

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING AGENDA
FEBRUARY 15, 2012
7:30 PM COURTHOUSE COUNCIL CHAMBERS**

ROLL CALL _____

PRAYER _____

APPROVAL OF THE MINUTES OF THE REGULAR MEETING, FEBRUARY 1, 2012

ITEMS NOT ADDRESSED ON THE AGENDA _____

PUBLIC COMMENT ON ANY PUBLIC MATTER
NOT ON THE AGENDA _____

CHIEF EXECUTIVE'S REPORT _____

SECTION I PUBLIC HEARING

TO HEAR PUBLIC COMMENT REGARDING AMENDING THE 2011-2012 BUDGET TO ALLOW FOR THE UNANTICIPATED REVENUE FROM UNSPENT FUNDS FROM THE DRUG FREE COMMUNITY GRANT FUNDED BY THE FEDERAL DRUG FREE COMMUNITIES SUPPORT PROGRAM.

SECTION II 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. [12-134](#) Sally Hollis, Butte-Silver Bow Clerk and Recorder, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
2. [12-135](#) Sheriff John P. Walsh, Butte-Silver Bow Law Enforcement Department, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
3. [12-136](#) John Harrington, Butte-Silver Bow Building and Code Department, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
4. [12-137](#) Bill Melvin, Manager, Butte-Silver Bow Civic Center, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**

5. [12-138](#) Elaine Holm, Butte-Silver Bow Health Department, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
6. [12-139](#) Elaine Holm, Butte-Silver Bow Health Department, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
7. [12-140](#) Jeff Miller, Director, Butte-Silver Bow Fire Services Department, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
8. [12-141](#) Sheriff John P. Walsh, Butte-Silver Bow Law Enforcement Department, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
9. [12-142](#) 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.**
10. [12-143](#) Lee Miller, Director, Butte-Silver Bow Public Library, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
11. [12-145](#) Karen Hassler, Butte-Silver Bow Public Works Department, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
12. [12-146](#) Karen Hassler, Butte-Silver Bow Public Works Department, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
13. [12-147](#) Jon Sesso, Director, Butte-Silver Bow Planning Department, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
14. [12-148](#) Jeff Amerman, Director, Butte-Silver Bow Finance and Budget Department, requesting Council schedule a public hearing for March 7, 2012 concerning amending the Fire Services and Emergency Services Budgets to allow for increased expenditures of unanticipated revenue resulting from settlement of the Firefighters collective bargaining agreement. **Recommendation: Concur and schedule public hearing for March 7, 2012.**
15. [12-149](#) Andrew Zdinak, Marketing Director, Butte Local Development Corporation, Anaconda ARCO Loan Fund, requesting Council's approval of a loan from the Butte Local Development Corporation's Anaconda AROC Loan Fund Committee to Number One Taco, LLC (dba, Taco Johns of Butte). **Recommendation: Concur and place on file.**

16. [12-150](#) Jane Faught, President, Mai Wah Society, Inc. requesting Council's authorization for the Chief Executive to sign a contract with the Montana Cultural Trust to receive grant funds to be used for exhibit expansion at the Mai Wah Museum and for the Chief Executive to sign a letter to the Montana Cultural Trust allowing the funds to be disbursed directly to the Mai Wah Society. **Recommendation: Concur and place on file.**
17. [12-151](#) NorthWestern Energy, requesting Council's approval of an easement for an eight inch gas main along Walking Trail (BA & P Hill Trail). **Recommendation: Concur and place on file.**
18. [12-152](#) Sally Hollis, Butte-Silver Bow Clerk and Recorder, requesting Council's approval of the appointment of Mr. Theodore G. Fekete to the County Water and Sewer District of Rocker Board of Trustees. **Recommendation: Concur and place on file.**
19. [12-154](#) Jon Sesso, Director, Butte-Silver Bow Planning Department, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
20. [12-155](#) Ellen Crain, Manager Butte-Silver Bow Public Archives, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
21. [12-156](#) Sally Hollis, Butte-Silver Bow Clerk and Recorder, requesting Council's approval of the canvass conducted February 2, 2012 for the January 31, 2012 Melrose Water and Sewer Bond Election. **Recommendation: Concur and place on file.**
22. [12-157](#) Robert Macioroski, Director, Butte-Silver Bow Land Office, requesting Council's concurrence with Professional Appraisal Services Selection for the Establishment of Fair Market Value of Surplus Parklands. **Recommendation: Concur and place on file.**
23. [12-158](#) Robert Macioroski, Director, Butte-Silver Bow Land Office, requesting Council's authorization for the Chief Executive to execute a Professional Services Agreement with Elkhorn Appraisal Services. **Recommendation: Concur and place on file.**
24. [12-159](#) Sheriff John P. Walsh, Butte-Silver Bow Law Enforcement Department, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
25. [12-160](#) Sheriff John P. Walsh, Butte-Silver Bow Law Enforcement Department, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**

26. [12-161](#) Terri Hocking, Director, Butte-Silver Bow Health Department, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
27. [12-162](#) John Moodry, Supervisor, Butte-Silver Bow Weed Department, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
28. [12-163](#) Terri Hocking, Director, Butte-Silver Bow Health Department, requesting Council's authorization for the Chief Executive to sign two contracts with the Montana Department of Public Health and Human Services and Addictive and Mental Disorders Division. **Recommendation: Concur and place on file.**
29. [12-164](#) Robert Macioroski, Director, Butte-Silver Bow Land Office, requesting Council schedule a public hearing to solicit public comment on redevelopment proposals received for 1314 Farrell Street, Butte, Montana. **Recommendation: Concur and schedule public hearing for March 7, 2012.**
30. [12-165](#) Robert Macioroski, Director, Butte-Silver Bow Land Office, requesting Council schedule a public hearing to solicit public comment on redevelopment proposals received for 88 E. Park Street, Butte, Montana. **Recommendation: Concur and schedule public hearing for March 7, 2012**
31. [12-166](#) Patsy Coates, Property Specialist, Butte-Silver Bow Land Office, requesting time on the March 7, 2012 agenda to award the bid for Request for Proposals/Title & Lien Search to the lowest bidder. **Recommendation: Concur and schedule bid opening for March 7, 2012, hold in Committee of the Whole and place communication on the To Be Read and Acted Upon portion of the March 7, 2012 agenda.**
32. [12-167](#) Sally Hollis, Butte-Silver Bow Clerk and Recorder, requesting Council's authorization for the Chief Executive to sign a contract with Election Systems & Software (ES&S). **Recommendation: Concur and place on file.**
33. [12-169](#) Jon Sesso, Director, Butte-Silver Bow Planning Department, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
34. [12-170](#) 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.**
35. [12-171](#) Theresa Doty, President, Butte Citizens for Preservation and Revitalization, requesting Council's authorization for the Chief Executive to sign a contract with Montana Cultural Trust to receive grant funds to be used for operational expenses and for the Chief Executive to sign a letter to Montana Cultural Trust allowing the funds to be disbursed directly to Butte CPR. **Recommendation: Concur and place on file.**

36. [12-172](#) Dan Powers, Assistant Health Director; Environmental Services Division, requesting Council schedule a public hearing on February 22, 2012 concerning Ordinance 12-1; “Air Quality Control”. **Recommendation: Concur and schedule public hearing for February 22, 2012.**
37. [12-173](#) Rick Larson, Operations Manager-Utilities Division, Butte-Silver Bow Public Works Department, requesting Council’s authorization for the Chief Executive to sign an agreement with NorthWestern Energy. **Recommendation: Concur and place on file.**
38. [12-174](#) Rick Larson, Operations Manager-Utilities Division, Butte-Silver Bow Public Works Department, requesting Council’s authorization for the Chief Executive to sign an agreement with Atlantic Richfield. **Recommendation: Concur and place on file.**
39. [12-175](#) Gary Keeler, Butte-Silver Bow Transit Director, requesting Council’s authorization for the Chief Executive to submit Butte-Silver Bow Transit Federal Transit Administration (FTA) Section 5311 Operating Application, FTA JARC Operating Request, FTA New Freedom Operating and Capital Assistance Applications FY12/13. **Recommendation: Concur and place on file.**
40. [12-176](#) Barb Jeniker, Butte Celebrations, requesting Council’s authorization of street closures to assist in planning the 2012 St. Patrick’s Festivities. **Recommendation: Hold in Committee of the Whole for signatures.**

SECTION III

COMMUNICATIONS TO BE READ AND ACTED UPON

- [12-121](#) Greg Hergott, CEO, Butte Family YMCA, requesting time on the February 15, 2012 agenda to move forward with renewing the agreement between the YMCA and the City and County of Butte-Silver Bow for the public use of the YMCA Aquatic center.
- [12-177](#) Fran Doran, Barbara Kenison and Kathryn Kenison, requesting Council put the Stodden Park Renovation Project on the November Ballot.
- [12-178](#) Nick Kujawa, Manager, Hirbour Tower LLC, requesting Council authorization to close a portion of the north sidewalk on Broadway Street.

SECTION IV

**SUSPENSION OF THE RULES
FOR FINAL PASSAGE**

COUNCIL RESOLUTION NO. 12-6

A RESOLUTION CERTIFYING THE RESULTS OF THE CANVASS OF VOTES CAST IN THE SPECIAL MAIL ELECTION HELD BY THE SILVER-BOW COUNTY WATER AND/OR SEWER DISTRICT FOR THE TOWN OF MELROSE, MONTANA FOR THE PURPOSE OF DETERMINING WHETHER TO ISSUE A GENERAL OBLIGATION BOND NOT TO EXCEED THE AMOUNT OF ONE HUNDRED FORTY EIGHT THOUSAND FOUR HUNDRED AND NO 100/DOLLARS (\$148,400.00) PAYABLE OVER A PERIOD OF NOT MORE THAN TWENTY (20) YEARS AND BEARING INTEREST AT SUCH RATE OR RATES AS THE BOARD SHALL DETERMINE, BUT NOT TO EXCEED FIVE PERCENT (5.00%) PER ANNUM, FOR THE PURPOSE OF PAYING A PORTION OF THE COSTS OF DESIGNING, ENGINEERING, CONSTRUCTING AND INSTALLING CERTAIN IMPROVEMENTS TO THE LAGOON IMPROVEMENTS (INCLUDING IMPROVEMENTS TO THE INLET STRUCTURE), AND RELATED IMPROVEMENTS, AND PAYING COSTS ASSOCIATED WITH THE SALE AND ISSUANCE OF THE BONDS (THE "PROJECT") HELD IN THE TOWN OF MELROSE, MONTANA ON JANUARY 31, 2012; CERTIFYING THE RESULTS OF VOTES CAST FOR AND AGAINST THAT BALLOT ISSUED AND FOR AN EFFECTIVE DATE HEREIN.

SECTION V

**ORDINANCES AND RESOLUTIONS –
REFERRED TO JUDICIARY**

**COUNCIL BILL NO. 12-2
ORDINANCE NO. 12-2**

AN ORDINANCE AMENDING BUTTE-SILVER BOW ORDINANCE NO. 345 AND CHAPTER 20 OF TITLE 2 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED BADGES; AMENDING CHAPTER 2.20, SECTIONS 2.20.191 REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION VI

CALENDAR OF OTHER MEETINGS AND EVENTS

February 16	Community Enrichment	2:00 p.m.	1 st Floor Conference Room
February 16	Zoning Board of Adjustment	5:30 p.m.	Council Chambers, 3 rd Floor, Courthouse
February 21	Housing Authority	5:30 p.m.	Silver Bow Homes Housing
February 21	Parks and Recreation	5:00 p.m.	Civic Center Conference Room
February 21	Technical Review Committee	1:30 p.m.	3 rd Floor, Water Co. Building
February 23	Planning Board	7:00 p.m.	Council Chambers, 3 rd Floor, Courthouse
February 29	Parking Commission	9:00 a.m.	Chief Executive's Conference Room
March 5	Airport Authority	Noon	Bert Mooney Airport
March 6	Historic Preservation Commission	5:30 p.m.	Archives
March 6	Weed Board	7:00 p.m.	Weed Department
March 7	Butte Aids Support Services	7:00 p.m.	Community Center
March 7	Board of Health	7:00 a.m.	Health Department

ADJOURN

COMMITTEE OF THE WHOLE MEETING REPORT

FEBRUARY 8, 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 2011-2012 BUTTE-SILVER BOW BUDGET TO ALLOW FOR THE UNANTICIPATED REVENUE RELATED TO THE 2012 DNRC GRANTS RECEIVED FOR URBAN FORESTRY. **Public Hearing held.**

SECTION II PRESENTATION

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. **Presentation held.**

SECTION III 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 to note and place Communication No. 07-259 on file.**

SECTION IV COMMUNICATION NO. [09-387](#)

Dan Dennehy, Director, Butte-Silver Bow Public Works Department, requesting preliminary discussion regarding Road Maintenance Districts and fees begin in the Public Works Committee. **Committee recommends that Communication No. 09-387 be held in abeyance and request the Chief Executive to appoint an ad hoc committee. Council Chairman will appoint Commissioners to the committee.**

SECTION V COMMUNICATION NO. [10-510](#)

Jeffrey L. Miller, Director, Butte-Silver Bow Fire Services, requesting Council authorize the County Attorney to investigate legal issues of the Rocker Water and Sewer District fire hydrant maintenance charges. **Committee recommends that Communication No. 10-510 be held in abeyance.**

SECTION VI COMMUNICATION NO. [11-134](#)

Albert Molognoni, Chairman, County Water and Sewer District of Rocker, requesting a meeting with Council to discuss the possibility of connecting the District of Rocker to Metro Sewer. **Committee recommends that Communication No. 11-134 be held in abeyance.**

SECTION XIV

COMMUNICATION NO. [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. *Committee recommends that Communication No. 12-121 be held in abeyance.*

SECTION XV

COMMUNICATION NO. [12-123](#)

Sally Hollis, Clerk & Recorder ~ Election Administrator, requesting Council’s authorization for the Chief Executive to sign a contract with Computer Software Associates. *Committee recommends concurring with the request of Communication No. 12-123 and place on file.*

SECTION XVI

COMMUNICATION NO. [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. *Committee recommends that Communication No. 12-131 be placed on file.*

SECTION XV

COMMUNICATION NO. [12-128](#)

Jeffrey Miller, Director, Butte-Silver Bow Fire Services, requesting Council's authorization of a budget transfer. *Committee recommends that Communication No. 12-128 be approved and placed on file.*

SECTION XVI

COMMUNICATION NO. [12-129](#)

Steve Descharme, Butte-Silver Bow Finance and Budget Department, requesting Council's authorization of a budget transfer. *Committee recommends that Communication No. 12-129 be approved and placed on file.*

SECTION XVII

COMMUNICATION NO. [12-130](#)

Steve Descharme, Butte-Silver Bow Finance and Budget Department, requesting Council's authorization of a budget transfer. *Committee recommends that Communication No. 12-130 be approved and placed on file.*

Expenditure report for the week of February 8, 2012 approved for the amount of \$677,964.95.

JUDICIARY COMMITTEE MEETING REPORT

FEBRUARY 8, 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. [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 that Communication No. 12-83 be held in abeyance.*

SECTION II 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 PROGRAM; REGULATING THE USE OF OUTDOOR WOOD FURNACES AND SOLID FUEL BURNING DEVICES; ESTABLISHING DUST CONTROL REGULATIONS; REGULATING OPEN BURNING IN SILVER BOW COUNTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR PERMITS; PROVIDING PENALTIES FOR VIOLATION AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Bill No. 12-1, Ordinance No. 12-1 be held in abeyance pending public hearing.*

SECTION III CLAIM APPROVAL

Committee recommends all claims be approved as presented.

RULES COMMITTEE
FEBRUARY 8, 2012
5:30 PM COURTHOUSE COUNCIL CHAMBERS

SECTION I **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 back to the Committee of the Whole.*