

C.

COMMUNICATIONS

1. 09-549 Dan Dennehy, Butte-Silver Bow Public Works, Department, requesting Council's approval to refer a request from Ms. Angela Parker for the installation of crosswalks in the vicinity of Second Street to Public Works. **Recommendation: Refer to Public Works.**
2. 09-550 Rick Larson, Operations Manager/Utility Division, requesting Council's approval of a contract with Butte-Silver Bow Water Utility and Siemens Water Technologies to provide acid wash, maintenance and inspection of the Big Hole Water Treatment Plant's Emergency Scrubber and authorize the Chief Executive to sign the agreement. **Recommendation: Concur and place on file.**
3. 09-551 Sheriff John P. Walsh, Butte-Silver Bow Law Enforcement Department, requesting Council's approval to accept the 2009 Cops Hiring Recovery Program Grant Award and have the Chief Executive sign grant award document. **Recommendation: Concur and place on file.**
4. 09-553 Lee Phillips, Director Butte-Silver Bow Public Library, requesting Council's approval for the Chief Executive to sign a letter providing assurances to Humanities Montana for a grant request for the Butte Digital Film Project. **Recommendation: Concur and place on file.**
5. 09-554 Karen Byrnes, Director Community Development Department requesting Council's authorization for the Chief Executive to sign grant award from the Department of Justice for the 2009 Recovery Act Edward Byrne Memorial Justice Assistance Grant Program. **Recommendation: Concur and place on file.**
6. 09-555 Mary Carroll Grinolds, Co-Director, Columbus Plaza, requesting Council's permission to install caution signs on the corner of Casey Street and Oregon Ave. because of poor visibility. **Recommendation: Refer to Public Works Committee.**
7. 09-556 Theresa Hocking, RN/CIC/MSN/MPH, Health Officer, requesting Council's authorization for the Chief Executive to sign eight contracts. **Recommendation: Concur and place on file.**
8. 09-557 Josh Peck, Interim special Events Coordinator, requesting Council's approval of Butte-Silver Bow Special Events Safety Ordinance Draft. **Recommendation: Refer to Judiciary Committee.**
9. 09-558 Bob Rowling, Parks & Recreation Superintendent, requesting the "Dedicated Park Property", Greeley School was constructed on, be included on the Surplus Park Property list in order to determine how to legally sell the property. **Recommendation: Concur and place on file.**

10. 09-560 Roger Ebner, Emergency Management Coordinator, requesting Council's permission for use of Kelly Mine Warehouse for exercise training August 27, 2009 and authorization for the Chief Executive to sign memo of understanding with Montana Army National Guard. **Recommendation: Concur and place on file.**
11. 09-561 Paul Babb, Chief Executive, requesting Council's concurrence in the appointment of Larry Curran to Butte Local Development Corporation Board of Directors. **Recommendation: Concur and place on file.**
12. 09-563 Jon Sesso, Planning Director/CTEP Coordinator, requesting Council's authorization for Chief Executive to sign contract with Kadrmas, Lee & Jackson, Inc. to perform engineering design services for the Montana Street Pedestrian Bridge Project. **Recommendation: Concur and place on file.**
13. 09-564 Roger Ebner, Director Butte-Silver Bow Disaster and Emergency Services, requesting Council's authorization for the Chief Executive to sign an agreement with "Nick of Time LLC of Mandan, North Dakota" to update Butte-Silver Bow Hazardous Materials Response Plan. **Recommendation: Concur and place on file.**
14. 09-565 Rick Larson, Operations Manager/Utility Division, Butte-Silver Bow Public Works Department, requesting Council's authorization for the Chief Executive to sign an Amended Notice of Violation and Administrative Order on consent of MPDES permit requirements under the Montana Water Quality Act. **Recommendation: Concur and place on file.**
15. 09-566 Dan Dennehy, Director Butte-Silver Bow Public Works Department, requesting Council's authorization for the Chief Executive to sign Notice of Award-Jim Gilman Excavating, Inc. for the Main Street Mill and Overlay Project. **Recommendation: Concur and place on file.**
16. 09-567 Jon Sesso, Planning Director & Dan Dennehy, Public Works Director, requesting Council approve Traffic/Parking Lanes Reconfiguration on Front Street and forward approval to MDT. **Recommendation: Concur and place on file.**
17. 09-568 Rick Larson, Operations Manager/Utility Division, requesting Council's authorization for the Chief Executive to sign three Restoration Grant Fund Agreements with NRDP. **Recommendation: Concur and place on file.**
18. 09-569 John Morgan, Commissioner District No. 3, requesting Council's authorization to have Butte-Silver Bow Parks and Recreation Department investigate park located off Ridgeway Avenue. **Recommendation: Refer to Parks and Recreation Board.**

19. 09-570 Amy Manger, Butte-Silver Bow Risk Management Analyst, requesting Council's authorization for the Chief Executive to sign a Short Release of Claims from Halvor Lines to receive funds to replace the Rocker Fire Siren. **Recommendation: Concur and place on file.**
20. 09-571 Dan Dennehy, Director BSB Public Works Department, requesting time on August 26, 2009 Agenda to present information on the splash features for Clark Park. **Recommendation: Concur and set presentation.**
21. 09-572 Rick Larson, Operations Manager/Utility Division, requesting Council's authorization for the Chief Executive to sign Memorandum of Understanding with Montana Tech to develop a storm water education program. **Recommendation: Concur and place on file.**
22. 09-573 Rick Larson, Operations Manager/Utility Division, requesting Council's authorization for the Chief Executive to sign agreement for the Butte-Silver Bow WWTP Phase 1 Improvements Project Manual. **Recommendation: Concur and place on file.**
23. 09-574 Kristen Rosa, TIFID Administrator, requesting Council's authorization to issue Developer's Packet for construction of a facility utilizing strategic transportation advantages of the Port of Montana Development Park. **Recommendation: Concur and place on file.**
24. 09-575 Kristen Rosa, TIFID Administrator, requesting Council's authorization for a Public Hearing on September 9, 2009 for Developer's Packet Proposals related to the construction of a Transportation Facility located in TIFID # 2. **Recommendation: Concur and set Public Hearing for September 9, 2009.**
25. 09-576 Ellen Crain, Director Butte-Silver Bow Archives, requesting Council's authorization for the Chief Executive to sign an agreement with Northwestern Energy to contribute to the cost of construction by having a gas line installed at 17 W Quartz. **Recommendation: Concur and place on file.**
26. 09-577 Terry Schultz, Commissioner District No. 4, requesting Council's authorization of a resolution calling for a budget with no increased spending over the previous year. **Recommendation: Refer to Finance and Budget Committee.**
27. 09-578 McKenna Pfeifer and Will Gardner, Zeppies Bar, requesting Council's authorization of Street Closure on Galena Street on September 9, 2009 for Curise Night from 5:30 pm to 2:00 am. **Recommendation: Refer to Committee of the Whole, pending signatures.**

- 28. 09-579 Kristen Rosa, TIFID Administrator, requesting Council’s authorization for the Chief Executive to sign Change Order #4 for the Markovich Construction Contract. **Recommendation: Concur and place on file.**
- 29. 09-580 Dave Palmer, Commissioner District No. 12, requesting Council’s authorization for Communication regarding vacant house located at 78 Missoula Ave. to be held in Committee of the Whole and be referred to Community Enrichment Committee and to Ed Randall. **Recommendation: Refer to Committee of the Whole and send to Community Enrichment and Ed Randall.**
- 30. 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 Director for his input. **Recommendation: Refer to Committee of the Whole and send to Gary Keeler.**
- 31. 09-582 Gary Keeler, Transit Manager, requesting Council’s authorization for the Chief Executive to execute amendment to Butte-Silver Bow Transit 5311 Operating Grant with Montana Department of Transportation. **Recommendation: Concur and place on file.**

**SECTION IV ORDINANCES AND RESOLUTIONS –
REFERRED TO JUDICIARY**

COUNCIL RESOLUTION NO. 09-53

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A PARCEL OF REAL PROPERTY DESCRIBED AS THE NORTH TWENTY-EIGHT FEET OF LOT 5 IN BLOCK 7 OF THE SMITH AND KESSLER ADDITION, 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 V ORDINANCES AND RESOLUTIONS
SECOND READING**

**1. COUNCIL BILL NO. 09-05
ORDINANCE NO. 09-05**

AN ORDINANCE AMENDING SECTION 1 OF BUTTE-SILVER BOW ORDINANCE NO. 178 AND CHAPTER 16.04 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “SUBDIVISION REGULATIONS;” AMENDING SECTION 16.04.010, B-SB MC ENTITLED “REGULATIONS ADOPTED BY REFERENCE;” PROVIDING FOR

AMENDMENTS TO THE FOLLOWING SECTIONS: SECTION 1: GENERAL; SECTION 2: SUBDIVISION CLASSIFICATION AND PROCEDURES; SECTION 5: FINAL PLAT; SECTION 6: MINOR SUBDIVISION; APPENDIX A: FIRE PROTECTION STANDARDS; AND AMENDING AND RENAMING SECTIONS: SECTION 3: PREAPPLICATION PROCESS; SECTION 4: PRELIMINARY PLATS; SECTION 7: MAJOR SUBDIVISIONS; SECTION 8: SUBDIVISION EXEMPTIONS; SECTION 9: SUBDIVISION EXEMPTION DETERMINATION; SECTION 10: SPECIAL SUBDIVISIONS; SECTION 11: DESIGN STANDARDS; SECTION 12: REQUIRED IMPROVEMENTS; SECTION 13: GUARANTEE OF PUBLIC IMPROVEMENTS; SECTION 14: DEDICATION OF PUBLIC PARKS AND OPEN SPACE; SECTION 15: UNIFORM STANDARDS FOR MONUMENTATION, CETIFICATES OF SURVEY AND FINAL SUBDIVISION PLATS; SECTION 16: FLOOD HAZARD EVALUATION; SECTION 17: ENVIRONMENTAL ASSESSMENT; SECTION 18: ADMINISTRATIVE PROVISIONS; AND CREATION OF SECTION 19: ADOPTION; APPENDIX B: ADMINISTRATIVE MATERIALS; PROVIDING FOR THE REPEAL OF ALL PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**2. COUNCIL BILL NO. 09-06
ORDINANCE NO. 09-06**

AN ORDINANCE AMENDING SECTION 17.060.030 OF BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) WHICH SECTION ADOPTED THE ZONING MAP OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR A CHANGE TO THE OFFICIAL ZONING DISTRICT MAP BY REZONING AN AREA PRESENTLY ZONE R-1S (SINGLE-FAMILY SUBURBAN RESIDENCE) TO M-2 (HEAVY INDUSTRIAL) LEGALLY DESCRIBED AS ALL OF GOVERNMENT LOT 2, LOT 1 EXCEPT EAST PORTION, EAST PORTION OF LOT 1, PORTIONS OF THE BRILLANT #3088, AND PORTION OF TRACT B, COS 866-B, ALL SITUATED IN THE NE1/4 OF SECTION 26, TOWNSHIP 3 NORTH, RANGE 8 WEST, OF THE P.M.M OF THE CTIY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, PROVIDING FOR THE REPEAL OF ALL PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**SECTION VI ORDINANCES AND RESOLUTIONS-
FINAL READING**

**1. COUNCIL BILL NO. 09-4
ORDINANCE NO. 09-4**

AN ORDINANCE AMENDING SUBSECTION 9.01 OF SECTION 4 OF BUTTE-SILVER BOW ORDINANCE NO. 204 AND CHAPTER 10.32 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "STOP SIGNS" AND SECTION 10.32.010, B-SB MC; PROVIDING THAT TRAFFIC PROCEEDING ALONG IRON STREET SHALL STOP BEFORE ENTERING THE INTERSECTION OF WYOMING STREET AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2. COUNCIL RESOLUTION NO. 09-51

A RESOLUTION VACATING, CLOSING, DISCONTINUING AND ABANDONING A PORTION OF CALIFORNIA STREET ADJACENT OT LOTS 8-11, BLOCK 12 OF THE NOYES AN UPTON RAILROAD ADDITION NO. 2, AND ADJACENT TO LOTS X, 2K, NORTH STAR, SOUTH STAR AND JANUARY LODES 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.

3. COUNCIL RESOLUTION NO. 09-52

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT OF THE RIVERBEND MONOR 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 VII CALENDAR OF OTHER MEETINGS AND EVENTS

August 20	Zoning Board of Adjustment	5:30 PM	Council Chambers. 3 rd Floor Courthouse
August 26	Local Emergency Planning Com.	Noon	1 st Floor Conference Room
August 26	Parking Commission	9:00 AM	Chief Executive’s Conference Room
August 26	Port of Montana	Noon	Hub Center, Silver Bow Montana
August 26	Urban Revitalization	9:00 AM	1 st Floor Conference Room
August 27	Business Development Center	10:00 AM	Business Development Center
August 27	Planning Board	7:00 PM	Council Chambers 3 rd Floor Courthouse
September 1	Historic Preservation Commission	5:30 PM	1 st Floor Conference Room
September 1	Weed Board	7:00 PM	Weed Department
September 2	Butte Aids Support Services	7:00 PM	Community Center
September 2	Fire Advisory Council	5:00 PM	1 st Floor Conference Room
September 2	Health Department	7:00 AM	Health Department
September 3	Civic Center	5:00 PM	Civic Center Hospitality Room
September 7	Airport Authority	Noon	Bert Mooney Airport Admin Office
September 9	Fair Board	5:30 PM	Business Development Center
September 9	Law Enforcement Commission	4:00 PM	Chief Executive’s Conference Room
September 9	Library	5:00 PM	2 nd or 3 rd Floor – Library Building
September 15	Parks & Recreation	4:14 PM	Civic Center Conference Room
September 15	Technical Review Committee	1:30 PM	3 rd Floor Conference Water Co. Bldg
September 16	TIFID Board	11:30 AM	Business Development Ctr. Board Rm.
September 16	Community Enrichment	10 AM	Health Department

ADJOURN _____

FINANCE AND BUDGET COMMITTEE MEETING REPORT

AUGUST 12, 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. 09-495

Kathy Dunks, Director of Operations, Butte Offices of Western MT Mental Health Center requesting Council authorize Chief Executive sign “Memorandum of Understanding” for Butte Silver Bow to provide emergency detention and protective custody services for individuals suffering from a mental health crisis. *Committee recommends approve contingent on concurrence of County Attorney and Detention Supervisor and Place on file*

JUDICIARY COMMITTEE MEETING REPORT

AUGUST 12, 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. 09-465

Dan Harrington, D.D.S. Chairman – BSB Board of Health, requesting approval for BSB Chemical Dependency Services to establish Tri-County Addictive Services. *Committee recommends Communication No. 09-465 be held in abeyance for two weeks.*

SECTION II COMMUNICATION NO. 09-541

Lori Casey, Senior Planner, requesting Council's conditional approval of the Preliminary Plat of the Riverbend Minor Subdivision. *Committee recommends that Communication No. 09-541 be moved to Committee of the Whole. Sent to Judiciary by mistake.*

SECTION III COMMUNICATION NO. 09-542

Lori Casey, Senior Planner, requesting Council's approval of the proposed revisions and new fee schedule to Butte-Silver Bow Subdivision Regulations and prepare an ordinance adopting the approved revisions. *Committee recommends that Communication No. 09-542 be moved to Committee of the Whole. Sent to Judiciary by mistake.*

SECTION IV COMMUNICATION NO. 09-543

Stephen D Hess, Assistant Planning Director, requesting Council's approval of Zoning Application No. 164 and prepare an ordinance adopting the proposed change to the Butte-Silver Bow Zoning District Map. *Committee recommends that Communication No. 09-543 be moved to Committee of the Whole. Sent to Judiciary by mistake.*

SECTION V COUNCIL BILL NO. 09-4 ORDINANCE NO. 09-4

AN ORDINANCE AMENDING SUBSECTION 9.01 OF SECTION 4 OF BUTTE-SILVER BOW ORDINANCE NO. 204 AND CHAPTER 10.32 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "STOP SIGNS" AND SECTION 10.32.010 (i), B-SB MC; PROVIDING THAT TRAFFIC PROCEEDING ALONG IRON STREET SHALL STOP BEFORE ENTERING THE INTERSECTION OF WYOMING STREET AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends Ordinance No. 09-4 be moved to final reading.*

SECTION VI

**COUNCIL BILL NO. 09-05
ORDINANCE NO. 09-05**

AN ORDINANCE AMENDING SECTION 1 OF BUTTE-SILVER BOW ORDINANCE NO. 178 AND CHAPTER 16.04 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “SUBDIVISION REGULATIONS;” AMENDING SECTION 16.04.010, B-SB MC ENTITLED “REGULATIONS ADOPTED BY REFERENCE;” PROVIDING FOR AMENDMENTS TO THE FOLLOWING SECTIONS: SECTION 1: GENERAL; SECTION 2: SUBDIVISION CLASSIFICATION AND PROCEDURES; SECTION 5: FINAL PLAT; SECTION 6: MINOR SUBDIVISION; APPENDIX A: FIRE PROTECTION STANDARDS; AND AMENDING AND RENAMING SECTIONS: SECTION 3: PREAPPLICATION PROCESS; SECTION 4: PRELIMINARY PLATS; SECTION 7: MAJOR SUBDIVISIONS; SECTION 8: SUBDIVISION EXEMPTIONS; SECTION 9: SUBDIVISION EXEMPTION DETERMINATION; SECTION 10: SPECIAL SUBDIVISIONS; SECTION 11: DESIGN STANDARDS; SECTION 12: REQUIRED IMPROVEMENTS; SECTION 13: GUARANTEE OF PUBLIC IMPROVEMENTS; SECTION 14: DEDICATION OF PUBLIC PARKS AND OPEN SPACE; SECTION 15: UNIFORM STANDARDS FOR MONUMENTATION, CETIFICATES OF SURVEY AND FINAL SUBDIVISION PLATS; SECTION 16: FLOOD HAZARD EVALUATION; SECTION 17: ENVIRONMENTAL ASSESSMENT; SECTION 18: ADMINISTRATIVE PROVISIONS; AND CREATION OF SECTION 19: ADOPTION; APPENDIX B: ADMINISTRATIVE MATERIALS; PROVIDING FOR THE REPEAL OF ALL PARTS OF ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends Ordinance No. 09-05 be moved to second reading.*

SECTION VII

**COUNCIL BILL NO. 09-06
ORDINANCE NO. 09-06**

AN ORDINANCE AMENDING SECTION 17.060.030 OF BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) WHICH SECTION ADOPTED THE ZONING MAP OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR A CHANGE TO THE OFFICIAL ZONING DISTRICT MAP BY REZONING AN AREA PRESENTLY ZONE R-1S (SINGLE-FAMILY SUBURBAN RESIDENCE) TO M-2 (HEAVY INDUSTRIAL) LEGALLY DESCRIBED AS ALL OF GOVERNMENT LOT 2, LOT 1 EXCEPT EAST PORTION, EAST PORTION OF LOT 1, PORTIONS OF THE BRILLANT #3088, AND PORTION OF TRACT B, COS 866-B, ALL SITUATED IN THE NE1/4 OF SECTION 26, TOWNSHIP 3 NORTH, RANGE 8 WEST, OF THE P.M.M OF THE CTIY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, PROVIDING FOR THE REPEAL OF ALL PARTS OF ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends Ordinance No. 09-06 be moved to second reading.*

SECTION VIII

COUNCIL RESOLUTION NO. 09-51

A RESOLUTION VACATING, CLOSING, DISCONTINUING AND ABANDONING A PORTION OF CALIFORNIA STREET ADJACENT OT LOTS 8-11, BLOCK 12 OF THE NOYES AN UPTON RAILROAD ADDITION NO. 2, AND ADJACENT TO LOTS X, 2K, NORTH STAR, SOUTH STAR AND JANUARY LODES 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. *Committee recommends Resolution No. 09-51 be moved to final reading.*

SECTION IX

COUNCIL RESOLUTION NO. 09-52

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT OF THE RIVERBEND MONOR 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 Resolution 09-52 be moved to final reading.*

PERSONNEL COMMITTEE MEETING REPORT JANUARY 21, 2009

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

Ladies and Gentlemen:

We, your Personnel Committee respectfully recommend as follows:

SECTION 1 COMMUNICATION NO. 08-107

William P. Joyce, Attorney at Law, requesting that council take action to ensure that the benefits of three captains in the Sheriff's Department be maintained by passing a resolution. *(12-10-08) Committee recommends request County Attorney prepare Resolution to ensure benefits of three Captains in LED be maintained.*