlands Affordable Senior Housing Complex and for the Chief Executive to sign a letter of support to the application. **Recommendation: Concur and place on file.**
16. [09-760](#) Karen Byrnes, Community Development Director, requesting permission to hold a CDBG Project Specific Public Hearing on December 30, 2009. **Recommendation: Concur and set public hearing for December 30, 2009.**
17. [09-761](#) Karen Byrnes, Community Development Director, requesting permission to hold a HOME Program Public Hearing on December 30, 2009 related to the Meadowlands Senior Affordable Housing Project. **Recommendation: Concur and set public hearing for December 30, 2009.**
18. [09-762](#) Sheriff John Walsh, Butte-Silver Bow Law Enforcement Department, requesting Council's authorization for the Chief Executive to sign a contract with Motorola for their maintenance and support for software to be used in police vehicles for the Mobile Data Terminals. **Recommendation: Concur and place on file.**
19. [09-763](#) Bill Melvin, Butte Civic Center Manager, requesting Council's authorization for the Chief Executive to sign an agreement allowing the Civic Center Box Office to process ticket sales for the Country Jam. **Recommendation: Concur and place on file.**
20. [09-764](#) Dave Cunningham, Operation Manager, Butte-Silver Bow Public Works Services Division, requesting Council's authorization to schedule a bid opening on January 6, 2010 to conduct a bid opening for a Loader Mounted Snow Blower. **Recommendation: Concur and set bid opening for January 6, 2010.**

21. [09-765](#) Dan Dennehy, Director Butte-Silver Bow Public Works Department, requesting Council's authorization for the Chief Executive to sign two road maintenance agreements with the Montana Department of Transportation: **Recommendation: Concur and place on file.**
22. [09-766](#) Dan Dennehy, Director Butte-Silver Bow Public Works Department, requesting Council's authorization for the purchase of pothole repair machine to be awarded to Normont Equipment Company for the purchase price of \$66,350. **Recommendation: Concur and place on file.**
23. [09-767](#) Theresa McCarthy, Manager Housing & Supportive Services Division, requesting Council's authorization for the Chief Executive to sign a contract with Human Resources Council District XII. **Recommendation: Concur and place on file.**
24. [09-768](#) Theresa Hocking, RN, CIC, Director of butte-silver bow health department, requesting Council's authorization for Budget Transfer. **Recommendation: Refer to Finance and Budget Committee.**
25. [09-769](#) Lori Casey, Senior Planner, requesting Council's conditional approval of the Preliminary Plat of the Alexander Minor Subdivision. **Recommendation: Concur and place on file.**
26. [09-770](#) Bill Melvin, Butte Civic Center Manager, requesting Council's authorization for Budget Transfer. **Recommendation: Refer to Finance and Budget Committee.**
27. [09-771](#) Lindsey Ide, Personnel Director, requesting Council's authorization for Budget Transfer Request. **Recommendation: Refer to Finance and Budget Committee.**
28. [09-772](#) Dawn Silk, Accountant, Butte-Silver Bow Water Division, requesting Council's authorization for the Chief Executive to sign an agreement with ADDCO Office Systems, Inc. for the postage machine on the first floor of the Water Division. **Recommendation: Concur and place on file.**
29. [09-773](#) Rick Larson, Operations Manager-Utilities Division, requesting Council's authorization for the Chief Executive to sign an agreement with Northwest Pipe Fittings, for the purpose of providing materials for the Big Hole Transmission main pipeline. **Recommendation: Concur and place on file.**
30. [09-774](#) Karen Byrnes, Community Development Department, requesting Council's authorization for the Chief Executive to sign an agreement with the homeowner at 410 N Jackson so that a lien can be placed upon the property. **Recommendation: Concur and place on file.**

31. [09-775](#) Gary Keeler, Transit Director, requesting Council's authorization to conduct a public hearing on January 6, 2010 regarding the update to Butte-Silver Bow's para-transit plan for disabled transportation. **Recommendation: Concur and set public hearing for January 6, 2010.**
32. [09-776](#) Dave Palmer, Council of Commissioners, requesting Council's authorization for Budget Transfer. **Recommendation: Refer to Finance and Budget Committee.**
33. [09-777](#) Lee Phillips, Chief Librarian, requesting Council's authorization for Budget Transfer. **Recommendation: Refer to Finance and Budget Committee.**
34. [09-778](#) Kristen Rosa, TIFID Administrator, requesting Council's authorization for the Chief Executive to sign the addenda to the leases between Butte-Silver Bow and Rhodia and Butte-Silver Bow and MADA. **Recommendation: Concur and place on file.**
35. [09-779](#) 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 Schneider Electric to provide software support for Butte-Silver Bow's Water Treatment Plants. **Recommendation: Concur and place on file.**
36. [09-780](#) Rob Macioroski, Chair Land Sales Committee, requesting Council's authorization for the donation of Lot 15 of Block 53 of the Butte Town site to the Human Resource Council and requesting the County Attorney's Office prepare a Resolution and Deed to facilitate the donation. **Recommendation: Concur and place on file.**
37. [09-781](#) Rick Larson, Operations Manager, Butte-Silver Bow Public Works Department, requesting Council's authorization for a Budget Transfer. **Recommendation: Refer to Finance and Budget Committee.**
38. [09-782](#) Ed Randall, Community Enrichment Program, requesting Council's authorization to use Community Enrichment funds to demolish a burned structure located at 78 E Missoula Butte, Montana 59701. **Recommendation: Concur and place on file.**
39. [09-783](#) Dave Palmer, Chairman, Butte-Silver Bow Council of Commissioners, requesting the Rules Committee to meet to incorporate the changes in the way Council does business into the Rules and Order of Business of the Council of Commissioners. **Recommendation: Refer to the Rules Committee.**
40. [09-784](#) Dave Palmer, Chairman, Butte-Silver Bow Council of Commissioners, re-

requesting Council's authorization to use funds that were authorized for a Misdemeanor Probation Officer to fund a part-time clerical position for the startup process. *Recommendation: Concur and place on file.*

SECTION II COMMUNICATIONS TO BE READ AND ACTED UPON

1. [09-757](#) Dan Powers, R.S., Butte-Silver Bow Health Department, requesting Council act as the governing board for the Melrose Refuse District and to Authorize enacting a Resolution specifying the assessment for the District.

SECTION III SUSPENSION OF THE RULES FOR FINAL PASSAGE

COUNCIL RESOLUTION NO. [09-88](#)

1. A RESOLUTION VACATING, CLOSING, DISCONTINUING AND ABANDONING A PORTION OF THE ALLEY BETWEEN BUSCH AND HARRISON AVENUE ADJACENT TO THE SOUTH ONE-HALF OF LOT 3, LOTS 4 THROUGH 25 AND THE SOUTH ONE-HALF OF LOT 26 ALL WITHIN BLOCK 9 OF THE HURLBURT ADDITION AND ADJACENT TO LOTS 1 THROUGH 5 AND LOTS 12 THROUGH 14 ALL WITHIN BLOCK 1 OF THE BELLEVUE ADDITION AND THE STATE OF MONTANA RIGHT-OF-WAY IN THE BELLEVUE ADDITION, LOCATED IN SECTION 30, TOWNSHIP 3 NORTH, RANGE 7, WEST, P.M.M. 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.

SECTION IV ORDINANCES AND RESOLUTIONS – REFERRED TO JUDICIARY

1. **COUNCIL BILL NO. 09-14**
ORDINANCE NO. [09-14](#)

AN ORDINANCE CREATING A NEW CHAPTER IN THE BUTTE-SILVER BOW MUNICIPAL CODE TO BE NUMBERED CHAPTER 2.89 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) AND ENTITLED “ANIMAL SERVICES BOARD”; PROVIDING FOR AN ANIMAL SERVICES BOARD; REPEALING ORDINANCE NO. 376 AND SECTIONS 2.88.010 AND 2.88.020 OF THE B-SB MC AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2. **COUNCIL BILL NO. 09-15**
ORDINANCE NO. [09-15](#)

AN ORDINANCE CREATING A NEW CHAPTER IN THE BUTTE-SILVER BOW MUNICIPAL CODE TO BE NUMBERED CHAPTER 2.87 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) AND ENTITLED “COMMUNITY ENRICHMENT DEPARTMENT”; PROVIDING FOR AN ANIMAL SERVICES DIVISION; AND A COMMUNITY DECAY DIVISION AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

3. **COUNCIL BILL NO. 09-16**
ORDINANCE NO. [09-16](#)

AN ORDINANCE AMENDING CHAPTER 2.10 OF THE BUTTE-SILVER BOW MUNICIPAL CODE ENTITLED “PERSONNEL SYSTEM”; AMENDING SECTIONS 2.10.010, 2.10.030, 2.10.040, 2.10.050, 2.10.060, 2.10.070 AND 2.10.080 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC); DELETING ALL REFERENCE TO PERSONNEL AND RENAMING PERSONNEL TO HUMAN RESOURCE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

4. **COUNCIL RESOLUTION NO. [09-89](#)**

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT OF THE ALEXANDER MINOR 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.

5. **COUNCIL RESOLUTION NO. [09-90](#)**

RESOLUTION RELATING TO \$750,000 LIMITED GENERAL OBLIGATION BONDS (DNRC DRINKING WATER STATE REVOLVING LOAN PROGRAM), CONSISTING OF \$416,300 TAXABLE SERIES 2010A BOND AND \$333,700 SERIES 2010B BOND; AUTHORIZING THE ISSUANCE AND FIXING THE TERMS AND CONDITIONS THEREOF

SECTION V **ORDINANCES AND RESOLUTIONS**
SECOND READING

COUNCIL BILL NO. 09-12
ORDINANCE NO. [09-12](#)

1. AN ORDINANCE REPLACING CHAPTER 3.04 OF THE BUTTE-SILVER BOW MUNICIPAL CODE REGULATING THE USE OF THE BUTTE-SILVER BOW METRO SANITARY AND STORM SEWER DISTRICT NO. 1 SANITARY WASTEWATER TREATMENT SYSTEM; PRIVATE WASTEWATER DISPOSAL; CONSTRUCTION OF PUBLIC AND PRIVATE SEWERS; INDUSTRIAL DISCHARGERS; PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

COUNCIL BILL NO. 09-13
ORDINANCE NO. [09-13](#)

2. AN ORDINANCE AMENDING BUTTE-SILVER BOW ORDINANCE NO. 93 AND CHAPTER 13.08 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “SERVICE CHARGES FOR USE OF WASTEWATER TREATMENT SYSTEM”; ADDING A NEW SECTION TO BE NUMBERED 13.08.055; ADDING

ADDITIONAL COMMERCIAL/INDUSTRIAL FEES FOR HIGH LOADING AND HIGH FLOW AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION VI CALENDAR OF OTHER MEETINGS AND EVENTS

December 24	Business Development Center	10:00 AM	Business Development Center
December 31	Planning Board	7:00 PM	Council Chambers, 3 rd Floor of Courthouse
January 4	Airport Authority	Noon	Bert Mooney Airport
January 5	Historic Preservation Commission	5:30 PM	1 st Floor Conference Room
January 5	Weed Board	7:00 PM	Weed Department
January 6	Butte Aids Support Services	7:00 PM	Community Center
January 6	Health Department	7:00 AM	Health Department

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COMMITTEE OF THE WHOLE MEETING REPORT DECEMBER 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 PUBLIC HEARING

TO HEAR PUBLIC COMMENT REGARDING A REQUESTED TAX CREDIT FOR AFFORDABLE HOUSING FOR A PROPOSED SENIOR HOUSING COMPLEX. (Communication No. 09-739 being held in Committee of the Whole.) **Proof of publication.**

SECTION II PUBLIC HEARING

TO HEAR PUBLIC COMMENT REGARDING A REQUESTED PROPERTY TAX EXEMPTION FOR A PROPOSED SENIOR HOUSING COMPLEX. (Communication No. 09-740 being held in the Committee of the Whole) **Proof of publication.**

SECTION III PUBLIC HEARING

TO HEAR PUBLIC COMMENT RELATED TO COMMUNITY NEEDS. (Communication No. 09-741 being held in the Committee of the Whole) **Proof of publication.**

SECTION IV 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 V 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 VI COMMUNICATION NO. 09-581

Dave Palmer, Commissioner District No. 12, requesting Council's authorization to extend "Ride the Bus" program through the school year and send Communication to Gary Keeler, Transit Di-

SYSTEM”; ADDING A NEW SECTION TO BE NUMBERED 13.08.055; ADDING ADDITIONAL COMMERCIAL/INDUSTRIAL FEES FOR HIGH LOADING AND HIGH FLOW AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Ordinance No. 09-13 be moved to second reading.*

SECTION V

CLAIM APPROVAL

Committee recommends all claims be approved as presented.

SECTION VII

COMMUNICATION NO. 09-743

Terry Schultz, Council of Commissioners, District 4, requesting time to discuss a traffic survey and solutions for Eagle Street area. *Committee recommends that Communication No. 09-743 be held in abeyance.*