

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING AGENDA
AUGUST 18, 2010
7:30 PM COURTHOUSE COUNCIL CHAMBERS**

ROLL CALL _____

PRAYER _____

APPROVAL OF THE MINUTES OF THE REGULAR MEETING, August 4, 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. [10-477](#) John Harrington, Building Official, Building Code Department, requesting Council's authorization for the adoption of Building Related Codes. **Recommendation: Concur and place on file.**
2. [10-478](#) Paul Babb, Chief Executive, requesting Council's concurrence in reappointment to the Historic Preservation Commission. **Recommendation: Concur and place on file.**
3. [10-479](#) Paul Babb, Chief Executive, requesting Council's concurrence in appointments and reappointments to the Butte-Silver Bow Advisory Committee for Americans with Disabilities Act (ADA). **Recommendation: Concur and place on file.**
4. [10-481](#) Terri Hocking, Director Butte-Silver Bow Health Department, requesting Council's authorization for the Chief Executive to sign eight contracts with various private entities. **Recommendation: Concur and place on file.**
5. [10-482](#) Marian Jensen, Vice Chair, Butte-Silver Bow Democrat Central Committee, requesting Council's authorization to hold a concert at the Original Mine Yard stage September 14, 2010 and asking Council wave the \$100 application fee. **Recommendation: Concur and place on file.**

6. [10-483](#) Sharon Crase, Operations Assistant, Butte-Silver Bow Maintenance Department, requesting Council's authorization for the Chief Executive to sign a maintenance agreement with Gasboy for Butte-Silver Bow Maintenance Center's gas system. **Recommendation: Concur and place on file.**
7. [10-484](#) Gail Caron, Coordinator, DUI Task Force, DFC Grant Coordinator, requesting Council's authorization for the Chief Executive to sign the annual plan for the Butte-Silver Bow DUI Task Force. **Recommendation: Concur and place on file.**
8. [10-485](#) John P. Walsh, Sheriff, Butte-Silver Bow Law Enforcement Department, requesting Council's authorization for the Chief Executive to sign a contractual document/Memorandum of Understanding between the Butte-Silver Bow Detention Center and the Butte-Silver Bow Health Department. **Recommendation: Concur and place on file.**
9. [10-486](#) Lori Casey, Senior Planner, Butte-Silver Bow Planning Board, requesting Councils' approval of the Amended Plat of Lot 18 of the Original Butte Townsite Subdivision – Expedited Review and authorize the Chief Executive to sign the final plat, contingent on all five (5) conditions being met. **Recommendation: Concur and place on file.**
10. [10-487](#) Ed Randall, Manager, Butte-Silver Bow Community Enrichment Services, requesting time on the August 25, 2010 Agenda to provide an update on the Butte-Silver Bow Community Enrichment Program. **Recommendation: Set presentation for August 25, 2010.**
11. [10-488](#) Ed Randall, Manager Butte-Silver Bow Animal Services, requesting time on the August 25, 2010 Agenda to provide an update on the Butte-Silver Bow Animal services Program. **Recommendation: Set presentation for August 25, 2010.**
12. [10-489](#) Tony Patrick, President, Pioneer Street Rod Association and Frank Fleming, Event Chairman, requesting Council's authorization of a street closure on Mercury Street, from Oklahoma to Shields, September 10 through September 11, 2010 for a charity event "Hot Rods and Hogs for Hope". **Recommendation: Concur and place on file.**
13. [10-490](#) Dave Fawcett, Chairman, Butte-Silver Bow Archives Technical Review Committee, requesting Council's authorization to advertise for bids for the Archives Parking Lot Project September 1, 2010. **Recommendation: Concur and place on file.**

14. [10-491](#) Dave Fawcett, Chairman, Butte-Silver Bow Archives Technical Review Committee, requesting Council's authorization for the Chief Executive to sign a contract with MSE-TA for project management services on the Butte-Silver Bow Public Archives Parking Lot Project, to oversee the punch list activities and ensure a smooth transition between as the building is transferred to Butte-Silver Bow. **Recommendation: Concur and place on file.**
15. [10-492](#) Jon Sesso, Planning Director, Butte-Silver Bow Planning Department, requesting Council's authorization for the Chief Executive to sign a Project Specific Agreement for the 2010 Butte Sidewalks. **Recommendation: Concur and place on file.**
16. [10-493](#) Lee Phillips, Director Butte-Silver Bow Public Library, requesting Council's authorization for the Chief Executive to sign a letter of assurances for an application to Humanities Montana. **Recommendation: Concur and place on file.**
17. [10-494](#) James Manning, Chairman, Greenway Service District, notifying Council of Bid Award for Subarea 2, Reach F to R and S Johnson Construction of Anaconda, Montana. **Recommendation: Note and place on file.**
18. [10-495](#) Eric Hassler, Residential Metals Program Manager, Butte-Silver Bow Health Department, notifying Council of Bid Awards by the Butte-Silver Bow Residential Metals Abatement Program for soil remediation activities. **Recommendation: Note and place on file.**
19. [10-496](#) Dave Cunningham, Operation Manager, Butte-Silver Bow Public Works Services Division, requesting Council's authorization for the Chief Executive to sign three contracts with Big Bear Repair to conduct monthly service inspections for Butte-Silver Bow Public Works CEM, Landfill and the Jails underground storage tanks. **Recommendation: Concur and place on file.**

SECTION II

COMMUNICATIONS TO BE READ AND ACTED UPON

1. [10-498](#) Jeff Amerman, Director Finance and Budget Department, requesting Council's authorization to make a presentation on the FY 2010 – 2011 preliminary budget.
2. [10-480](#) Dr. Linda Reksten, Superintendent Butte School District #1, requesting Council's authorization to negotiate a trade of land in order to accommodate the sale of the Greeley School.
3. [10-497](#) Dave Palmer, Chairman, Butte-Silver Bow Council of Commissioners, requesting Council's authorization to place a moratorium on the issuance of Medical Marijuana business licenses in Silver Bow County.

SECTION III

**ORDINANCES AND RESOLUTIONS –
REFERRED TO JUDICIARY
COUNCIL RESOLUTION NO. [10-63](#)**

1.

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE AMENDED PLAT OF LOT 18, BLOCK 58 OF THE ORIGINAL BUTTE TOWNSITE EXPEDITED REVIEW 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 HE-REIN.

2.

COUNCIL RESOLUTION NO. [10-64](#)

A RESOLUTION ATUHORIZING AND APPROVING THE SALE OF A PARCEL OF REAL PROPERTY DESCRIBED AS LOT 9 IN BLOCK 6 OF THE WALKERVILLE TOWNSITE (PARCEL NO. 1904860), LOCATED IN SECTION 12, TOWNSHIP 3 NORTH, RANGE 8 WEST, P.M.M., 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
SECOND READING
COUNCIL BILL NO. 10-6
ORDINANCE NO. 10-6**

AN ORDINANCE AMENDING TITLE 6 OF THE BUTTE-SILVER BOW MUNICI-PAL 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 PRO-VIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION V

CALENDAR OF OTHER MEETINGS AND EVENTS

August 19	Zoning Board of Adjustment	5:30 PM	Council Chambers, 3 rd Floor Courthouse
August 25	Port of Montana	Noon	Hub Center, Silver Bow Montana
August 25	Parking Commission	9:00 AM	Chief Executive’s Conference Room
August 25	Local Emergency Planning Commission	Noon	1st Floor Conference Room
August 26	Planning Board	7:00 PM	Council Chambers, 3 rd Floor Courthouse
August 26	Business Development Center	10:00 AM	Business Development Center
September 1	Butte Aids Support Services	7:00 PM	Community Center
September 1	Board of Health	7:00 AM	Health Department

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COMMITTEE OF THE WHOLE MEETING REPORT

AUGUST 11, 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. 10-471

Jim Smitham, Executive Director BLDC, requesting time on the August 11, 2010 agenda to present the BLDC Annual Report on economic and community development activities. *Committee recommends that Communication No. 10-471 be placed on file.*

SECTION II 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 III COMMUNICATION NO. 10-295

Brandt Thomas, 1823 Wall Street, requesting review proposal to establish a folf (Frisbee golf) course in Clark Park. *Committee recommends that Communication No. 10-295 be held in abeyance.*

SECTION IV COMMUNICATION NO. 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. *Committee recommends that Communication No. 10-399 be held in abeyance.*

SECTION V COMMUNICATION NO. 10-427

Paul David Babb, Chief Executive, requesting Council's authorization for the Chief Executive to enter into a contract with School District No. 1 to transfer ownership of the Jeremy Bullock Memorial Soccer Complex to Butte-Silver Bow. *Committee recommends to concur with the request, authorize the County Attorney to sign the agreement with School District #1 and place Communication No. 10-427 on file.*

SECTION VI

COMMUNICATION NO. 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. *Committee recommends that Communication No. 10-445 be held in abeyance.*

SECTION VII

COMMUNICIATION NO. 10-467

Robert Macioroski, Director Butte-Silver Bow Land Office, requesting Council’s authorization for the County Attorney to prepare a resolution and Deed for Transfer of the County-Owned property, Lot 9, Block 6, of the Walkerville Townsite (Parcel No. 1904860) in Section 12, Township 3 North, Range 8 West to Thomas Murnion and Kenneth VanHoesen. *Committee recommends that Communication No. 10-467 be held in abeyance pending introduction of Council Resolution.*

SECTION VIII

COMMUNICATION NO. 10-475

Rob Maciroski, Director, Butte-Silver Bow Land Office, requesting Council’s authorization to place Resolution 10-61, authorizing the sale of 1508 Dunn Ave property, on the agenda for the Regular Meeting scheduled for August 4, 2010. *Committee recommends that Communication No. 10-475 be cross referenced with Council Resolution No. 10-61 and placed on file.*

SECTION IX

COMMUNICATION NO. 10-476

Rob Maciroski, Director, Butte-Silver Bow Land Office, requesting Council’s authorization to place Resolution 10-62, authorizing the sale of vacant East Park Street property, on the agenda for the Regular Meeting scheduled for August 4, 2010. *Committee recommends that Communication No. 10-476 be cross referenced with Council Resolution No. 10-62 and placed on file.*

FINANCE AND BUDGET COMMITTEE MEETING REPORT

AUGUST 11, 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. 10-462

Jeff Amerman, Director Butte-Silver Bow Finance and Budget Department, requesting Council's authorization for time on the Finance and Budget Committee Agenda on July 28, 2010 to make a presentation of the FY 2010-2011 preliminary budget. *Committee recommends that Communication No. 10-462 be approved and forwarded to full Council with the following amendments.*

SECTION II AMENDMENTS

Increase Laborer to 4.5 full time employees in 460430 Parks.

Increase Historic Preservation budget to provide an accurate inventory of the Historic Big Hole Pump Station.

Committee recognizes that fund 4106.02 does not have the budgetary authority for the Pool Bond issue if a special election is necessary.

Committee asks that an energy audit and repair of county buildings be completed prior to finalizing utility budgets (Ramsey/MR Pump House).

JUDICIARY COMMITTEE MEETING REPORT

AUGUST 11, 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 10-398

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 denied and placed on file.*

SECTION II COMMUNICATION NO. 10-434

Lucretia Charette, 1515 Oregon Avenue, #209, requesting Council's consideration of amending the Fireworks Ordinance. *Committee recommends that Communication No. 10-398 be denied and placed on file.*

SECTION III COUNCIL BILL NO. 10-6 ORDINANCE NO. 10-6

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. *Committee recommends that Council Bill No. 10-6, Ordinance No. 10-6 be moved to second reading.*

SECTION IV COUNCIL RESOLUTION 10-15

A RESOLUTION ACCEPTING THE DONATION BY CONTINENTAL PUBLIC LAND TRUST (CPLT) TO THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, THE REAL PROPERTY HERIN DESCRIBED ON EXHIBIT "A" TO THIS RESOLUTION FOR THE PURPOSE OF PROMOTING AND FACILITATING REDEVELOPMENT OF THESE PROPERTIES AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 10-15 be held in abeyance.*

SECTION V CLAIM APPROVAL

Committee recommends all claims be approved as presented.

