

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

June 16, 2010

7:30 PM COURTHOUSE COUNCIL CHAMBERS

ROLL CALL _____

PRAYER _____

APPROVAL OF THE MINUTES OF THE REGULAR MEETING, [JUNE 2, 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 ARRA BOND ALLOCATION FOR THE WILLIAM CHARLES PROJECT LOCATED IN THE TIFID. (Communication No. 10-327 being held in Committee of the Whole) **Proof of Publication.**

SECTION II 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. [10-344](#) Debra Williams, Justice of the Peace, Butte-Silver Bow Justice Court, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
2. [10-345](#) Elaine Holm, Health Department, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
3. [10-346](#) Linda Sajor, Director Butte-Silver Bow Management Information Service, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**

4. [10-347](#) Jack Whelan, Chairman Butte American Legion Baseball Committee, requesting Council's authorization of a fee waiver for the Butte American Legion Baseball Committee to sponsor a fireworks stand at the Civic Center parking lot June 24 through July 5, 2010. **Recommendation: Concur and place on file.**
5. [10-348](#) Lindsey Ide, Butte-Silver Bow Human Resources Director, requesting Council's approval of the settlement agreement with Unite Here Local #427 and for the Chief Executive to execute the documents. **Recommendation: Concur and place on file.**
6. [10-349](#) Chad Harrington, Executive Director, Evel Knievel Days Committee, requesting Council's authorization of street closures to accommodate the 2010 Annual Evel Knievel Days. **Recommendation: Concur and place on file.**
7. [10-350](#) Lynne Andrews, Director Patient Access, Conifer Health Solutions, requesting Council's authorization of a Special Events Permit application by Conifer Health Solutions to hold a picnic July 17, 2010 at the Original. **Recommendation: Concur and place on file.**
8. [10-351](#) Karen Byrnes, Director Butte-Silver Bow Community Development Department, requesting Council's authorization for the Chief Executive to sign a contract with Norman DeNeal to perform the duties of Urban Forester. **Recommendation: Refer to Committee of the Whole.**
9. [10-352](#) Kristen Rosa, TIFID Administrator, requesting Council's authorization to schedule a public hearing June 23, 2010 regarding the ARRA bond allocation for the Port of Montana Expansion Project located in the TIFID. **Recommendation: Concur and schedule public hearing for June 23, 2010.**
10. [10-353](#) Debra Williams and Bob Lee, Butte-Silver Bow Justices of the Peace, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
11. [10-354](#) Brian McGregor, Silver Dollar Saloon, requesting Council's authorization of a street closure June 19, 2010 on Mercury Street, west from Main Street to the alley from 6:30 p.m. to 10:30 p.m. for the annual "Street Dance". **Recommendation: Concur and place on file.**
12. [10-356](#) Elaine Schnell, Foundation Coordinator, St. James Healthcare Foundation, requesting Council's authorization of a special event July 3, 2010 at Chester Steele Park. **Recommendation: Concur and place on file.**
13. [10-357](#) Linda Quakenbush, Helsinki Yacht Club, requesting Council's authorization of a street closure Friday – June 18, 2010 from 4:30 p.m. to 1:30 a.m. and Saturday – June 19, 2010 from 8:00 a.m. to 1:30 p.m. for a street dance and classic car show. **Recommendation: Concur and place on file.**

14. [10-358](#) Theresa Hocking, Director Butte-Silver Bow Health Department, requesting Council's authorization for the Chief Executive to sign two contracts with the Montana Department of Public Health and Human Services and JHS, Inc. **Recommendation: Concur and place on file.**
15. [10-359](#) Gerry O'Brien, Editor, The Montana Standard, requesting Council's authorization to mount an internet Web camera on the Original Mine frame. **Recommendation: Refer to Committee of the Whole,**
16. [10-360](#) George Skuletich, Operations Captain, Butte-Silver Bow Law Enforcement Department, requesting Council's authorization for the Chief Executive to enter into a contract with School District #1 for the purpose of retaining the School Resource Officer Program for the contract years of July 1, 2010 through June 30, 2013. **Recommendation: Concur and place on file.**
17. [10-361](#) Ronnie Kuchtyn, Staack's Motorsports, requesting Council's permission to close a portion of Galena Street on June 26, 2010 between the hours of 10:00 a.m. and 8:00 p.m. for a Cruise Night and Fun Run. **Recommendation: Concur and place on file.**
18. [10-362](#) Paul Babb, Chief Executive, requesting Council's concurrence in reappointments to the Airport Authority Board. **Recommendation: Concur and place on file.**
19. [10-363](#) Paul Babb, Chief Executive, requesting Council's concurrence in reappointments to the Mosquito Control Board. **Recommendation: Concur and place on file.**
20. [10-364](#) Paul Babb, Chief Executive, requesting Council's concurrence in appointment to the Friends of the Urban Forest Board. **Recommendation: Concur and place on file.**
21. [10-365](#) Paul Babb, Chief Executive, requesting Council's concurrence in reappointment to the Tax Appeal Board. **Recommendation: Concur and place on file.**
22. [10-366](#) Paul Babb, Chief Executive, requesting Council's concurrence in reappointment to the Port of Montana Board of Commissioners. **Recommendation: Concur and place on file.**
23. [10-367](#) Paul Babb, Chief Executive, requesting Council's concurrence in reappointment to the Law Enforcement Advisory Board. **Recommendation: Concur and place on file.**
24. [10-368](#) Rachel Freeman, Butte Rescue Mission, requesting Council's authorization of a waiver of fees to operate a fireworks stand from June 24, 2010 through July 5, 2010. **Recommendation: Concur and place on file**

25. [10-369](#) Sheriff John Walsh, Butte-Silver Bow Law Enforcement, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
26. [10-370](#) Geneta Bishop, Butte-Silver Bow Law Enforcement, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
27. [10-371](#) Jeff Miller, Director Butte Silver Bow Fire Services, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
28. [10-372](#) Rick Larson, Operations Manager/Utility Division, Butte-Silver Bow Public Works Department, requesting Council's authorization for the Chief Executive to sign an agreement with DOWL HKM for professional services for the Twin Lakes Creek Flume Replacement Project. **Recommendation: Concur and place on file.**
29. [10-373](#) Rick Larson, Operations Manager/Utility Division, Butte-Silver Bow Public Works Department, requesting Council's authorization for the Chief Executive to sign an agreement with Mungas Co., Inc. for the purpose of replacing the Big Hole Diversion and Intake Structure and for the Chief Executive to sign any related permits and licenses. **Recommendation: Concur and place on file.**
30. [10-374](#) Dan Dennehy, Director Butte-Silver Bow Public Works Department, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
31. [10-375](#) Pat Holland, Manager Butte-Silver Bow Government Buildings, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
32. [10-376](#) Dan Dennehy, Director Butte-Silver Bow Public Works Department, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
33. [10-377](#) Elaine Holm, Butte-Silver Bow Health Department, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
34. [10-378](#) Gary Keeler, Butte-Silver Bow Transit Department, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
35. [10-379](#) Pat Holland, Manager Butte-Silver Bow Government Buildings, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**

36. [10-380](#) Mollie Blinn Kirk, Butte Celebrations Inc., requesting Council's authorization of requests for Freedom Fest 2010. **Recommendation: Concur and place on file.**
37. [10-381](#) Paul Babb, Chief Executive, requesting Council's concurrence of an appointment to the Friends of the Urban Forest Board. **Recommendation: Concur and place on file.**
38. [10-382](#) Jim Jarvis, Historic Preservation Officer, requesting Council's authorization of a change order with K&K Roofing Inc. to complete mine yard roofing repairs at the Anselmo and Steward Mine Yards. **Recommendation: Concur and place on file.**
39. [10-383](#) Jim Jarvis, Historic Preservation Officer, requesting Council's authorization for use of the Anselmo Mine Hoist House for a university film project. **Recommendation: Concur and place on file.**
40. [10-384](#) Carol Laird, Butte-Silver Bow Planning Department, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
41. [10-385](#) Roxie Larson, Butte-Silver Bow Planning Department, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
42. [10-386](#) Dan Dennehy, Director Butte-Silver Bow Public Works Department, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
43. [10-387](#) Dan Dennehy, Director Butte-Silver Bow Public Works Department, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
44. [10-388](#) Karen Hassler, Butte-Silver Bow Public Works Department, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
45. [10-389](#) Gary Keeler, Butte-Silver Bow Transit Manager, requesting Council's authorization for the Chief Executive to execute Transit Agreements. **Recommendation: Refer to the Finance and Budget Committee.**
46. [10-390](#) Kristen Rosa, TIFID Administrator, requesting Council's authorization for the Chief Executive to sign "Pipeline Agreement" with BNSF Railway for the TIFID waste water pipeline. **Recommendation: Concur and place on file.**
47. [10-391](#) Theresa Hocking, Director Butte-Silver Bow Health Department, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**

48. [10-392](#) Theresa Hocking, Director Butte-Silver Bow Health Department, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
49. [10-393](#) Karen Byrnes, Community Development Director, requesting permission to hold a CDBG Specific Public Hearing July 7, 2010. **Recommendation: Concur and schedule public hearing for July 7, 2010.**
50. [10-394](#) Bob Rowling, Butte-Silver Bow Parks/Recreation Director, requesting Council's authorization of a request for proposals for the Butte-silver Bow Aquatic and Recreation Project. **Recommendation: Concur and place on file.**
51. [10-395](#) Rick Larson, Operations Manager/Utility Division, Butte-Silver Bow Public Works Department, requesting Council's authorization for the Chief Executive to sign an amended agreement for professional services with Morrision-Maierle, Inc. **Recommendation: Concur and place on file.**
52. [10-399](#) Terry Schultz, District 4 Commissioner, Butte-Silver Bow Council of Commissioners, requesting Council's authorization for a presentation July 7, 2010 regarding consideration of an ordinance allowing emergency responding physicians' similar status as other Emergency Responders. **Recommendation: Schedule presentation for July 7, 2010.**
53. [10-400](#) Kristen Rosa, TIFID Administrator, requesting Council's authorization to amend the contract with DOWL HKM for engineering services associated with TIFID #2 wastewater collections and conveyance system project. **Recommendation: Concur and place on file.**
54. [10-401](#) Mark Driscoll, Butte-Silver Bow Law Enforcement Department, requesting Council's authorization to dispose of electronic equipment from the Public Safety Building. **Recommendation: Concur and place on file.**

SECTION III

COMMUNICATIONS TO BE READ AND ACTED UPON

- [10-355](#) Pam and Mike Rudolph, Rudolphs Furniture, requesting Council's consideration regarding the concerns of businesses and residents in uptown Butte relating to the street closures during Evel Knievel Days.
- [10-396](#) Terry Schultz, District 4 Commissioner, Butte-Silver Bow Council of Commissioners, requesting Council's authorization of an ordinance prohibiting "texting" while operating a motor vehicle.
- [10-397](#) Terry Schultz, District 4 Commissioner, Butte-Silver Bow Council of Commissioners, requesting Council's authorization of a resolution affirming all Butte-Silver Bow services, programs and laws are administered without regard to race, sex, national origin, of religion and be published in The Butte Weekly and The Montana Standard once adopted.

[10-398](#)

Terry Schultz, District 4 Commissioner, Butte-Silver Bow Council of Commissioners, requesting Council’s authorization an ordinance requiring Pit Bulls be tethered on their home premises and on a tether or leash when within one hundred meters of any location where people congregate.

SECTION IV

**ORDINANCES AND RESOLUTIONS –
REFERRED TO JUDICIARY**

COUNCIL RESOLUTION NO. [10-52](#)

1. RESOLUTION RELATING TO A PROJECT ON BEHALF OF WILLIAM CHARLES BUTTE MONTANA, LLC AND THE ISSUANCE OF A REVENUE BOND TO FINANCE THE COSTS THEREOF UNDER MONTANA CODE ANNOTATED, TITLE 90, CHAPTER 5, PART 1, AS AMENDED; APPROVING THE PROJECT; AUTHORIZING THE ISSUANCE OF A BOND THEREFOR; AND ALLOCATING A PORTION OF THE COUNTY’S AUTHORITY TO ISSUE RECOVERY ZONE FACILITY BONDS

COUNCIL RESOLUTION NO. [10-53](#)

2. A RESOLUTION RECOGNIZING THE ACCEPTNACE OF HOME INVESTMENT PARTNERSHIP PROGRAM FUNDING TO CONSTRUCT THE MEADOWLANDS SENIOR HOUSING PROJECT.

SECTION V

**ORDINANCES AND RESOLUTIONS
FINAL READING**

COUNCIL RESOLUTION NO. 10-51

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT OF THE COLUMBIA GARDENS MAJOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFILCT HEREWITH AND PROVIDING FOR AN EF FECTIVE DATE HEREIN

SECTION VI

CALENDAR OF OTHER MEETINGS AND EVENTS

June 17 Zoning Board of Adjustment	5:30	Council Chambers, 3 rd Floor Courthouse
June 21 Airport Authority	Noon	Bert Mooney Airport
June 23 Parking Commission	9:00 AM	Chief Executive’s Conference Room
June 23 Port of Montana	Noon	Hub Center, Silver Bow Montana
June 23 Local Emergency Planning Commission	Noon	1 st Floor Conference Room
June 24 Business Development Center	10:00 AM	Business Development Center
June 24 Planning Board	7:00 PM	Council Chambers, 3 rd Floor, Courthouse
July 1 Civic Center	5:00 PM	Civic Center Hospitality Room
July 6 Historic Preservation Commission	5:30 PM	1 st Floor Conference Room
July 6 Weed Board	7:00 PM	Weed Department
July 7 Butte Aids Support Services	7:00 PM	Community Center

ADJOURN

COMMITTEE OF THE WHOLE MEETING REPORT

JUNE 9, 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 PRESENTATION COMMUNICATION NO. 10-331

Jon Sesso, Director Butte-Silver Bow Planning Department, requesting Council's authorization to designate Amherst Street as Butte-Silver Bow's next priority project for urban funding, authorize an appropriate letter to the Montana Highway Commission regarding this designation, consider future priority project nominations and schedule a presentation for June 9, 2010 to explain the projects in more detail. *Committee recommends to concur with the request of Communication No. 10-331 and place on 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. 10-209

Bill Brown, Elizabeth Kidwell and Mary Janacaro-Hensleigh, requesting Council's authorization of the donation of four sets of used bleachers from the Butte Civic Center to be used in the Whitehall Community. *Committee recommends that Communication No. 10-209 be cross referenced with Resolution No. 10-50 and place on file.*

FINANCE AND BUDGET COMMITTEE MEETING REPORT

JUNE 9, 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 follows:

SECTION I COMMUNICATION NO. 10-303

Jon Sesso, Director Butte-Silver Bow Planning Department, requesting Council's authorization of a budget transfer. *Committee recommends that Communication No. 10-303 be approved and placed on file.*

SECTION II COMMUNICATION NO. 10-304

Ellen Crain, Manager, Butte-Silver Bow Archives, requesting Council's authorization of a budget transfer. *Committee recommends that Communication No. 10-304 be approved and placed on file.*

SECTION III COMMUNICATION NO. 10-307

Sheriff John Walsh, Butte-Silver Bow Law Enforcement, requesting Council's authorization of a budget transfer. *Committee recommends that Communication No. 10-307 be approved and placed on file.*

SECTION IV COMMUNICATION NO. 10-308

Sheriff John Walsh, Butte-Silver Bow Law Enforcement, requesting Council's authorization of a budget transfer. *Committee recommends that Communication No. 10-308 be denied and placed on file.*

SECTION V COMMUNICATION NO. 10-313

Ed Fisher, Chief, Boulevard Fire Department, requesting Council's authorization to apply for two FEMA Grants. *Committee recommends that Communication No. 10-313 be approved and placed on file.*

SECTION VI COMMUNICATION NO. 10-314

Lee Lebreche, Butte-Silver Bow Coroner, requesting Council's authorization of a budget transfer. *Committee recommends that Communication No. 10-314 be approved and placed on file.*

SECTION XVI

COMMUNICATION NO. 10-335

Sharon Crase, Operations Assistant, Public Works Department, requesting Council's authorization of a budget transfer. *Committee recommends that Communication No. 10-335 be approved and placed on file.*

SECTION XVII

COMMUNICATION NO. 10-339

Theresa Hocking, RN CIC, Director Public Health Department, requesting Council's authorization of a budget transfer. *Committee recommends that Communication No. 10-339 be approved and placed on file.*

SECTION XVIII

COMMUNICATION NO. 10-342

Eileen Joyce, Butte-Silver Bow County Attorney, requesting Council's authorization of a budget transfer. *Committee recommends that Communication No. 10-342 be approved and placed on file.*

