

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

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

PRAYER \_\_\_\_\_

APPROVAL OF THE MINUTES OF THE REGULAR MEETING, NOVEMBER 2, 2011

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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. 11-667 Sally Hollis, Butte-Silver Bow Clerk and Recorder ~ Election Administrator, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
2. 11-668 Nancy Barry, Butte-Silver Bow Council of Commissioners, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
3. 11-669 Chief Executive Paul Babb requesting Council's concurrence in appointment to the Butte Local Development Corporation Board of Directors. **Recommendation: Concur and place on file.**
4. 11-670 Tammy Cerise, Transportation Coordinator, Butte/Dillon Head Start, requesting Council's consideration of placing crosswalks at the Monroe and Lincoln Schools where Head Start Programs are located. **Recommendation: Refer to the Public Works Committee.**
5. 11-671 Roger Ebner, Butte-Silver Bow Emergency Management Coordinator, requesting Council's approval to dispose of obsolete equipment. **Recommendation: Concur and place on file.**

6. [11-672](#) Pat Holland, Butte-Silver Bow Government Buildings Manager, requesting Council's authorization for the Chief Executive to sign a change order for the Fire Station #1 roof replacement. **Recommendation: Concur and place on file.**
7. [11-673](#) Pat Holland, Butte-Silver Bow Government Buildings Manager, requesting Council's authorization for the Chief Executive to sign a change order for the Health Department boiler renovation. **Recommendation: Concur and place on file.**
8. [11-674](#) Pat Holland, Butte-Silver Bow Government Buildings Manager, requesting Council's authorization for the Chief Executive to sign a change order for the Civic Center boiler renovation. **Recommendation: Concur and place on file.**
9. [11-675](#) Karen Hassler, Butte-Silver Bow Public Works Department, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
10. [11-676](#) John Moodry, Supervisor, Butte-Silver Bow Weed Department, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
11. [11-677](#) Theresa Hocking, Director, Butte-Silver Bow Health Department, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
12. [11-678](#) Theresa Hocking, Director, Butte-Silver Bow Health Department, requesting Council's authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**
13. [11-679](#) Ellen Crain, Manager, Butte-Silver Bow Public Archives, requesting Council's authorization for the Chief Executive to write a letter of support for the Archives Humanities Grant. **Recommendation: Concur and place on file.**
14. [11-680](#) Karen Hassler, Butte-Silver Bow Public Works Department, requesting Council's authorization for the Chief Executive to sign a contract with the Natural Resource Damage Program for construction of the Big Hole Pump Station. **Recommendation: Concur and place on file.**
15. [11-681](#) Lindsey Moe, Director, Butte-Silver Bow Human Resources Department, requesting Council's authorization for the Chief Executive to sign a contract with the Local 720 of the International Brotherhood of Painters. **Recommendation: Concur and place on file.**

16. [11-682](#) Robert Macioroski, Director, Butte-Silver Bow Land Office, requesting Council's approval of sale and authorization of the preparation of a Resolution for Sale of City-County owned property located at 36 W. Center Street, Butte, MT. **Recommendation: Concur with request and authorize the preparation of a Resolution for Sale.**
17. [11-684](#) 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.**
18. [11-685](#) 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.**
19. [11-686](#) Sheriff John Walsh, Butte-Silver Bow Law Enforcement Department, requesting Council's authorization for the Chief Executive to sign the Department of the Treasury Federal Annual Certification Report. **Recommendation: Concur and place on file.**
20. [11-687](#) Jeffrey Miller, Director, Butte-Silver Bow Fire Services Department, requesting Council's authorization for the Chief Executive to sign a contract with Rosenbauer for the construction and delivery of an 1800 Gallon Tender/Pumper Truck. **Recommendation: Concur and place on file.**
21. [11-688](#) Wally Frasz, Chairman, FY 2011-2012 Economic Development Mill Levy Funds Committee, requesting Council's concurrence of the committee's recommendations for the allocation of FY 2011-0212 Economic Development Mill Levy Funds. **Recommendation: Concur and place on file.**
22. [11-689](#) Mike Thatcher, Chief Executive Officer, Community Counseling and Correctional Services, Inc. (CCCS) requesting Council's authorization for the Chief Executive to sign a "Purchase of Service Agreement" with CCCS. **Recommendation: Concur and place on file.**
23. [11-690](#) Jeff Amerman, Director, Butte-Silver Bow Finance and Budget Department, requesting Council schedule a public hearing for November 30, 2011 regarding amending the budget to allow for increased expenditures of unanticipated revenue resulting from the refunding and reissuance of the bonds related to the Civic Center Renovation, and Law Enforcement Agency renovation and Detention Facility construction. **Recommendation: Concur and schedule Public Hearing for November 30, 2011.**
24. [11-691](#) Jeff Amerman, Director, Butte-Silver Bow Finance and Budget Department, requesting Council schedule a public hearing for November 30, 2011 regarding amending the Civic Center budget to allow for increased expenditures of unanticipated revenue resulting from advertising revenues. **Recommendation: Concur and schedule Public Hearing for November 30, 2011.**

25. [11-692](#) Jeff Amerman, Director, Butte-Silver Bow Finance and Budget Department, requesting Council schedule a public hearing for November 30, 2011 regarding amending the Victims and Witness Advocacy budget to allow for increased expenditures of unanticipated revenue for victim and witness support services including travel. **Recommendation: Concur and schedule Public Hearing for November 30, 2011.**
26. [11-693](#) Jeff Amerman, Director, Butte-Silver Bow Finance and Budget Department, requesting Council schedule a public hearing for November 30, 2011 regarding amending the District Court budget to allow for increased expenditures of unanticipated revenue resulting from a Montana Board of Crime Control grant. **Recommendation: Concur and schedule Public Hearing for November 30, 2011.**
27. [11-694](#) Jeff Amerman, Director, Butte-Silver Bow Finance and Budget Department, requesting Council schedule a public hearing for November 30, 2011 regarding amending the 911 Emergency Services budget to allow for increased expenditures of unanticipated revenue for computer upgrades. **Recommendation: Concur and schedule Public Hearing for November 30, 2011.**
28. [11-695](#) Jeff Amerman, Director, Butte-Silver Bow Finance and Budget Department, requesting Council schedule a public hearing for November 30, 2011 regarding amending the DUI Task Force budget to allow for increased expenditures of unanticipated revenue resulting from unexpended (roll-over) funds from prior year operations. **Recommendation: Concur and schedule Public Hearing for November 30, 2011.**
29. [11-696](#) Jeff Amerman, Director, Butte-Silver Bow Finance and Budget Department, requesting Council schedule a public hearing for November 30, 2011 regarding amending the Public Works Road budget to allow for increased expenditures of unanticipated revenue resulting from the sale of scrap metal. **Recommendation: Concur and schedule Public Hearing for November 30, 2011.**
30. [11-697](#) Undersheriff Mark Driscoll, Butte-Silver Bow Law Enforcement Department, requesting Council's permission to recycle broken or obsolete equipment. **Recommendation: Concur and place on file.**
31. [11-698](#) Sheryl Ralph, District No. 3 Commissioner, Butte-Silver Bow Council of Commissioners, requesting Council initiate two amendments to the Memorandum of Understanding with Butte Events Team. **Recommendation: Refer to the Judiciary Committee.**
32. [11-699](#) Dan Dennehy, Director, Butte-Silver Bow Public Works Department, notifying Council of the Public Works Committee's recommendation to relocate a crosswalk located at Curtis and Ohio Streets to the middle of the block on Ohio Street. **Recommendation: Note and place on file.**

33. [11-700](#) Bill Melvin, Manager, Butte Civic Center, requesting Council’s authorization for the Chief Executive to sign a maintenance agreement with Empire Office Machines. **Recommendation: Concur and place on file.**
34. [11-701](#) Steve Hess, Senior Planner, Butte-Silver Bow Planning Board, requesting Council’s approval of Floodplain Ordinance #6 and instruct the County Attorney to draft an ordinance for official adoption. **Recommendation: Concur with request for approval and request County Attorney draft ordinance.**
35. [11-702](#) Theresa 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. **Recommendation: Concur and place on file.**
36. [11-703](#) Jon C. Sesso, Dan Dennehy and Dan Powers, Butte-Silver Bow Technical Review Committee/Environmental, requesting Council’s authorization for the Chief Executive to sign Addendum #1 to the Settlement and Allocation Agreement with the Atlantic Richfield Company for the Butte Priority Soils cleanup solution. **Recommendation: Concur and place on file.**
37. [11-704](#) Jim Jarvis, Butte-Silver Bow Historic Preservation Officer, requesting Council’s authorization for the Chief Executive to sign a contract with Summit Land Services to replace the roof of the Columbia Gardens Water Tank – Belmont Mineyard. **Recommendation: Concur and place on file.**
38. [11-705](#) Karen Byrnes, Butte-Silver Bow Community Development Director, requesting Council’s authorization for the Chief Executive to sign a contract extension with the Montana Department of Commerce Big Sky Trust Fund (BSTF) regarding the SeaCast Grant Award MT-BSTF-1-08-07. **Recommendation: Concur and place on file.**

**SECTION II COMMUNICATIONS TO BE READ AND ACTED UPON**

- [11-706](#) Lindsey Moe, Director, Butte-Silver Bow Human Resources Department, requesting Council’s authorization for the Chief Executive to sign an adoption agreement with the Public Employees’ Retirement Board to offer a Deferred Compensation Plan for Butte-Silver Bow Employee’s

**SECTION III ORDINANCES AND RESOLUTIONS  
FINAL READING**

1. **COUNCIL BILL NO. [11-7](#)  
ORDINANCE NO. 11-7**

AN ORDINANCE AMENDING BUTTE-SILVER BOW ORDINANCE NO. 277 AND CHAPTER 10.52 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “PARKING”; AMENDING SECTION 10.52.1030 ENTITLED “MONTANA TECH RESIDENTIAL PARKING PROGRAM” AND DELETING REFERENCE TO FEES AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2.

**COUNCIL RESOLUTION NO. 11-73**

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE MINOR SUBDIVISION OF TRACT 4B1 OF COS 930B-RB – 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 HEREIN.

3.

**COUNCIL RESOLUTION NO. 11-74**

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE AMENDED PLAT OF LOT E OF PLAT 148A OF THE BUTTE INDUSTRIAL PARK ADDITION 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.

**SECTION IV CALENDAR OF OTHER MEETINGS AND EVENTS**

November 17	Community Enrichment	2:00 p.m.	1 <sup>st</sup> Floor Conference Room
November 17	Zoning Board of Adjustment	5:30 p.m.	Council Chambers, 3 <sup>rd</sup> Floor Courthouse
November 21	Airport Authority	Noon	Bert Mooney Airport
November 23	Local Emergency Planning Com.	Noon	1 <sup>st</sup> Floor Conference Room
November 30	Parking Commission	9:00 a.m.	Chief Executive’s Conference Room
December 1	Civic Center	Noon	Civic Center Hospitality Room
December 1	East Butte RRA	9:00 a.m.	1 <sup>st</sup> Floor Conference Room
December 6	Historic Preservation Commission	5:30 p.m.	Archives Center, 17 W Quartz
December 6	Weed Board	7:00 p.m.	Weed Department
December 7	Butte AIDS Support Services	7:00 p.m.	Community Center
December 7	Board of Health	7:00 a.m.	Health Department

**ADJOURN**

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# COMMITTEE OF THE WHOLE MEETING REPORT

## NOVEMBER 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 PRESENTATION

Chief Executive Paul Babb, requesting Council schedule time on the November 9, 2011 agenda for a presentation by Meghann Butler in regards to choosing the effective date for the Social Security Section 218 Agreement. *Presentation was cancelled.*

### SECTION II 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 to Metro Sewer. *Committee recommends that Communication No. 11-134 be held in abeyance.*

### SECTION III COMMUNICATION NO. [11-475](#)

Dave Palmer, Chairman, Butte-Silver Bow Council of Commissioners, requesting rural roads be maintained until it has been determined if roads are County, Private or Forest Service roads. *Committee recommends that Communication No. 11-475 be held in abeyance.*

### SECTION IV COMMUNICATION NO. [11-545](#)

Ristene Hall, Butte-Silver Bow Commissioner, District No. 8, requesting Council's consideration of televising Council meetings and requesting KXLF TV speak to Council regarding the possibility of this matter. *Committee recommends that Communication No. 11-545 be held in abeyance.*

### SECTION V COMMUNICATION NO. [11-556](#)

Dan Goles, Living Stones Granite, Beveled Mirror Gallery and City Transfer, requesting Council's assistance regarding the sale of property on Wyoming Street. *Committee recommends that Communication No. 11-556 be held in abeyance.*

### SECTION VI COMMUNICATION NO. [11-611](#)

Robert Macioroski, Director, Butte-Silver Bow Land Sales Office, requesting Council schedule a public hearing November 2, 2011 to solicit public comment on redevelopment proposals received for 36 W. Center Street, Centerville, Montana. *Committee recommends that Communication No. 11-611 be placed on file.*



# FINANCE AND BUDGET COMMITTEE MEETING REPORT

## NOVEMBER 9, 2011

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. [11-627](#)

Sheriff John Walsh, Butte-Silver Bow Law Enforcement Department, requesting Council's authorization of a budget transfer. *Committee recommends that Communication No. 11-627 be approved and placed on file.*

### SECTION II COMMUNICATION NO. [11-628](#)

Ed Randall, Manager, Butte-Silver Bow Animal Services Department, requesting Council's authorization of a budget transfer. *Committee recommends that Communication No. 11-628 be approved and placed on file.*

### SECTION III COMMUNICATION NO. [11-629](#)

Karen Hassler, Butte-Silver Bow Public Works Department, requesting Council's authorization of a budget transfer. *Committee recommends that Communication No. 11-629 be approved and placed on file.*

### SECTION IV COMMUNICATION NO. [11-630](#)

Judge Bob Lee, Butte-Silver Bow Justice of the Peace Court, requesting Council's authorization of a budget transfer. *Committee recommends that Communication No. 11-630 be approved and placed on file.*

### SECTION V COMMUNICATION NO. [11-631](#)

Judge Kurt Krueger, District Court I, requesting Council's authorization of a budget transfer. *Committee recommends that Communication No. 11-631 be approved and placed on file.*

### SECTION VI COMMUNICATION NO. [11-632](#)

Pat Holland, Manager, Butte-Silver Bow Government Buildings, requesting Council's authorization of a budget transfer. *Committee recommends that Communication No. 11-632 be approved and placed on file.*



# JUDICIARY COMMITTEE MEETING REPORT

## NOVEMBER 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. 10-445

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 II COMMUNICATION NO. 11-423

Sally Perino, Butte-Silver Bow Parking Director, requesting Council's authorization to amend Ordinance 10.52.1030 entitled Montana Tech Residential Parking Program. *Committee recommends that Communication No. 10-423 be held in abeyance.*

### SECTION III COMMUNICATION NO. 11-513

Janel Madrazo, Urban Forest Board Chairman, requesting Council amend Ordinance No. 354, The Friends of the Urban Forest Ordinance, to increase the Board from five to seven members. *Committee recommends that Communication No. 11-513 be cross-referenced with Council Bill No. 11-11, Ordinance No. 11-11 and be placed on file.*

### SECTION IV COMMUNICATION NO. 11-652

Mary Kay Craig, 518 W. Granite Street, Butte, Montana, requesting Council adopt a resolution in solidarity with the Occupy Movement. *Motion made and seconded to request the County Attorney prepare and introduce the Resolution, removing the words "of the Occupy Butte Group," the vote tied 3-3.*

### SECTION V COUNCIL BILL NO. 11-7 ORDINANCE NO. 11-7

AN ORDINANCE AMENDING BUTTE-SILVER BOW ORDINANCE NO. 277 AND CHAPTER 10.52 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "PARKING"; AMENDING SECTION 10.52.1030 ENTITLED "MONTANA TECH RESIDENTIAL PARKING PROGRAM" AND DELETING REFERENCE TO FEES AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Bill No. 11-7, Ordinance No. 11-7 be moved to final reading.*

**SECTION VI**

**COUNCIL RESOLUTION NO. 11-73**

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE MINOR SUBDIVISION OF TRACT 4B1 OF COS 930B-RB – 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 HEREIN. *Committee recommends that Council Resolution No. 11-73 be moved to final reading.*

**SECTION VII**

**COUNCIL RESOLUTION NO. 11-74**

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE AMENDED PLAT OF LOT E OF PLAT 148A OF THE BUTTE INDUSTRIAL PARK ADDITION 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. 11-74 be moved to final reading.*

**SECTION VIII**

**CLAIM APPROVAL**

*Committee recommends all claims be approved as presented.*



