

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING AGENDA
FEBRUARY 16, 2011
7:30 PM COURTHOUSE COUNCIL CHAMBERS**

ROLL CALL _____

PRAYER _____

APPROVAL OF THE MINUTES OF THE REGULAR MEETING, [FEBRUARY 2, 2011](#).

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 THE PROPOSED STORM WATER ORDINANCE.

**SECTION II PRESENTATION
COMMUNICATION NO. [11-43](#)**

Dave Cunningham, Operation Manager, Butte-Silver Bow Public works Services Division, requesting time on the February 16, 2011 agenda for a presentation by Brian Milne with Interstate Engineering regarding pool options.

**SECTION III PRESENTATION
COMMUNICATION [11-48](#)**

John Moodry, Supervisor, Butte-Silver Bow Weed Department, requesting time on the February 16, 2011 agenda to present a progress report on the Vegetation Law.

SECTION IV 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. [11-59](#) 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.**

2. [11-60](#) 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.**
3. [11-61](#) Linda Sajor, Manager, Butte-Silver Bow Information Technology and Services, requesting Council's authorization to conduct a private sale of excess NEC telephones. **Recommendation: Concur and place on file.**
4. [11-62](#) Mollie Kirk, Butte Celebrations, requesting Council's authorization of the annual St. Patrick's Day Festivities. **Recommendation: Hold in abeyance.**
5. [11-63](#) John Moodry, Butte-Silver Bow Weed Supervisor, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
6. [11-64](#) John Moodry, Butte-Silver Bow Weed Supervisor, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
7. [11-65](#) 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.**
8. [11-66](#) Marcus Gruber, Natural Care Plus, requesting Council's approval to hold a Medical Marijuana Expo at the Butte-Silver Bow Civic Center April 20, 2011. **Recommendation: Hold in abeyance and refer to the Civic Center Board.**
9. [11-67](#) Gary Keeler, Butte-Silver Bow Transit Director, requesting Council's authorization for the Chief Executive to submit Federal Transit Administration (FTA) Section 5311 Operating Application, FTA JARC Operating Request, FTA New Freedom Operating and Capital Assistance Applications FY011/12. **Recommendation: Concur and place on file.**
10. [11-68](#) Rick Larson, Operations Manager/Utility Division, Butte-Silver Bow Public Works Department, requesting Council's authorization for the Chief Executive to sign an amended agreement with Water and Environmental Technologies, PC. **Recommendation: Concur and place on file.**
11. [11-69](#) Lindsey Moe, Director, Butte-Silver Bow Human Resources, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
12. [11-70](#) Dave Cunningham, Operation Manager, Butte-Silver Bow Public Works Services Division, requesting Council's authorization to schedule a bid opening March 2, 2011. **Recommendation: Concur and schedule bid opening for March 2, 2011.**

13. [11-71](#) Terri Hocking, Director Butte-Silver Bow Health Department, requesting Council's authorization for the Chief Executive to sign a contract with the Montana Department of Public Health and Human Services. **Recommendation: Concur and place on file.**
14. [11-72](#) Barbara Miller, Executive Director, National Affordable Housing Network, requesting Council's authorization of a refund of the \$500 fee for a denied request of an alley closure. **Recommendation: Concur and place on file.**
15. [11-73](#) Teri Fisher, Metro Sewer Office Manager, requesting Council's authorization for the Chief Executive to sign a maintenance agreement with Empire Office Machines, Inc. **Recommendation: Concur and place on file.**
16. [11-74](#) Rick Larson, Operations Manager – Utilities Division, Butte-Silver Bow Public Works Department, notifying Council of a Public Hearing February 16, 2011 to receive public comment on the proposed Storm Water Ordinance. **Recommendation: Concur and schedule Public Hearing February 16, 2011**
17. [11-75](#) Chief Executive Paul Babb, notifying Council of appointments to the Emergency Operations Center Construction Project Ad hoc Committee. **Recommendation: Note and place on file.**
18. [11-76](#) Karen Byrnes, Community Development Director, requesting Council's permission to schedule a Public Hearing February 23, 2011 to discuss the creation of a Tourism Business Improvement District (TBID). **Recommendation: Concur and schedule public hearing for February 23, 2011.**
19. [11-77](#) Andrew Zdinak, Marketing Director, Butte Local Development Corporation, requesting Council's approval of and authorization for the Chief Executive to sign loan documentation from the Butte Local Development Corporation's Anaconda ARCO Loan Fund Committee to the Montana Economic Revitalization and Development Institute. **Recommendation: Concur and place on file.**
20. [11-78](#) Rick Larson, Operations Manager/Utility Division, Butte-Silver Bow Public works, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
21. [11-79](#) Rick Larson, Operations Manager/Utility Division, Butte-Silver Bow Public works, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
22. [11-80](#) Jim Jarvis, Historic Preservation Officer, requesting Council's authorization for the Chief Executive to sign the request to amend the Historic Preservation Competitive Grant (HB-645) Contract for the Greek Café. **Recommendation: Concur and place on file.**

23. [11-81](#) Jim Jarvis, Historic Preservation Officer, requesting Council’s authorization for the Chief Executive to sign the amended Certified Local Government Grant Agreement. **Recommendation: Concur and place on file.**
24. [11-82](#) Stephen D Hess, Assistant Planning Director, requesting Council conduct a Public Hearing March 2, 2011 regarding Zone Change Application No. 166. **Recommendation: Concur and schedule Public Hearing March 2, 2011.**
25. [11-83](#) Jeff Amerman, Director, Finance and Budget Department, requesting Council schedule a Public Hearing February 23, 2011 regarding amending the budget to allow for increased expenditures from cash reserves related to the demolition of the National Hotel. **Recommendation: Concur and schedule Public Hearing February 23, 2011.**
26. [11-84](#) Jeff Amerman, Director, Finance and Budget Department, requesting Council schedule a Public Hearing February 23, 2011 regarding amending the budget to allow for increased expenditures of unanticipated revenue resulting from insurance proceeds related to the Library water damage. **Recommendation: Concur and schedule Public Hearing February 23, 2011**
27. [11-85](#) Kristen Rosa, TIFID Administrator, notifying Council regarding funding for the waste water line from the Port of Montana Business Development Park (TIFID #2) to the metro plant. **Recommendation: Note and place on file.**

SECTION V

**ORDINANCES AND RESOLUTIONS
FINAL READING**

**1. COUNCIL BILL NO. [11-1](#)
ORDINANCE NO. 11-1**

AN ORDINANCE CREATING A NEW CHAPTER IN THE BUTTE-SILVER BOW MUNICIPAL CODE TO BE NUMBERED CHAPTER 10.22 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) AND ENTITLED “USE OF ELECTRONIC DEVICES WHILE OPERATING A MOTOR VEHICLE” AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2. COUNCIL RESOLUTION NO. 11-6

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE FLEECER VIEW SUBDIVISION PHASE III 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

3.

COUNCIL RESOLUTION NO. 11-7

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF CERTAIN PARCELS OF TAX DEEDED REAL PROPERTY OWNED BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION VI

CALENDAR OF OTHER MEETINGS AND EVENTS

February 17	Community Enrichment	2:00 p.m.	1 st Floor Conference Room
February 17	Zoning Board of Adjustment	5:30 p.m.	Council Chambers, 3 rd Floor, Courthouse
February 21	Airport Authority	Noon	Bert Mooney Airport
February 22	Port of Montana	8:30 a.m.	Port of Montana
February 23	Local Emergency Planning Com.	Noon	1 st Floor Conference Room
February 23	Parking Commission	9:00 a.m.	Chief Executive's Conference Room
February 24	Business Development Center	10:00 a.m.	Business Development Center
February 24	Planning Board	7:00 p.m.	Council Chambers, 3 rd Floor Courthouse
March 1	Historic Preservation Commission	5:30 p.m.	1 st Floor Conference Room
March 1	Weed Board	7:00 p.m.	Weed Department
March 2	Butte Aids Support Services	7:00 p.m.	Community Center
March 2	Board of Health	7:00 a.m.	Health Department

ADJOURN

COMMITTEE OF THE WHOLE MEETING REPORT

FEBRUARY 9, 2011

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 THE CLOSURE AND VACATION OF A PORTION OF THE ALLEY BETWEEN WEST PARK STREET AND WEST GALENA STREET. (Communication No. 10-06 being held in Public Works Committee). **Proof of publication.**

SECTION II PUBLIC HEARING

TO HEAR PUBLIC COMMENT REGARDING A REQUEST BY UNION PACIFIC RAILROAD TO CLOSE THE 5TH STREET RAILROAD CROSSING AT MELROSE. (Communication No. 11-21 being held in Committee of the Whole). **Proof of publication.**

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 moved to the Judiciary Committee.*

SECTION IV COMMUNICATION NO. [10-568](#)

Lynn Lloyd, General Manager and Gerry O'Brien, Editor, The Montana Standard, requesting Council's permission to mount an internet Web camera on the Original Mine Frame. *Committee recommends that Communication No. 10-568 be held in abeyance.*

SECTION V COMMUNICATION NO. [10-624](#)

Nicole von Gaza, Public Relations Coordinator, Butte Citizens for Preservation and Revitalization, Inc. requesting time on the November 23, 2010 Committee of the Whole Agenda to speak in regards to the Greek Café Revitalization. *Committee recommends that Communication No. 10-624 be placed on file.*

SECTION VI 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 placed on file.*

SECTION VII**COMMUNICATION NO. [10-656](#)**

Robert A. Macioroski, Director Butte-Silver Bow Land Office, requesting Council's authorization of a request to purchase County-Owned Property. *Committee recommends that Communication No. 10-656 be held in abeyance.*

SECTION VIII**COMMUNICATION NO. [10-665](#)**

James and Jana Mackin, 24 O'Neil, and Jeff Hoffman, 6 Gladstone Terrace, requesting time on the December 15, 2010 agenda to discuss a petition, signed by residents of Walkerville. *Committee recommends that Communication No. 10-665 be held in abeyance.*

SECTION IX**COMMUNICATION NO. [10-682](#)**

Robert A. Macioroski, Director, Butte-Silver Bow Land Office, requesting Council's authorization of a request for land exchange. *Committee recommends that Communication No. 10-682 be held in abeyance.*

SECTION X**COMMUNICATION NO. [11-21](#)**

Dave Cunningham, Operations Manager/Services Division, Butte-Silver Bow Public Works, requesting time on the February 9, 2011 agenda to hold a Public Hearing regarding a request by Union Pacific Railroad to close the 5th Street Railroad Crossing at Melrose. *Committee recommends that Communication No. 11-21 be held in abeyance.*

SECTION XI**COMMUNICATION NO. [11-32](#)**

Robert Macioroski, Director, Butte-Silver Bow Land Sales Office, requesting Council's authorization to schedule a Public Presentation March 2, 2011 regarding redevelopment proposals for the Greek Café, 88 E. Part Street, Butte, Montana. *Committee recommends that Communication No. 11-32 be held in abeyance.*

SECTION XII**COMMUNICATION NO. [11-35](#)**

Robert Macioroski, Director, Butte-Silver Bow Land Sales Office, requesting Council's authorization to schedule a Public Hearing March 9, 2011 to solicit public comment on redevelopment proposals for the Greek Café, 88 E Park Street, Butte, Montana. *Committee recommends that Communication No. 11-35 be held in abeyance.*

SECTION XIII**COMMUNICATION NO. [11-38](#)**

Gary Keeler, Butte-Silver Bow Transit Director, requesting Council's approval of extension of sick leave for Al Shields. *Committee recommends that Communication No. 11-38 be placed on file.*

SECTION XIV

COMMUNICATION NO. [11-43](#)

Dave Cunningham, Operation Manager, Butte-Silver Bow Public works Services Division, requesting time on the February 16, 2011 agenda for a presentation by Brian Milne with Interstate Engineering regarding pool options. *Committee recommends that Communication No. 11-43 be held in abeyance.*

SECTION XV

COMMUNICATION NO. [11-48](#)

John Moodry, Supervisor, Butte-Silver Bow Weed Department, requesting time on the February 16, 2011 agenda to present a progress report on the Vegetation Law. *Committee recommends that Communication No. 11-48 be held in abeyance.*

JUDICIARY COMMITTEE MEETING REPORT

FEBRUARY 9, 2011

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. 10-581

Charlie O’Leary, Council of Commissioners, District 5, requesting Council’s consideration of a Dog Leash Area. *Committee recommends that Communication No. 10-581 be held in abeyance pending report from Animal Control Board.*

SECTION II COUNCIL BILL NO. 10-13 ORDINANCE NO. 10-13

AN ORDINANCE ADOPTING REGULATIONS FOR THE CONTROL AND MANAGEMENT OF STORM WATER TO BE CODIFIED AS CHAPTER 32 OF TITLE 13 OF THE BUTTE-SILVER BOW MUNICIPAL CODE ENTITLED “STORM WATER MANAGEMENT”; REGULATING THE DESIGN, CONSTRUCTION, USE AND MAINTENANCE OF ANY DEVELOPMENT OR OTHER ACTIVITY WHICH MAY RESULT IN IMPACTS TO WATER BODIES, PROVIDING FOR ADOPTION OF MUNICIPAL STORM WATER ENGINEERING STANDARDS; PROVIDING FOR OWNERSHIP OF STORM WATER MANAGEMENT FACILITIES AND BUTTE-SILVER BOW PARTICIPATION; SETTING FORTH REGULATIONS FOR MANAGEMENT, CONSTRUCTION AND INSPECTION OF FACILITIES; DEFINING AND PROHIBITING ILLICIT DISCHARGES TO THE BUTTE-SILVER BOW STORM WATER SYSTEM; PROVIDING FOR APPEALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PERMITS AND FEES; PROVIDING FOR PENALTY FOR VIOLATION AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Bill No. 10-13, Ordinance No. 10-13 be held in abeyance pending Public Hearing February 16, 2011.*

SECTION III COUNCIL BILL NO. 11-1 ORDINANCE NO. 11-1

AN ORDINANCE CREATING A NEW CHAPTER IN THE BUTTE-SILVER BOW MUNICIPAL CODE TO BE NUMBERED CHAPTER 10.22 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) AND ENTITLED “USE OF ELECTRONIC DEVICES WHILE OPERATING A MOTOR VEHICLE” AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Bill No. 11-1, Ordinance No. 11-1 be moved to final reading.*

SECTION IV

COUNCIL RESOLUTION NO. 11-6

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE FLEECER VIEW SUBDIVISION PHASE III 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. 11-6 be moved to final reading.*

SECTION V

COUNCIL RESOLUTION NO. 11-7

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF CERTAIN PARCELS OF TAX DEEDED REAL PROPERTY OWNED BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 11-7 be moved to final reading.*

SECTION VI

CLAIM APPROVAL

Committee recommends all claims be approved as presented.

