

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING AGENDA
FEBRUARY 17, 2010
7:30 PM COURTHOUSE COUNCIL CHAMBERS**

ROLL CALL_____

PRAYER_____

**APPROVAL OF THE MINUTES OF THE
THE REGULAR MEETING, FEBRUARY 3, 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 ON PETITION 09-09 FILED BY COREY AND MELINDA ST. PIERRE TO CLOSE AND VACATE A PORTION OF IDAHO STREET. (*Petition 09-09 being held in Public Works Committee*) **Proof of Publication.**

**SECTION II PRESENTATION
COMMUNICATION NO. 10-62**

Jon Sesso, Planning Director, Butte-Silver Bow Planning Board, requesting Council's authorization for time on the February 17, 2010 agenda for a briefing on possible projects for the Community Transportation Enhancement Program and to schedule a public hearing on February 24, 2010.

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. 10-65 Suzan Maloney, Manager Butte-Silver Bow Sunset Cemetery, requesting Council's authorization for the Chief Executive to sign a contract with Empire Office Machines for Butte-Silver Bow Sunset Cemetery's MITA copy machine. **Recommendation: Concur and place on file.**

2. 10-66 Lori Maloney, Clerk of Court, requesting Council's authorization for the Chief Executive to sign a contract with Lee's Office City for parts and labor contract for Lanier DSM725E copier. **Recommendation: Concur and place on file.**
3. 10-67 Sally Perino, Supervisor, Parking Commission, requesting Council's authorization of budget transfer. **Recommendation: Refer to Finance and Budget Committee.**
4. 10-68 Linda Sajor, Director Management Information Services, requesting Council's authorization for the Chief Executive to sign contracts and copies for Microwave Purchase and Maintenance Agreements for the Kelley Mine for Advanced Wireless Technologies. **Recommendation: Concur and place on file.**
5. 10-69 Pat Dudley, President and Ray Rogers, CEO, National Center for Health Care Informatics, requesting Council's authorization for time on the February 24, 2010 agenda for a presentation regarding the Federal Appropriation that the National Center for Health Care Informatics recently received. **Recommendation: Concur and set presentation for February 24, 2010.**
6. 10-70 Steve Descharme, Assistant Finance and Budget Director requesting Council's authorization of budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
7. 10-71 Sally Hollis, Clerk and Recorder-Election Administrator, requesting Council's authorization of Purchase Order No. 1007305 to Heritage Bookbinding in the amount of \$16,905 for onsite book restoring. **Recommendation: Concur and place on file.**
8. 10-72 Teri Fisher, Office Manager Butte-Silver Bow Metro Sewer, requesting Council's authorization of budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
9. 10-75 Theresa R. Hocking, RN/CIC/MSN/MPH, Health Officer, requesting Council's authorization for the Chief Executive to sign six contracts between Butte-Silver Bow Health Department and various entities. **Recommendation: Concur and place on file.**
10. 10-76 Jeffrey Miller, Director of Fire Services, requesting Council's authorization of budget transfer. **Recommendation: Refer to Finance and Budget Committee.**
11. 10-77 Rick Larson, Operations Manager-Utilities Division Butte-Silver Bow Public Works, requesting Council's authorization for the Chief Executive to sign change order number one for the contract with Northwest Pipe for the purpose of providing additional pipe for the Big Hole Transmission Main. **Recommendation: Concur and place on file.**

12. 10-78 Karen Byrnes, Director of Community Development, requesting Council's authorization for the Chief Executive to sign an agreement with Thinkone Architects regarding completion of the Preliminary Architectural Report for the Homeward Bound Facility. **Recommendation: Concur and place on file.**
13. 10-79 Ed Randall, Butte-Silver Bow Animal Services, requesting Council's authorization for time on the February 24, 2010 agenda to provide an update on the Butte-Silver Bow Animal Services Program. **Recommendation: Concur and set presentation for February 24, 2010**
14. 10-80 Karen Byrnes, Community Development Director, requesting Council's authorization to issue a Developer's Packet for the development and use of the Bell Diamond Mine. **Recommendation: Concur and place on file.**
15. 10-81 Paul Babb, Chief Executive, requesting Council's concurrence in the reappointments of Mr. Floyd Cam Balentine, and Mr. John Moodry to the Mile High Conservation District Board. **Recommendation: Concur and place on file.**
16. 10-82 Paul Babb, Chief Executive, requesting Council's concurrence in the reappointment of Mr. Carl Johnson to the Weed Board. **Recommendation: Concur and place on file.**
17. 10-83 Sally Hollis, Clerk and Recorder – Election Administrator, requesting Council's authorization of budget transfer. **Recommendation: Refer to Finance and Budget Committee.**
18. 10-84 Steve Descharme, Assistant Finance and Budget Director, requesting Council's authorization of budget transfer. **Recommendation: Refer to Finance and Budget Department.**
19. 10-85 Paul Babb, Chief Executive, requesting Council's concurrence in the appointment and reappointment to the Friends of the Urban Forest Board. **Recommendation: Concur and place on file.**
20. 10-86 Paul Babb, Chief Executive, requesting Council's concurrence in the reappointments to the Divide Refuse Board. **Recommendation: Concur and place on file.**
21. 10-87 Paul Babb, Chief Executive, requesting Council's concurrence in the appointment to the Public Housing Authority. **Recommendation: Concur and place on file.**
22. 10-88 Steve Hess, Assistant Planning Director, requesting Council's authorization for Butte-Silver Bow to enter into a joint contract with Cossit Consulting to develop neighborhood plans for Central Butte and Greeley neighborhoods. **Recommendation: Concur and place on file.**

23. 10-89 Kristen Rosa, TIFID Administrator, requesting Council's authorization for the Chief Executive to sign a contract with DA Davidson for financial advisor services associated with the refinancing of the 1996 & 1997 TIFID Bonds. **Recommendation: Concur and place on file.**
24. 10-90 Kristen Rosa, TIFID Administrator, requesting Council's authorization for the Chief Executive to sign a contract with Dorsey & Whitney for legal services associated with the refinancing of the 1996 & 1997 TIFID Bonds. **Recommendation: Concur and place on file.**
25. 10-91 Kristen Rosa, TIFID Administrator, requesting Council's authorization to negotiate and agree to "Just Compensation" for requested easements for construction of the waste water line from the Port of Montana to the Metro Plant. **Recommendation: Concur and place on file.**
26. 10-92 Paul Babb, Chief Executive, requesting Council's concurrence of the reappointment to the URA Board. **Recommendation: Concur and place on file.**
27. 10-93 Gary Keeler, Transit Director, requesting Council's authorization for the Chief Executive to submit applications for Butte-Silver Bow FTA funds, FTA JARC funds, FTA New Freedom Operating and Capital Assistance and Butte-Silver Bow FTA section 5309 Capital request for FY2010/11. **Recommendation: Concur and place on file.**
28. 10-94 Eileen Joyce, County Attorney, requesting Council's authorization for budget transfer. **Recommendation: Refer to Finance and Budget Committee.**

SECTION IV COMMUNICATIONS TO BE READ AND ACTED UPON

1. 10-73 Dan Foley, Butte-Silver Bow Commissioner, District No. 9, requesting Council's authorization of an amendment to the Butte-Silver Bow Municipal code under 3.12.012 and 3.12.013 that would require "All bids subject to approval by the Council of Commissioners shall be opened at regularly scheduled meetings of the Butte-Silver Bow Council of Commissioners".
2. 10-74 Dan Foley, Butte-Silver Bow Commissioner, District No. 9, requesting Council's authorization of an amendment to the Butte-Silver Bow Municipal Code under 2.36.040 that would expand the Park and Recreation Board from five members to seven members.

SECTION V

**ORDINANCES AND RESOLUTIONS –
REFERRED TO JUDICIARY**

**COUNCIL BILL NO. 10-01
ORDINANCE NO. 10-01**

AN ORDINANCE AMENDING CHAPTER 2.20 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “LAW ENFORCEMENT DEPARTMENT”; AMENDING SECTION 2.20.085, B-SB SUBSECTION F, ENTITLED “FEES OF SHERIFF” AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION VI

**ORDINANCES AND RESOLUTIONS
FINAL READING**

1. **COUNCIL RESOLUTION NO. 10-06**

A RESOLUTION ESTABLISHING CRITERIA FOR THE CLASSIFICATION OF UNSOLD TAX-DEED LANDS; DETERMINING THAT CERTAIN PROPERTY SHOULD BE HELD IN CITY-COUNTY OWNERSHIP BECAUSE OF COMPELLING PUBLIC INTEREST; ORDERING CERTAIN PARCELS OF REAL PROPERTY TO BE HELD IN CITY-COUNTY OWNERSHIP AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2. **COUNCIL RESOLUTION NO. 10-08**

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL 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.

3. **COUNCIL RESOLUTION NO. 10-09**

A RESOLUTION AUTHORIZING THE COUNCIL OF COMMISSIONERS TO ACT AS THE GOVERNING BOARD TO GOVERN THE ADMINISTRATION AND OPERATION OF THE MELROSE REFUSE DISPOSAL DISTRICT, A “SPECIAL DISTRICT”, AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION VII

CALENDAR OF OTHER MEETINGS AND EVENTS

February 18 Zoning Board of Adjustment	5:30 PM	Council chambers, 3 rd Floor Courthouse
February 24 Fire Advisory Council	5:00 PM	1 st Floor Conference Room
February 24 Local Emergency Planning Com	Noon	1 st Floor Conference Room
February 24 Parking Commission	9:00 AM	Chief Executive’s Conference Room
February 24 Port of Montana	Noon	Hub Center, Silver Bow, Montana
February 24 Urban revitalization	9:00 AM	1 st Floor Conference Room
February 25 Business Development Center	10:00 AM	Business Development Center
February 25 Planning Board	7:00 PM	Council Chambers, 3 rd Floor of Courthouse
March 2 Historic Preservation Commission	5:30 PM	1 st Floor Conference Room
March 2 Weed Board	7:00 PM	Weed Department
March 3 Butte Aids Support Services	7:00 PM	Community Center
March 3 Board of Health	7:00 AM	Health Department
March 3 Airport Authority	Noon	Bert Mooney Airport

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COMMITTEE OF THE WHOLE MEETING REPORT

FEBRUARY 10, 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 PUBLIC HEARING

TO HEAR PUBLIC COMMENT REGARDING CONSIDERATION OF AMENDING THE 2009-2010 BUDGET FOR UNANTICIPATED REVENUE TO COMPLETE THE EXCELSIOR STREET PROJECT. (Communication No. 10-24 being held in Committee of the Whole) **Proof of Publication was noted.**

SECTION II PUBLIC HEARING

TO HEAR PUBLIC COMMENT REGARDING CONSIDERATION OF AMENDING THE 2009-2010 BUDGET TO ACCEPT A RIT GRANT FOR A NEIGHBORHOOD PLANNING PROJECT. (Communication No. 10-25 being held in Committee of the Whole). **Proof of Publication was noted.**

SECTION III PUBLIC HEARING

TO HEAR PUBLIC COMMENT REGARDING CONSIDERATION OF AMENDING THE 2009-2010 BUDGET TO ALLOW FOR INCREASED EXPENDITURES OF UNANTICIPATED REVENUE RESULTING FROM THE MONTANA DEPARTMENT OF TRANSPORTATION CONTRACT TO PROVIDE FUNDING FOR TRAFFIC SIGNAL LIGHT REPLACEMENT. (Communication No. 10-30 being held in Committee of the Whole) **Proof of Publication was noted.**

SECTION IV PUBLIC HEARING

TO HEAR PUBLIC COMMENT REGARDING CONSIDERATION OF AMENDING THE 2009-2010 BUDGET TO ALLOW FOR INCREASED EXPENDITURES OF UNANTICIPATED REVENUE RESULTING FROM THE STATE REVOLVING FUND LOAN TO ASSIST IN FUNDING THE BIG HOLE FRESH WATER TRANSMISSION LINE REPLACEMENT PROJECT. (Communication No. 10-31 being held in Committee of the Whole) **Proof of Publication.**

SECTION V PUBLIC HEARING

TO HEAR PUBLIC COMMENT REGARDING THE CONSIDERATION OF AMENDING THE 2009-2010 BUDGET TO ALLOW FOR INCREASED EXPENDITURES OF UNANTICIPATED REVENUE RESULTING FROM THE STATE REVOLVING FUND LOAN TO ASSIST IN FUNDING THE WASTEWATER TREATMENT PHASE I UPGRADES. (Communication No. 10-32 being held in Committee of the Whole). **Proof of Publication was noted.**

SECTION XIII COMMUNICATION NO. 10-24

Jon Sesso, Planning Director, requesting time on the February 10, 2010 agenda to conduct a public hearing to consider amending the 2009-10 budget for unanticipated revenue to complete the Excelsior Street Reclamation Project. *Committee recommends that Communication No. 10-24 be placed on file.*

SECTION XIV COMMUNICATION NO. 10-25

Jon Sesso, Planning Director, requesting time on the February 10, 2010 agenda to conduct a public hearing to consider amending the 2009-10 budget to accept a RIT Grant for a Neighborhood Planning Project. *Communication No. 10-25 be placed on file.*

SECTION XV COMMUNICATION NO. 10-26

Todd Collins, 134 Blacktail Canyon Road, Butte, MT 59701, requesting Council's permission to address Council in regard to the decision that has been made concerning the Splash Park at Clark's Park. *Committee recommends that Communication No. 10-26 be placed on file.*

SECTION XVI COMMUNICATION 10-27

Janice Thomas, 1823 Wall Street, Butte, MT 59701, requesting Council revisit the issue of the Splash Park at Clark's Park and ask the Parks Department to hold another open discussion with the neighborhood. *Committee recommends that Communication No. 10-27 be held in abeyance.*

SECTION XVII COMMUNICATION NO. 10-30

Jeff Amerman, Director Finance and Budget Department, requesting Council's authorization to hold a public hearing on February 10, 2010 concerning unanticipated revenue from the Montana Department of Transportation to provide funding for traffic signal light replacement. *Committee recommends that Communication No. 10-30 be placed on file.*

SECTION XVIII COMMUNICATION NO. 10-31

Jeff Amerman, Director Finance and Budget Department, requesting Council's authorization to hold a public hearing on February 10, 2010 concerning unanticipated revenue from the State Revolving Fund to assist in funding the Big Hole fresh water transmission line replacement project. *Committee recommends that Communication No. 10-31 be placed on file.*

SECTION XIX COMMUNICATION NO. 10-32

Jeff Amerman, Director Finance and Budget Department, requesting Council's authorization to hold a public hearing on February 10, 2010 concerning unanticipated revenue from the State Revolving Fund to assist in funding the Wastewater Treatment Phase I upgrades. *Committee recommends that Communication No. 10-32 be placed on file.*

SECTION XX COMMUNICATION NO. 10-56

Lori Casey, Senior Planner, requesting Council's authorization to conduct a public hearing on February 24, 2010 on the Preliminary Plat of the Irish Eyes Major Subdivision. *Committee recommends that Communication No. 10-56 be held in abeyance pending public hearing on February 24, 2010.*

SECTION XXI

COMMUNICATION NO. 10-62

Jon Sesso, Planning Director, Butte-Silver Bow Planning Board, requesting Council's authorization for time on the February 17, 2010 agenda for a briefing on possible projects for the Community Transportation Enhancement Program and to schedule a public hearing on February 24, 2010. *Committee recommends that Communication No. 10-62 be held in abeyance pending February 17, 2010 presentation and February 24, 2010 public hearing.*

FINANCE AND BUDGET COMMITTEE MEETING REPORT FEBRUARY 10, 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. 10-38

Teri Fisher, Officer Manager, Metro Sewer, requesting Council's authorization of budget transfer. *Committee recommends that Communication No. 10-38 be approved and placed on file.*

SECTION II COMMUNICATION NO. 10-41

Sharon Crase, Public Works Office Manager, requesting Council's authorization of budget transfer. *Committee recommends that Communication No. 10-41 be approved and placed on file.*

SECTION III COMMUNICATION NO. 10-43

Steve Desharme, Assistant Finance and Budget Director, requesting Council's authorization of a budget transfer. *Committee recommends that Communication No. 10-43 be approved and placed on file.*

SECTION IV COMMUNICATION 10-44

Karen Byrnes, Director Butte-Silver Bow Urban Revitalization Agency, requesting Council's authorization of budget transfer. *Committee recommends that Communication No. 10-44 be approved and placed on file.*

SECTION V COMMUNICATION NO. 10-61

Steve Descharme, Assistant Finance and Budget Director, requesting Council's authorization of budget transfer. *Committee recommends that Communication No. 10-61 be approved and placed on file.*

SECTION VI EXPENDITURE REPORT

2-10-10

\$ 724,409.30

Committee recommends to approve expenditure report and place on file.

SECTION VII

COMMUNICATION NO. 10-64

Ristene Hall, Commissioner District No. 8, requesting Council's authorization to monitor and install speed limit signage in the alley of the 1700 block between Harrison Ave. and Florence Ave. *Committee recommends that Communication No. 10-64 be held in abeyance.*