BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING AGENDA

APRIL 15, 2009

7:30 PM COURTHOUSE COUNCIL CHAMBERS

ROLL CALL_____

PRAYER_____

APPROVAL OF THE MINUTES OF THE
REGULAR MEETING OF APRIL 1, 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
3. PUBLIC WORKS COMMITTEE MEETING REPORT

B. **COMMUNICATIONS**

1. 09-221 Roger Ebner, Director DES, regarding request to declare office equipment as surplus property. **Recommendation: concur and place on file**

2. 09-222 John P. Walsh, Sheriff, requesting authorization for Chief Executive to sign contractual documents. **Recommendation: concur and place on file.**

3. 09-223 Karen Byrnes, Director, Community Development Department, requesting approval of line item transfers. **Recommendation: refer to Finance and Budget Committee.**

4. 09-224 McGuinness Tracts Roadway and Homeowners Association

requesting Council consider and pass a resolution authorizing Butte-Silver Bow to accept title to Blacktail Loop Road from the Association. **Recommendation: refer to Public Works Committee**

5. 09-225 John P. Walsh, Sheriff, requesting authorization for Chief Executive to sign reimbursable grant contract. **Recommendation: concur and place on file.**

6. 09-226 Rob Macioroski, Director Land Records Office, regarding request to purchase county-owned property by Tony Olson. **Recommendation: concur and have County Attorney prepare a resolution and deed and hold in Committee of the Whole**

7. 00-227 Rob Macioroski, Director Land Records Office, requesting approval of sale of vacant lands in the 100 block of Caledonia Street. **Recommendation: concur and ask County Attorney to prepare a resolution for the sale and hold in Committee of the Whole**

8. 09-228 John P. Walsh, Sheriff, requesting time on 4/29/09 meeting to conduct a public hearing to receive unanticipated revenue from the Montana Department of Transportation. **Recommendation: hold in Committee of the Whole for public hearing on 4/29/09.**

9. 09-229 Debra Williams and Bob Lee, Justices of the Peace, requesting authorization for Chief Executive to sign maintenance contract with Lee's Office City. **Recommendation: concur and place on file.**

10. 09-231 Roger Ebner, DES Director, requesting approval to apply for EOC Design Grant. **Recommendation: concur and place on file.**

11. 09-232 Karen Byrnes, Community Development Director, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**

12. 09-233 Brendan R. McDonough, An Ri'Ra' Executive Committee, requesting waiver of license fees to conduct a raffle for the benefit of the An Ri' Ra', Montana Irish Festival. **Recommendation: concur and place on file.**

13. 09-234 Bill Melvin, Civic Center Manager, requesting authorization for Chief Executive to sign proposal with Tallon Construction for District Court Waiting Room. **Recommendation: concur and place on file.**

14. 09-235 Toby Day, County Extension Agent, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**

15. 09-236 Lindsay Ide, Interim Personnel Director, regarding Children's Health Insurance Program Reauthorization Act of 2009. **Recommendation: concur and place on file.**

16. 09-237 Jeff Miller, Director of Fire Services, requesting authorization for Chief Executive to enter into agreements with the International Association of Firefighters, Local 96 and Rocky Mountain Clinic. **Recommendation: concur and place on file.**

17. 09-238 John Walsh, Sheriff, regarding conditional offer to Jarrett Branson to fill the vacant Law Enforcement Police Officer position. **Recommendation: concur and place on file**

18. 09-239 John Walsh, Sheriff, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**

19. 09-240 Dan Dennehy, Director Public Works Department, requesting time on 4/29/09 Agenda to conduct a bid opening for 2008-09 Water Main Renewal Project. **Recommendation: hold in Committee of the Whole for bid opening on 4/29/09.**

20. 09-241 Karen Byrnes, Community Development Director, requesting authorization for Chief Executive to sign the MOU between SeaCast and Butte-Silver Bow regarding electrical service provided to new facility. **Recommendation: concur and place on file.**

21. 09-242 Karen Byrnes, Community Development, requesting authorization for Chief Executive to sign a change order to the Markovich Construction Contract for the SeaCast Building. **Recommendation: concur and place on file.**

22. 09-244 Paul Babb, Chief Executive, requesting concurrence in appointment of Todd Johnston to the Tax Increment Financing Industrial District Board. **Recommendation: concur and place on file.**

23. 09-245 Paul Babb, Chief Executive, requesting concurrence in appointments to Butte-Silver Bow Advisory Committee for

Americans with Disabilities Act. **Recommendation: concur and place on file.**

24. 09-246 Donald Kronenberger, Sr., regarding Multi-County Beaverhead – Deerlodge Wilderness Act of 2009. **Recommendation: note and place on file.**

25. 09-247 Sally J. Hollis, Clerk and Recorder, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**

26. 09-248 Bill Melvin, Civic Center Manager, requesting authorization for Chief Executive to sign contract with Ingraham Environmental, Inc. for removal of asbestos in the basement of the courthouse. **Recommendation: concur and place on file**

27. 09-249 Bill Melvin, Civic Center Manager, requesting time on 5/6/09 agenda to conduct a bid opening for the Butte-Silver Bow Courthouse elevator modernization project. **Recommendation: hold in Committee of the Whole for bid opening on 5/6/09.**

28. 09-250 Bill Melvin, Civic Center Manager, requesting authorization for Chief Executive to sign contract with Schlenker and McKittrick Architects PC for elevator repairs and upgrades at the Butte-Silver Bow courthouse. **Recommendation: concur and place on file**

29. 09-251 Stephen D. Hess, Acting Planning Director, requesting time on 4/29/09 for a bid opening for roof replacements on mining structure located in the Original, Steward and Anselmo Mine Yards. **Recommendation: concur and set bid opening for 4/29/09 and hold in Committee of the Whole**

30. 09-252 Jeff Amerman, Finance and Budget Director, requesting approval. of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**

31. 09-253 Jeff Miller, Fire Services Director, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget.**

32. 09-254 Karen Byrnes, Community Development Director, requesting approval to award the SeaCast Phase III contract to Jim Gilman and authorization for Chief Executive to sign the contract documents. **Recommendation: concur and place on file**

33. 09-255 Karen Byrnes, Community Development Director, requesting authorization for the Chief Executive to sign a change order to the Lost Dolphin contract for the engineering of the SeaCast building. **Recommendation: concur and place on file.**

34. 09-256 John Weitzel, Weitzel Signs, requesting approval to install a neon sign at 116 W. Granite Street which will encroach into the public right of way. **Recommendation: concur and place on file.**

35. 09-257 Gary Keeler, Landfill Manager, requesting time on the 4/29/09 for a bid opening for the Residential Solid Waste Collection Services. **Recommendation: hold in Committee of the Whole for bid opening on the 4/29/09 agenda.**

SECTION II COMMUNICATIONS TO BE READ AND ACTED UPON

1. 09-230 Paul Babb, Chief Executive, requesting concurrence in appointment of Chris Mjelde as a Probationary Entry Level Fire Fighter.

2. 09-243 Patrick M. Callaghan, Treasurer, requesting council consider reclassification for the front line employees in the Treasurer's Office

SECTION III ORDINANCES AND RESOLUTIONS – REFERRED TO JUDICIARY

1. COUNCIL RESOLUTION NO. 09-19

A RESOLUTION AUTHORIZING THE PURCHASE OF TWO RIGHTS-OF-WAY PARCELS FROM A & K RAILROAD MATERIALS, INC. FOR THE RAILS TO TRAILS PROGRAM IN THE AREA COMMONLY REFERRED TO AS THOMPSON PARK, ALL TO BE ACQUIRED WITH A GRANT FROM THE MONTANA DEPARTMENT OF JUSTICE AS PART OF THE NATURAL RESOURCE DAMAGE PROGRAM (NRDP) AND AUTHORIZING THE RECORDING OF APPROPRIATE DEEDS TO EXECUTE THE LAND TRANSFERS ALL AS DESCRIBED HEREIN AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2. COUNCIL RESOLUTION NO. 09-20

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A PARCEL OF REAL PROPERTY DESCRIBED AS THE WEST 60 FEET OF LOTS 2 AND 3 IN BLOCK 2 OF THE WALKERVILLE TOWNSITE, OWNED BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA TO THE ADJOINING OWNER PURSUANT TO POLICIES

ADOPTED BY THE COUNCIL OF COMMISSIONERS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION IV ORDINANCES AND RESOLUTIONS – FINAL READING

1. COUNCIL RESOLUTION NO. 09-17

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE BUFFALO ESTATES SUBDIVISION – PHASE 1 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. 09-18

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE FULTON 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

SECTION V CALENDAR OF OTHER MEETINGS AND EVENTS

Apr. 20	Airport Authority	Noon	Bert Mooney Airport
Apr.21	Housing Authority	5:30PM	Silver Bow Homes
Apr. 21	Parks & Recreation	4:15PM	Civic Center Conference Room
Apr. 21	Technical Review Committee	l:30PM	Water Company Building
Apr.22	Local Emergency Planning Committee	Noon	1st Floor Conference Room
Apr.22	Parking Commission	9:00AM	Chief Executive's Conference Room
Apr. 22	Port of Montana	Noon	Hub Center
Apr. 22	Urban Revitalization	9:00AM	1st Floor Conference Room
Apr. 23	Business Development Center	10:00AM	Business Development Center
Apr. 30	Local Emergency Planning Committee	Noon	1st Floor Conference Room
Apr. 30	Planning Board	7:00PM	Council Chambers
May 4	Airport Authority	Noon	Bert Mooney Airport
May 5	Weed Board	7:00PM	Weed Department
May 5	Historic Preservation Commission	5:30PM	1st Floor Conference Room
May 6	Butte Aids Support Services	7:00PM	Community Center
May 6	Fire Advisory Council	5:00PM	1st Floor Conference Room
May 6	Health Department	7AM	Health Department
May 7	Civic Center	5:00PM	Civic Center Conference Room

ADJOURN_____

COMMITTEE OF THE WHOLE MEETING REPORT
APRIL 8, 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, respectfully recommend as follows:

SECTION I COMMUNICATION NO. 08-722

Charlie O'Leary, Chairman Council of Commissioners, requesting examination of the ownership documents for the Storm Lake Dam Site. ***Committee recommends that Communication No. 08-722 be placed on file.***

SECTION II COMMUNICATION NO. 08-801

Ellen Donohue, Attorney Montana Legal Services Association, requesting council renew the lease on the Jacobs House for six years. ***Committee recommends that Communication No. 08-801 be held in abeyance.***

SECTION III COMMUNICATION NO. 09-156

Rob Macioroski, Director Land Office, requesting time on the 4/1/09 agenda to conduct a public hearing for proposals to develop 1100 block of Caledonia Street. ***Committee recommends that Communication No. 09-156 be placed on file.***

SECTION IV COMMUNICATION NO. 09-163

Bob Rowling, Parks and Recreation Director, requesting concurrence in filing an application for a beer/wine license for the Highland View Golf Course. ***Committee recommends that Communication No. 09-163 be held in abeyance.***

SECTION V COMMUNICATION NO. 09-184

Kristen Rosa, TIFID Administrator, requesting time on the 4/1/09 agenda for a Bid opening for the SeaCast Facility Phase 3. ***Committee recommends that Communication No. 09-184 be placed on file.***

SECTION VI COMMUNICATION NO. 09-204

Robert A. Macioroski, Director Butte-Silver Bow Land Office, regarding request to purchase county-owned property by Donald Jipp. ***Committee recommends that Communication No. 09-204 be held in abeyance for resolution and deed.***

SECTION VII COMMUNICATION NO. 09-213

Cindy Shaw, Commissioner District 11, requesting time on the April 15, 2009 council meeting for a presentation by Butte-Silver Bow Crimestoppers. ***Committee recommends that Communication No. 09-213 be held for presentation. Note: presentation has been postponed until 4/29/09***

FINANCE AND BUDGET COMMITTEE MEETING REPORT
APRIL 8, 2009

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. 09-194

Dan Dennehy, Director of Public Works Department, requesting approval of line item budget transfers. ***Committee approves Communication No. 09-194 and places on file.***

SECTION II COMMUNICATION NO. 09-196

Dan Dennehy, Public Works Director, requesting approval of line item budget transfers. ***Committee approves Communication and places on file, with report back from Budget Office.***

SECTION III COMMUNICATION NO. 09-198

Theresa Hocking, Assistant Health Officer, requesting approval of line item budget transfers. ***Committee approves Communication No. 09-198 and places on file.***

SECTION IV COMMUNICATION NO. 09-207

John P. Walsh, Sheriff, Butte-Silver Bow LED, requesting approval of line-item budget transfers. ***Committee approves Communication No. 09-207 and placed on file.***

SECTION V COMMUNICATION NO. 09-208

Ellen Crain, Archives Director, requesting approval of line item budget transfers. ***Committee approves Communication No. 09-208 and placed on file.***

SECTION VI COMMUNICATION NO. 09-212

Ed Fisher, Chief, Boulevard Fire Department, requesting authorization to apply for two FEMA grants in April 2009 in the amount of $310,000. ***Committee approves Communication No. 09-208 and places on file.***

SECTION VII COMMUNICATION NO. 09-214

Dave McPherson, 911 Manager Butte-Silver Bow LED, requesting authorization to submit an application for the 2009 Recovery Act: Edward Byrnes Memorial Grant and authorization for the Chief Executive to sign. ***Committee approves Communication No. 09-214 and places on file.***

SECTION VIII EXPENDITURE REPORT

4/8/09	**$407,007.75**

Committee approves expenditure report.

JUDICIARY COMMITTEE MEETING
APRIL 8, 2009

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. 09-169

Lee Phillips, Director Butte-Silver Bow Public Library, requesting to declare stored shelves as surplus property and sell them to MoFAB. ***Committee recommends that Communication No. 09-169 be held in abeyance.***

SECTION II COUNCIL RESOLUTION NO. 09-17

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE BUFFALO ESTATES SUBDIVISION – PHASE 1 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. ***Committee recommends that Council Resolution No. 09-17 be placed on final reading.***

SECTION III COUNCIL RESOLUTION NO. 09-18

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE FULTON 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. ***Committee recommends that Council Resolution No. 09-18 be placed on final reading.***

SECTION IV CLAIM APPROVAL

8386	H. D. Ironwork	$400.00	Refund Demo Bond
8829	Dan Schneider	4,292.30	Redemption Tax Assig.

Council approves claims and places on file.

PUBLIC WORKS COMMITTEE MEETING
APRIL 8, 2009

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

SECTION I PETITION 09-1

John Harrington, Building Official, requesting on behalf of Wheeler Family LLC to close and vacate a portion of the alley within block 1 of the Storey Addition and abutting the Spruce Lode Mining Claim. ***Committee recommends that Petition be held in abeyance for preparation of resolution and deed.***

SECTION II PETITION 09-2

John Harrington, Building Official, requesting on behalf of Park Street Partnership, LLC to close and vacate an alley within the Lizzie Lode and the Colorado Lode. ***Committee recommends that Petition No. 09-2 be held in abeyance for preparation of resolution and deed.***

SECTION III COMMUNICATION NO. 08-738

Greg and Brenda Ebner, requesting Beef Trail Road and Little Basin Creek Road be striped and revised for better visibility and also speed limit signage be posted on both roads. **Committee recommends that Communication No. 08-738 be placed in Suspense File for six months**

SECTION IV COMMUNICATION NO. 09-174

Kristen Reed, requesting approval to encroach over sidewalk at 128 W. Granite Street for projecting sign. ***Committee recommends that Communication No. 09-174 be placed on file.***

SECTION V COMMUNICATION NO. 09-199

Jai B. Kim, P.E. PhD, regarding development and method of truss bridge strengthening. ***Committee recommends to note Communication No. 09-199 and place on file.***

SECTION VI COMMUNICATION NO. 09-202

Tony Schoonen, requesting consideration of concerns related to fenced off section of Dawson Station Road. ***Committee recommends to note Communication No. 09-202 and place on file.***

SECTION VII COMMUNICATION NO. 219

Kelly and LaVon Curtis, regarding condition of property at 1809 Gaylord. ***Committee recommends to refer Communication No. 09-219 to the Health Department for review and place on file.***