

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS  
REGULAR MEETING AGENDA  
FEBRUARY 1, 2012  
7:30 PM COURTHOUSE COUNCIL CHAMBERS**

ROLL CALL \_\_\_\_\_

PRAYER \_\_\_\_\_

APPROVAL OF THE MINUTES OF THE REGULAR MEETING, [JANUARY 18, 2012](#)

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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. [12-100](#) Dan Dennehy, Director, Butte-Silver Bow Public Works Department, requesting Council's authorization of tuition reimbursement for five mechanics within the Public Works Department. **Recommendation: Refer to the Finance and Budget Committee .**
2. [12-101](#) Chief Executive Paul Babb, requesting Council's concurrence in reappointment to the Airport Authority Board. **Recommendation: Concur and place on file.**
3. [12-102](#) Chief Executive Paul Babb, requesting Council's concurrence in appointment to the 9-1-1 Advisory Committee. **Recommendation: Concur and place on file.**
4. [12-103](#) Bryan Arntson and Kristi Witt, 2426 Marcia, requesting Council's permission to use the Original Mine Site for their wedding July 20, 2012. **Recommendation: Concur and place on file.**
5. [12-104](#) Roger Ebner, Coordinator, Butte-Silver Bow Emergency Management Services, requesting Council's authorization for the Chief Executive to sign an amended agreement for Professional Services with All Hands Consulting. **Recommendation: Concur and place on file.**

6. [12-105](#) Duane Kuchtyn, NorthWestern Energy, requesting Council's authorization of an easement for the installation of a 12-inch gas main near Excelsior Ave. **Recommendation: Refer to the Public Works Committee.**
7. [12-106](#) Shelly Jones, Executive Assistant, Chief Executive's Office, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
8. [12-107](#) Jon Sesso, Director, Butte-Silver Bow Planning Department, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
9. [12-108](#) Robert Macioroski, Director, Butte-Silver Bow Land Office, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
10. [12-109](#) 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.**
11. [12-110](#) 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.**
12. [12-111](#) 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.**
13. [12-112](#) John Moodry, Supervisor, Butte-Silver Bow Weed Department, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
14. [12-113](#) Sheriff John Walsh, Butte-Silver Bow Law Enforcement Department, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
15. [12-114](#) Linda Sajor, Central EDP, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
16. [12-115](#) Chief Executive Paul Babb, requesting Council's authorization to sign an Explanation of Plan and Agreement with the State of Montana, Department of Administration, State Accounting Division. **Recommendation: Concur and place on file.**
17. [12-116](#) Karen Byrnes, Director, Butte-Silver Bow Community Development Department, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**

18. [12-117](#) Karen Hassler, Butte-Silver Bow Public Works Department, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
19. [12-118](#) Sally Hollis, Butte-Silver Bow Clerk and Recorder ~Election Administrator, requesting Council's authorization of onsite book restoration by Heritage Bookbinding. **Recommendation: Concur and place on file.**
20. [12-119](#) Theresa Hocking, Director of Public Health, Butte-Silver Health Department, requesting Council schedule a public hearing on February 15, 2012. **Recommendation: Concur and schedule public hearing for February 15, 2012.**
21. [12-120](#) Greg Hergott, CEO, Butte Family YMCA, requesting time on the February 8, 2012 Committee of the Whole Council Agenda to make a presentation on the YMCA. **Recommendation: Concur and schedule a presentation for February 8, 2012.**
22. [12-121](#) Greg Hergott, CEO, Butte Family YMCA, requesting time on the "To Be Read and Acted Upon" portion of the February 15, 2012 Council Agenda to move forward with renewing the agreement between the YMCA and the City and County of Butte-Silver Bow. **Recommendation: Concur and schedule time on the "To Be Read and Acted Upon" portion of the February 15, 2012 agenda.**
23. [12-122](#) Shelly Jones, Chair, Courthouse Centennial Committee, request for authorization for Chief Executive Babb to sign a Military Aerial Support Request Form and a Request for Armed Forces Participation in Public Events (Non-Aviation) for the Courthouse Centennial Celebration. **Recommendation: Concur and place on File.**
24. [12-123](#) Sally Hollis, Clerk & Recorder ~ Election Administrator, requesting Council's authorization for the Chief Executive to sign a contract with Computer Software Associates. **Recommendation: Refer to the Committee of the Whole.**
25. [12-124](#) Sally Hollis, Clerk & Recorder ~ Election Administrator, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
26. [12-125](#) Karen Byrnes, Director, Butte-Silver Bow Community Development Department, requesting Council's authorization for the Chief Executive to sign a contract with Alltrade Home Improvement, LLC. **Recommendation: Concur and place on file.**
27. [12-126](#) Sally Hollis, Clerk & Recorder ~ Election Administrator, requesting Council's authorization for the Chief Executive to sign an agreement with Xerox. **Recommendation: Concur and place on file.**

28. [12-127](#) Debra Williams, Justice of the Peace, Court II, requesting Council’s authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
29. [12-128](#) Jeffrey Miller, Director, Butte-Silver Bow Fire Services, requesting Council’s authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
30. [12-129](#) Steve Descharme, Butte-Silver Bow Finance and Budget Department, requesting Council’s authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
31. [12-130](#) Steve Descharme, Butte-Silver Bow Finance and Budget Department, requesting Council’s authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
32. [12-131](#) Karen Byrnes, Director, Butte-Silver Bow Community Development Department, requesting Council schedule a Public Hearing for February 8, 2012 to receive comment on amending the 2011-2012 Butte-Silver Bow Budget to allow for the unanticipated revenue related to the 2012 DNRC Grants received for Urban Forestry. **Recommendation: Concur with request and schedule Public Hearing for February 8, 2012.**
33. [12-132](#) Rick Larson, Operations Manager – Utilities Division, Butte-Silver Bow Public Works Department, requesting Council’s permission for the Chief Executive to obtain a Land Use License for the purpose of surveying state land for the Big Hole Transmission Line. **Recommendation: Concur and place on File.**
34. [12-133](#) Steve Hess, Senior Planner, Floodplain Administrator, Butte-Silver Bow Planning Board, requesting Council’s approval for the Chief Executive to sign a Memorandum of Understanding with the Montana Department of Natural Resources Conservation Resources Division (DNRC/WRD) and Future West regarding floodplain mapping on the Big Hole River. **Recommendation: Concur and place on file.**

**SECTION II**

**ORDINANCES AND RESOLUTIONS –  
REFERRED TO JUDICIARY**

**COUNCIL BILL NO. 12-1  
ORDINANCE NO. [12-1](#)**

AN ORDINANCE ADOPTING REPEALING CHAPTER 16 OF TITLE 8 OF THE BUTTE-SILVER BOW MUNICIPAL CODE ENTITLED “AIR POLLUTANTS” AND REPLACING IT WITH A NEW CHAPTER 16 TO BE ENTITLED “AIR QUALITY CONTROL,” ESTABLISHING REGULATIONS FOR THE CONTROL AND MANAGEMENT OF AIR QUALITY; ESTABLISHING AN AIR POLLUTION CONTROL DISTRICT; ESTABLISHING A SOLID FUEL BURNING DEVICE AND CONTROL



# COMMITTEE OF THE WHOLE MEETING REPORT

## JANUARY 25, 2012

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 AMENDING THE BUDGET TO ALLOW FOR INCREASED EXPENDITURES OF UNANTICIPATED REVENUE IN THE TIFID WASTE WATER LINE CONSTRUCTION FUND AND BOND FUND. (Communication No. 12-93 being held in the Committee of the Whole.) **Proof of Publication was noted.**

### SECTION II PRESENTATION

Jeff Amerman, Director, Butte-Silver Bow Finance and Budget Department, requesting time on the January 25, 2012 agenda to make a brief mid-year financial/budget update. ***Presentation held.***

### SECTION III PRESENTATION

Dan Dennehy, Director, Butte-Silver Bow Public Works Department, requesting time on the January 25, 2012 agenda for a presentation regarding the Butte-Silver Bow Road Master Plan. ***Presentation held.***

### SECTION IV COMMUNICATION NO. [07-259](#)

Jean Pentecost, Water Utility Division, requesting authorization for the Chief Executive to enter into an agreement with Richardson Family Trust for a land exchange. ***Committee recommends that Communication No. 07-259 be held in abeyance.***

### SECTION V PETITION NO. [09-6](#)

John Harrington, Building Official, requesting, on behalf of Pacific Hide and Fur Depot, to close and vacate a portion of Ergo Street. ***Committee recommends that Petition No. 09-6 be referred to the Public Works Committee.***

### SECTION VI COMMUNICATION NO. [09-365](#)

Mike Sheehy, Commissioner District 10, requesting Council support an ordinance that would make all new transmission lines within our County be buried from border to border. ***Committee recommends that Communication No. 09-365 be placed on file.***





**SECTION XXI**

**COMMUNICATION NO. [12-95](#)**

Dan Dennehy, Director, Butte-Silver Bow Public Works Department, requesting time on the January 25, 2012 agenda for a presentation regarding the Butte-Silver Bow Road Master Plan. *Committee recommends that Communication No. 12-95 be placed on file.*

**SECTION XXII**

**COMMUNICATION NO. [12-98](#)**

Commissioner Bill Andersen, District No. 10, requesting Council establish a procedure for filling any future vacancies of Elected Officials. *Committee recommends that Communication No. 12-98 be referred to the Rules Committee.*

# FINANCE AND BUDGET COMMITTEE MEETING REPORT

## JANUARY 25, 2012

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. [12-65](#)

Elaine Holm, Butte-Silver Bow Health Department, requesting Council's authorization of a budget transfer. *Committee recommends that Communication No. 12-65 be approved and placed on file.*

### SECTION II COMMUNICATION NO. [12-66](#)

Elaine Holm, Butte-Silver Bow Health Department, requesting Council's authorization of a budget transfer. *Committee recommends that Communication No. 12-66 be approved and placed on file.*

### SECTION III COMMUNICATION NO. [12-67](#)

Elaine Holm, Butte-Silver Bow Health Department, requesting Council's authorization of a budget transfer. *Committee recommends that Communication No. 12-67 be approved and placed on file.*

### SECTION IV COMMUNICATION NO. [12-68](#)

Elaine Holm, Butte-Silver Bow Health Department, requesting Council's authorization of a budget transfer. *Committee recommends that Communication No. 12-68 be approved and placed on file.*

### SECTION V COMMUNICATION NO. [12-70](#)

Dan Dennehy, Director, Butte-Silver Bow Public Works Department, requesting Council's authorization of a budget transfer. *Committee recommends that Communication No. 12-70 be approved and placed on file.*

### SECTION VI COMMUNICATION NO. [12-71](#)

Sally Hollis, Butte-Silver Bow Clerk and Recorder, requesting Council's authorization of a budget transfer. *Committee recommends that Communication No. 12-71 be approved and placed on file.*



**SECTION XV**

**COMMUNICATION NO. [12-90](#)**

Linda Sajor, Central EDP, requesting Council's authorization of a budget transfer. *Committee recommends that Communication No. 12-90 be approved and placed on file.*

**SECTION XVI**

**COMMUNICATION NO. [12-91](#)**

Marijo MacDonald, District Courts, requesting Council's authorization of a budget transfer. *Committee recommends that Communication No. 12-91 be approved and placed on file.*

**Expenditure report for the week of January 25, 2012 approved for the amount of \$1,048,206.92.**

# JUDICIARY COMMITTEE MEETING REPORT

## JANUARY 25, 2012

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. [10-445](#)

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 placed on file.*

### SECTION II COMMUNICATION NO. [12-83](#)

Mark Driscoll, Undersheriff, Butte-Silver Bow Law Enforcement Department, requesting Council’s approval to revise provision 2.20.191, Badges, in the Municipal Code. *Committee recommends to hold Communication No. 12-83 in abeyance and instruct the County Attorney’s Office to draft an Ordinance change.*

### SECTION III COUNCIL RESOLUTION NO. [12-3](#)

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE RIVERBEND MINOR 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 that Council Resolution No. 12-3 be moved to final reading.*

### SECTION IV COUNCIL RESOLUTION NO. [12-5](#)

A RESOLUTION AUTHORIZING AND APPROVING THE DONATION BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, (“CITY-COUNTY”) STATE OF MONTANA TO THE NATIONAL AFFORDABLE HOUSING NETWORK REAL PROPERTY DESCRIBED AS THE SOUTH 14’ 10” OF THE NORTH 18.5’ OF LOT 3 OF BLOCK 3 OF THE CENTERVILLE UPON THE SNOOZER ADDITION TO THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, DESIGNATED AS PARCEL NO. 1902065 FOR THE PURPOSE OF CONSTRUCTING AFFORDABLE HOUSING AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 12-5 be moved to final reading.*

### SECTION V CLAIM APPROVAL

*Committee recommends all claims be approved as presented.*