

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

July 21, 2010

7:30 PM COURTHOUSE COUNCIL CHAMBERS

ROLL CALL _____

PRAYER _____

APPROVAL OF THE MINUTES OF THE REGULAR MEETING, JULY 7, 2010

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. COMMUNICATIONS

1. [10-429](#) Pat Callaghan, Butte-Silver Bow Treasurer, requesting Council's approval to strike off two personal property bankruptcy contracts as uncollectible debt. **Recommendation: Concur and place on file.**
2. [10-430](#) Ellen Crain, Manager Butte-Silver Bow Archives, requesting Council's authorization for the Chief Executive to enter into a contract with KONE Elevator for five years of service. **Recommendation: Concur and place on file.**
3. [10-431](#) Jon Sesso, Butte-Silver Bow Planning Director, requesting Council's approval for the Chief Executive to renew the maintenance contracts with Electronic Data Systems (GPS Hardware & Software), and ESRI (GIS Software and Technical Support). **Recommendation: Concur and place on file.**
4. [10-432](#) James Manning, Chairman Greenway Service District, informing Council of a Bid Opening for Silver Bow Creek Greenway Trail Construction on August 3, 2010 at 1:00 p.m. in Council Chambers. **Recommendation: Note and place on file.**

5. [10-433](#) Dana Thompson, SNAP-ED Extension Agent/SNAP-ED Assistant Program Coordinator, requesting Council's authorization for the Chief Executive to sign the MSU Extension SNAP-ED yearly grant support agreement. **Recommendation: Concur and place on file.**
6. [10-434](#) Lucretia Charette, 1515 Oregon Avenue, #209, requesting Council's consideration to amend the fireworks ordinance. **Recommendation: Refer to the Judiciary Committee.**
7. [10-435](#) Pat Callaghan, Butte-Silver Bow Treasurer, requesting Council's authorization for the Chief Executive to sign a maintenance agreement with Copier Doctors. **Recommendation: Concur and place on file.**
8. [10-436](#) Jay Fortune, Chairman Butte-Silver Bow Fair Board, requesting Council's authorization of street closures to accommodate the annual Butte-Silver Bow County Fair July 27 through August 1, 2010. **Recommendation: Concur and place on file.**
9. [10-437](#) Robert Edwards, President Mai Was Society, Inc., requesting Council's authorization for the Chief Executive to sign a Cultural Trust Grant application on behalf of the Mai Wah Society, Inc. **Recommendation: Concur and place on file.**
10. [10-438](#) Robert Macioroski, Director Butte-Silver Bow Land Office, requesting Council's approval of the sale and authorization of the preparation of a resolution for sale of 1508 Dunn Avenue, Walkerville, MT. **Recommendation: Concur and place on file.**
11. [10-439](#) Robert Macioroski, Director Butte-Silver Bow Land Office, requesting Council's approval of the sale and authorization of the preparation of a resolution for sale of vacant property on East Park Street, Butte, MT. **Recommendation: Concur and place on file.**
12. [10-440](#) Robert Macioroski, Director Butte-Silver Bow Land Office, requesting Council's authorization to issue a Developer's Packet for City-County owned properties located on West Gold Street. **Recommendation: Concur and place on file.**
13. [10-441](#) Karen Byrnes, Community Development Director, requesting Council's permission to submit a grant application to the CDBG-ED Program and authorize the Chief Executive to sign all related documents. **Recommendation: Concur and place on file.**
14. [10-442](#) Dan Dennehy, Butte-Silver Bow Public Works Director, requesting Council's authorization for the Chief Executive to enter into an agreement with the Montana Department of Transportation for the purpose of maintaining the new road construction on Harrison Avenue and Grand Avenue. **Recommendation: Concur and place on file.**

15. [10-443](#) Dan Dennehy, Butte-Silver Bow Public Works Director, requesting Council's authorization for the Public Works Department to donate a 1969 Mac Snow Plow to the City of Walkerville through Resolution. **Recommendation: Concur and place on file.**
16. [10-444](#) Dan Dennehy, Butte-Silver Bow Public Works Director, requesting Council's authorization for the Chief Executive to enter into a Storm Drain Agreement with the Montana Department of Transportation for two reconstruction projects. **Recommendation: Concur and place on file.**
17. [10-445](#) Charlie O'Leary, Butte-Silver Bow Commissioner District Number 5, requesting Council take the lead in the process of disposing of some parcels of parkland that have been deemed excess land and recommended for sale. **Recommendation: Refer to Committee of the Whole.**
18. [10-446](#) Lee Phillips, Butte-Silver Bow Library Director, informing Council of the year-end budget expenditures for the Library Services Grant Matches for 2009-10 and the funds from the Public Library Budget that were returned to the General Fund. **Recommendation: Refer to Finance and Budget Committee.**
19. [10-447](#) Lee Phillips, Butte-Silver Bow Library Director, requesting Council's authorization for the Chief Executive to sign a grant application agreement with the Montana Cultural Trust. **Recommendation: Concur and place on file.**
20. [10-448](#) Roger Ebner, Emergency Management Coordinator, requesting Council's approval and formal adoption by resolution of the Butte-Silver Bow Local Hazard Mitigation Plan. **Recommendation: Concur and request County Attorney prepare a resolution.**
21. [10-449](#) Dolores Cooney, Curator of Collections, World Museum of Mining, requesting Council's authorization for the Chief Executive to sign as a sponsor of a grant application for a 2010-2013 Cultural and Aesthetic Grant with the Montana Cultural Trust. **Recommendation: Concur and place on file.**
22. [10-450](#) Gerry Allen, President Butte Center for Performing Arts, requesting Council's authorization for the Chief Executive to sign an application for Butte-Silver Bow to sponsor a Cultural Trust Fund Grant Application for the Butte Center for Performing Arts. **Recommendation: Concur and place on file.**
23. [10-451](#) Kristen Byrnes, TIFID Administrator, requesting Council's authorization for the Chief Executive to sign an amendment to the Financial Assistance Award from the EDA grant that will be used for the waste water line. **Recommendation: Concur and place on file.**

24. [10-452](#) Jon Sesso, Butte-Silver Bow Planning Director, requesting Council's authorization for the Chief Executive to sign a contract with Schnell Excavating, Inc. to perform construction services regarding the Belmont Shaft Failures and Subsidence Mitigation Project. **Recommendation: Concur and place on file.**
25. [10-453](#) Kristen Rosa, TIFID Administrator, requesting Council's authorization for the Chief Executive to sign a Quitclaim Easement and Right of Way Agreement with ARCO for the waste water line. **Recommendation: Concur and place on file.**
26. [10-454](#) Ellen Crain, Director Butte-Silver Bow Archives, requesting Council's authorization to enter into negotiations with Walter Hinick and Associates for the design and construction of a parking lot and landscaping for the area adjacent to and east of the new Archives facility. **Recommendation: Concur and place on file.**
27. [10-455](#) Nicole von Gaza, Public Relations Coordinator, Butte Citizens for Preservation and Revitalization, Inc. requesting Council's authorization for the Chief Executive to sign a Cultural Trust grant application for government sponsorship on behalf of Butte Citizens for Preservation and Revitalization, Inc. **Recommendation: Concur and place on file.**
28. [10-456](#) Denise Kelly, Financial Operations Supervisor, Montana Department of Environmental Quality, requesting Council's authorization for the Chief Executive to sign DEQ Contract 210169 with the Montana Department of Environmental Quality. **Recommendation: Concur and place on file.**
29. [10-457](#) Karen Byrnes, Community Development Director, requesting Council's approval of the Development Agreement and authorization for the Chief Executive to sign the Operating Agreement relating to the creation of Meadowlands, LLC. **Recommendation: Concur and place on file.**
30. [10-458](#) Kurt Krueger, District Court Judge, requesting Council's authorization to submit an application for a THP Montana Office of Tourism Grant. **Recommendation: Concur and place on file.**
31. [10-459](#) Dave Palmer, Chairman Butte-Silver Bow Council of Commissioners, requesting Council's concurrence in the appointment of Commissioner Terry Schultz to the 911 Committee. **Recommendation: Concur and place on file.**
32. [10-460](#) Rick Larson, Operations Manager/Utility Division, Butte-Silver Bow Public Works Department, requesting Council's authorization for the Chief Executive to sign an agreement and all supporting documentation with Heberly and Associates for installation of underground fiber optic cable to the Big Hole Water Treatment Plant. **Recommendation: Concur and place on file.**

33. [10-461](#) Dan Dennehy, Director Butte-Silver Bow Public Works Department, requesting Council's permission to institute odd/even sprinkling restrictions beginning July 21, 2010 and ending on September 30, 2010. *Recommendation: Concur and place on file.*

SECTION II

**SUSPENSION OF THE RULES
FOR FINAL PASSAGE
COUNCIL RESOLUTION NO. [10-59](#)**

1. A RESOLUTION ADOPTING A PRE-DISASTER MITIGATION PLAN FOR THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION III

**ORDINANCES AND RESOLUTIONS –
REFERRED TO JUDICIARY**

**COUNCIL BILL NO. 10-6
ORDINANCE NO. [10-6](#)**

1. AN ORDINANCE AMENDING TITLE 6 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "ANIMALS"; AMENDING SECTIONS 6.04.010, 6.04.020, 6.04.050, 6.04.052, 6.04.060, 6.04.130, 6.04.140, 6.04.220, 6.04.230, 6.04.240, 6.04.250, 6.04.260, 6.04.280, 6.04.292, 6.04.294, 6.04.300, 6.04.310, 6.04.320, 6.04.330, 6.04.340, 6.08.020, 6.08.030, 6.16.010, 6.16.020, 6.16.030, 6.16.040, 6.16.050, 6.16.060, 6.16.080, 6.16.090, 6.16.100, 6.20.110, 6.20.120, 6.20.170 AND 6.20.230 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

COUNCIL RESOLUTION NO. [10-60](#)

2. A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION WITH THE DEPARTMENT OF COMMERCE OF THE STATE OF MONTANA, FOR A MONTANA COMMUNITY DEVELOPMENT BLOCK GRANT-ECONOMIC DEVELOPMENT PROGRAM UNDER THE TERMS OF THE COMMUNITY DEVELOPMENT ACT OF 1974 (42 USC 5301) AS AMENDED.

SECTION IV

**ORDINANCES AND RESOLUTIONS
FINAL READING**

COUNCIL RESOLUTION NO. [10-55](#)

1. A RESOLUTION APPROVING FOREGONE PROPERTY TAXES ON THE MEADOWLANDS SENIOR APARTMENTS TO BE USED AS MATCHING FUNDS FOR THE HOME INVESTMENT PARTNERSHIP GRANT RECEIVED BY BUTTE-SILVER BOW AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

COUNCIL RESOLUTION NO. [10-56](#)

2. RESOLUTION RELATING TO A PROJECT OF THE PORT OF MONTANA PORT AUTHORITY AND THE ISSUANCE OF A REVENUE BOND TO FINANCE THE COSTS THEREOF; APPROVING THE PROJECT; AUTHORIZING THE ISSUANCE OF A BOND THEREFOR; ALLOCATING A PORTION OF THE COUNTY'S AUTHORITY TO ISSUE RECOVERY ZONE FACILITY BONDS AND AGREEING TO LEVY MILLS AS CERTIFIED BY THE PORT AUTHORITY PURSUANT TO SECTION 7-14-1131, M.C.A.

COUNCIL RESOLUTION NO. [10-57](#)

3. A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE IRISH EYES MAJOR 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

July 22 Business Development Center	10:00 AM	Business Development Center
July 20 Port of Montana	8:30 AM	Gamers
July 28 Local Emergency Planning Com.	Noon	1 st Floor conference Room
July 29 Planning Board	7:00 PM	Council Chambers, 3 rd Floor, Courthouse
August 2 Weed Board	7:00 PM	Weed Department
August 2 Airport Authority	Noon	Bert Mooney Airport
August 3 Historic Preservation Commission	5:30 PM	1 st Floor Conference Room
August 4 Butte Aids Support Services	7:00 PM	Community Center
August 4 Board of Health	7:00 AM	Health Department

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SECTION XIII

COMMUNICATION NO. 10-428

William and Diana Housel, 1919 Florida, inviting Council to visit their home to investigate problems with dogs in the neighborhood. *Committee recommends to hold Communication No. 10-428 in abeyance pending a report back from Animal Control Services.*

**FINANCE AND BUDGET COMMITTEE MEETING REPORT
JULY 14, 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:

No business in Finance and Budget Committee

JUDICIARY COMMITTEE MEETING REPORT

JULY 14, 2010

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 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. *Committee recommends that Communication No. 10-396 be held in abeyance and sent to the County Attorney's Office to draft a resolution.*

SECTION II COMMUNICATION NO 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. *Committee recommends that Communication No. 10-397 be crossed referenced with Resolution No. 10-58, which was read and passed July 7, 2010 and placed on file.*

SECTION III COMMUNICATION NO 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. *Committee recommends that Communication No. 10-398 be held in abeyance pending recommendation from the Animal Board.*

SECTION IV COUNCIL BILL NO. 10-5 ORDINANCE NO. 10-5

AN ORDINANCE AMENDING ORDINANCE NO. 204 AND CHAPTER 10.48 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "MISCELLANEOUS DRIVING RULES"; ADDING A NEW SECTION TO BE NUMBERED 10.48.370, B-SB MC AND ENTITLED "PROHIBITION OF USING MOBILE TELEPHONE AND OTHER ELECTRONIC COMMUNICATION DEVICE TO TEXT WHILE OPERATING A MOTOR VEHICLE OR RIDING A BICYCLE ON A PUBLIC HIGHWAY" AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 10-5 be held in abeyance.*

PUBLIC WORKS COMMITTEE MEETING REPORT

JULY 14, 2010

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

Ladies and Gentlemen:

We, your Public Works Committee respectfully recommend as follows:

SECTION I COMMUNICATION NO. 09-645

Glen Granger, Commissioner District No. 1, requesting Council's authorization for a traffic study to be conducted on the corner of Whiteway and Burlington Streets. *Committee recommends that Communication No. 09-645 be held in abeyance.*

SECTION II COMMUNICATION NO. 10-223

Dan Dennehy, Director, Public Works, requesting Council review sign usage guidelines to better discuss placement of Children at Play signs. *Committee recommends that Communication No. 10-233 be held in abeyance.*

SECTION III COMMUNICATION NO. 10-330

Terry Schultz, Commissioner District Number 4, requesting Council's authorization of the formation of a Special Improvement District for the Fairmont Street area. *Committee recommends that Communication No. 10-330 be held in abeyance.*