

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING AGENDA
DECEMBER 1, 2010
7:30 PM COURTHOUSE COUNCIL CHAMBERS**

ROLL CALL _____

PRAYER _____

APPROVAL OF THE MINUTES OF THE REGULAR MEETING, NOVEMBER 17, 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. [10-628](#) Sally J. Hollis, Clerk and Recorder~Election Administrator, informing Council there will be no election in 2010 for the Ramsay Water and Sewer Districts. **Recommendation: Note and place on file.**
2. [10-629](#) Roger Ebner, Emergency Management Coordinator, requesting Council's authorization for the Chief Executive to sign an amended agreement with All Hands Consulting of Columbia, Maryland. **Recommendation: Concur and place on file.**
3. [10-631](#) Karen Byrnes, Director, Community Development Department, requesting Council's authorization to schedule a public hearing for December 15, 2010 to receive comment on the 2010 Bulletproof Vest Grant from the United States Department of Justice. **Recommendation: Concur and schedule public hearing for December 15, 2010.**
4. [10-632](#) Robert A. Macioroski, Director Butte-Silver Bow Land Records Office, requesting Council's authorization to issue a request for proposals for the redevelopment of Butte-Silver Bow owned property located at 827 E. Front Street, Butte, Montana. **Recommendation: Concur and place on file.**

5. [10-633](#) Paul Babb, Chief Executive, requesting Council's concurrence in reappointments to the Public Housing Authority. **Recommendation: Concur and place on file.**
6. [10-634](#) Edward Banderob, 2601 Grand Avenue, Butte, Montana, requesting Council's consideration of six items regarding the Greeley Area Plan. **Recommendation: Refer to Committee of the Whole.**
7. [10-635](#) Theresa Hocking, Director Butte-Silver Bow Public Health Department, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
8. [10-636](#) Bob Rowling, Director, Butte-Silver Bow Parks and Recreation, requesting Council's concurrence to increase Highland View Gold Course 2011 rates and fees. **Recommendation: Refer to Committee of the Whole.**
9. [10-637](#) Dave Cunningham, Operations Manager, Services Division, Butte-Silver Bow Public Works, requesting Council authorize Butte-Silver Bow Public Works Department to purchase a Belly Dump form Tri State. **Recommendation: Concur and place on file.**
10. [10-638](#) Rick Larson, Operations Manager – Utilities Division, requesting Council's authorization for the Chief Executive to enter into an agreement and sign all related documentation with Insituform Technologies Inc. for the 2010/2011 Sanitary Sewer CIPP Project. **Recommendation: Concur and place on file.**
11. [10-639](#) Dave Cunningham, Operations Manager, Butte-Silver Bow Public Works Department, requesting Council's authorization for the Chief Executive to enter into a contract with Interstate Engineering to conduct Phase I for the Aquatics Facility. **Recommendation: Concur and place on file.**
12. [10-640](#) Jim Jarvis, Historic Preservation Officer, requesting Council's authorization for the Chief Executive to sign a Professional Services Agreement with Historical Research Associates, Inc. to prepare an inventory report for the contents of the Big Hole River Pumpstation Building. **Recommendation: Concur and place on file.**
13. [10-641](#) Lindsey Moe, Human Resources Director, requesting Council's concurrence in the renewal of a contract with APS Healthcare to administer Butte-Silver Bow's Employee Assistance Program. **Recommendation: Concur and place on file.**
14. [10-642](#) Dan Dennehy, Director Butte-Silver Bow Public Works Department, requesting Council's authorization of a Memorandum of Understanding with School District No. 1 and for the Chief Executive to enter into the Agreement. **Recommendation: Concur and place on file.**

15. [10-643](#) Karen Byrnes, Director, Community Development Department, requesting Council's authorization for the Chief Executive to sign a contract with R&R Electric Inc. for lighting retrofit work on government buildings.
Recommendation: Concur and place on file.

SECTION II

ORDINANCES AND RESOLUTIONS – REFERRED TO JUDICIARY

1. COUNCIL RESOLUTION NO. [10-91](#)

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A CERTAIN PARCEL OF REAL PROPERTY PARTICULARLY DESCRIBED AS LOTS 11 AND 12 IN BLOCK 64 OF THE ORIGINAL BUTTE TOWNSITE, BUTTE-SILVER BOW COUNTY, MONTANA, IDENTIFIED AS PARCEL NO. 002004900 IN THE CITY AND COUNTY OF BUTTE-SILVER BOW, MONTANA LAND RECORDS, FOR THE PURPOSE OF ECONOMIC DEVELOPMENT IN ACCORDANCE WITH THE PROCEDURES OF BUTTE-SILVER BOW MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2. COUNCIL RESOLUTION NO. [10-92](#)

A RESOLUTION OF THE COUNCIL OF COMMISSIONERS OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, MONTANA, BUTTE-SILVER BOW CHAMBER OF COMMERCE AND THE NATIONAL ASSOCIATION OF RAILROAD PASSENGERS SUPPORTING THE PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT OF 2008 AND URGING FEDERAL SUPPORT FOR REESTABLISHING PASSENGER RAIL SERVICE THROUGH SOUTHERN MONTANA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

3. COUNCIL RESOLUTION NO. [10-93](#)

A RESOLUTION VACATING, CLOSING, DISCONTINUING AND ABANDONING WEST PARK PLACE, A PORTION OF EAST PARK PLACE AND A PORTION OF SOUTH PARK PLACE WITHIN OR ADJACENT TO BLOCK 23 AND THE GREELEY SCHOOL PARK OF THE SILVER BOW PARK ADDITION 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.

4. COUNCIL RESOLUTION NO. [10-94](#)

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW METRO SEWER FROM THE STATE REVOLVING FUND (SFR) TO ASSIST IN FUNDING THE PHASE 1A WASTEWATER TREATMENT PLAN UPGRADES TO BE EXPENDED IN THE GENERAL FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

5. COUNCIL RESOLUTION NO. 10-95

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE DISTRICT COURT FROM A FEDERAL APPROPRIATION FOR AN AFTER SCHOOL PROGRAM TO BE EXPENDED IN THE GENERAL FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

6. COUNCIL RESOLUTION NO. 10-96

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW RISK MANAGEMENT DEPARTMENT FROM THE RISK MANAGEMENT CASH RESERVES FOR THE PURPOSE OF PURCHASING OSHA COMPLIANCE SAFETY MONITORING EQUIPMENT AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

7. COUNCIL RESOLUTION NO. 10-97

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO DISASTER AND EMERGENCY SERVICES FROM A FEDERAL APPROPRIATION FOR THE CONSTRUCTION OF AN EMERGENCY OPERATIONS CENTER TO BE EXPENDED IN THE GENERAL FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

8. COUNCIL RESOLUTION NO. 10-98

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE FROM A DEPARTMENT OF JUSTICE GRANT FOR THE ESTABLISHMENT OF A DRIVING UNDER THE INFLUENCE (DUI) DRUG COURT TO BE EXPENDED IN THE GENERAL FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

9. COUNCIL RESOLUTION NO. 10-99

RESOLUTION RELATING TO BUTTE-SILVER BOW TAX INCREMENT INDUSTRIAL INFRASTRUCTURE DISTRICT #2; AUTHORIZING THE ISSUANCE OF TAXABLE TAX INCREMENT INDUSTRIAL INFRASTRUCTURE DEVELOPMENT IMPROVEMENT AND REFUNDING BONDS, SERIES 2010, AND THE EXECUTION AND DELIVERY OF AN INDENTURE OF TRUST, AN AMENDED AND RESTATED DEVELOPMENT AGREEMENT AND RELATED DOCUMENTS

10.

COUNCIL RESOLUTION NO. 10-100

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW COMMUNITY DEVELOPMENT DEPARTMENT EXPENDED IN THE COMMUNITY DEVELOPMENT FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

11.

COUNCIL RESOLUTION NO. 10-101

A RESOLUTION ACCEPTING THE DONATION OF A PARCEL OF PROPERTY OWNED BY THE ESTATE OF VALERIE SCHONBERG, LOCATED IN THE SW ¼ OF THE SE ¼ OF SECTION 17, TOWNSHIP 3 NORTH, RANGE 7 WEST, SILVER BOW COUNTY MONTANA IN EXCHANGE FOR PROVIDING TO THE ESTATE OF VALERIE SCHONBERG A PARCEL OF PROPERTY OWNED BY THE CITY-COUNTY OF BUTTE-SILVER BOW KNOWN AS A PORTION OF LOT 1-C OF THE STRIZIC MINOR SUBDIVISION AS SHOWN ON PLATE 245A, LOCATED IN SECTION 17, TOWNSHIP 3 NORTH, RANGE 7 WEST SILVER-BOW COUNTY MONTANA, AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION III

**ORDINANCES AND RESOLUTIONS
FINAL READING**

1.

COUNCIL RESOLUTION NO. 10-90

A RESOLUTION RELATING TO \$750,000 SEWER SYSTEM REVENUE BONDS (DNRC WATER POLLUTION CONTROL STATE REVOLVING LOAN PROGRAM) CONSISTING OF \$240,000 SUBORDINATE LIEN TAXABLE SERIES 2010A BOND AND \$510,000 SERIES 2010B BOND; AUTHORIZING THE ISSUANCE AND FIXING THE TERMS AND CONDITIONS THEREOF

SECTION IV

CALENDAR OF OTHER MEETINGS AND EVENTS

December 2	East Butte RRA	9:00 a.m.	1 st Floor Conference Room
December 2	Civic Center	5:00 p.m.	Civic Center Hospitality Room
December 6	Airport Authority	Noon	Bert Mooney Airport, Admin. Office
December 7	Historic Preservation Commission	5:30 p.m.	1 st Floor Conference Room
December 7	Weed Board	7:00 p.m.	Weed Department
December 8	Fair Board	5:30 p.m.	Business Development Center
December 8	Fire Advisory Council	5:00 p.m.	1 st Floor Conference Room
December 8	Law Enforcement Commission	4:00 p.m.	Chief Executive's Conference Room
December 8	TIFID	9:00 a.m.	Business Development Center
December 9	Urban Revitalization	9:00 a.m.	1 st Floor Conference Room
December 13	Archives	Noon	Archives Center, 17 W Quartz
December 15	Community Enrichment	10:00 a.m.	Health Department

ADJOURN

COMMITTEE OF THE WHOLE MEETING REPORT

NOVEMBER 23, 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 PUBLIC HEARING

TO HEAR PUBLIC COMMENT REGARDING A PROPOSED AMENDMENT TO THE 2010/2011 BUDGET TO ALLOW FOR INCREASED EXPENDITURES OF UNANTICIPATED REVENUE RESULTING FROM THE FEDERALLY APPROPRIATED FUNDS FOR THE CONSTRUCTION OF AN EMERGENCY OPERATIONS CENTER (EOC). (*Communication No. 10-578 being held in Committee of the Whole*). *Proof of Publication was noted.*

SECTION II PUBLIC HEARING

TO HEAR PUBLIC COMMENT REGARDING AMENDING THE BUDGET TO ALLOW FOR INCREASED EXPENDITURES OF UNANTICIPATED REVENUE RESULTING FROM A FEDERAL APPROPRIATION FOR AN AFTER-SCHOOL PROGRAM TO BE ADMINISTERED BY THE DISTRICT COURT. (*Communication No. 10-626 being held in Committee of the Whole*). *Proof of Publication was noted.*

SECTION III 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 IV COMMUNICATION NO. 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. *Committee recommends that Communication No. 10-480 be held in abeyance.*

SECTION V COMMUNICATION NO. 10-513

Mike Sheehy, Butte-Silver Bow Council of Commissioners, District No. 10, requesting Council's authorization for the creation of Resident Only Parking on the 500 Block of Crystal Street and the South side of the 600 Block of West Gold Street. *Committee recommends that Communication No. 10-513 be denied and placed on file.*

SECTION VI COMMUNICATION NO. 10-534

Dan Harrington, President Harrington Surgical Supply, Inc. requesting Council take immediate measures to remove the obstruction and reopen the North-South alley of Granite behind the Sears Building. *Committee recommends to note Communication No. 10-534 and place on file.*

SECTION XX**COMMUNICATION NO. 10-625**

Mark Reavis, Architect, Community Preservation Design, requesting time on the November 23, 2010 Committee of the Whole Agenda to speak regarding policies, procedures and programs of the Urban Revitalization Agency. *Committee recommends that Communication No. 10-625 be held in abeyance pending a report from the URA Board.*

SECTION XXI**COMMUNICATION NO. 10-626**

Jeff Amerman, Director Finance and Budget Department, requesting Council schedule a public hearing for November 23, 2010 regarding amending the budget to allow for increased expenditures of unanticipated revenue resulting from a federal appropriation for an after-school program to be administered by the District Court. *Committee recommends that Communication No. 10-626 be placed on file.*

FINANCE AND BUDGET COMMITTEE MEETING REPORT NOVEMBER 23, 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. 10-617

Karen Byrnes, Director Community Development Department, requesting Council's authorization of a budget transfer. *Committee recommends that Communication No. 10-617 be approved and placed on file.*

SECTION II COMMUNICATION NO. 10-623

Dan Dennehy, Director Butte-Silver Bow Public Works Department, requesting Council's consideration of a budget revision. *Committee recommends to note Communication No. 10-623 and place on file.*

