

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING AGENDA
OCTOBER 20, 2010
7:30 PM COURTHOUSE COUNCIL CHAMBERS**

ROLL CALL _____

PRAYER _____

APPROVAL OF THE MINUTES OF THE REGULAR MEETING, OCTOBER 5, 2010

ITEMS NOT ADDRESSED ON THE AGENDA _____

PUBLIC COMMENT ON ANY PUBLIC MATTER
NOT ON THE AGENDA _____

CHIEF EXECUTIVE'S REPORT _____

**SECTION I PRESENTATION
COMMUNICATION NO. 10-557**

Karen Byrnes, Community Development Director, requesting Council's authorization to schedule time on the October 20, 2010 agenda for a presentation on the Urban Revitalization Agency's activities for FY 2009-2010.

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. PETITIONS

- 1. [10-4](#) John Harrington, Building Official, Building Code Department, requesting on behalf of National Affordable Housing Network to close and vacate the alley adjacent to lots 14 through 17, the east 6' of Lot 37 and Lots 38 through 41 in Block 37 of the Butte Townsite Addition. **Recommendation: Refer to the Public Works Committee**

C. COMMUNICATIONS

- 1. [10-561](#) Toni Phillips, Manager, Air Exchange Oxygen, requesting Council's approval to place an awning on the Air Exchange Oxygen Building located at 35 S. Main Street. **Recommendation: Refer to the Public Works Committee.**

2. [10-562](#) Josh M. Peck, Stroll Coordinator, Mainstreet Uptown Butte, requesting Council's permission to close streets in Uptown Butte to accommodate the 20th Annual Butte Christmas Stroll. **Recommendation: Concur and place on file.**
3. [10-563](#) 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.**
4. [10-564](#) Robert Macioroski, Director Butte-Silver Bow Land Office, requesting Council's authorization for the Chief Executive to sign a service agreement with Selby's. **Recommendation: Concur and place on file.**
5. [10-565](#) Robert Macioroski, Director Butte-Silver Bow Land Office, requesting Council's authorization of a request by Stephen and Michele Loomis for the acquisition of a Strip of Land adjacent to lots 13-16, Block 29 of the Home Addition (Parcel No. 429300) in Section 29, Township 3 North, Range 7 West and request the County Attorney's Office to prepare the Resolution and Deed for transfer of the County-Owned property to the appropriate parties. **Recommendation: Concur and hold in Committee of the Whole.**
6. [10-566](#) Robert Macioroski, Director Butte-Silver Bow Land Office, requesting Council's authorization of a property swap in the Strizic Minor Subdivision known as Lot 1C (parcel No. 1924290) in section 17, Township 3 North, Range 7 West and request the County Attorney's Office to prepare the Resolution and Deed for transfer of the County-Owned property to the appropriate parties. **Recommendation: Concur and hold in Committee of the Whole.**
7. [10-567](#) Jim Jarvis, Historic Preservation Officer, requesting Council's authorization for the Chief Executive to sign a construction agreement with Chris Harris Restoration. **Recommendation: Concur and place on file.**
8. [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. **Recommendation: Refer to the Land Sales Committee.**
9. [10-569](#) Paul Babb, Chief Executive, requesting Council's concurrence in reappointments to the Planning Board. **Recommendation: Concur and place on file.**
10. [10-570](#) Patsy Coates, Property Specialist, Land Office, requesting Council's permission to alter the request of Communication No. 10-551 to request Resolution No. 10-84 be placed on the October 20, 2010 Agenda. **Recommendation: Concur and place on file.**

11. [10-571](#) Lori Casey, Senior Planner, Butte-Silver Bow Planning Board, requesting Council's authorization to hold a Public Hearing October 27, 2010 regarding Zone Change Application No. 165. **Recommendation: Concur and schedule Public Hearing for October 27, 2010.**
12. [10-572](#) Theresa R. Hocking, Health Officer, Butte-Silver Bow Health Department, requesting Council's authorization for the Chief Executive to sign five contracts with various private entities. **Recommendation: Concur and place on file.**
13. [10-573](#) 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 Sekisui SPR for the purpose of the Anaconda Road Tunnel Rehabilitation Project work. **Recommendation: Concur and place on file.**
14. [10-574](#) Rick Larson, Operations Manager-Utilities Division, Butte-Silver Bow Public Works Department, requesting Council's authorization for the Chief Executive to sign an agreement and all related documentation with Swank Enterprises for the purpose of the Wastewater Treatment Plant Phase 1A Improvements Project work. **Recommendation: Concur and place on file.**
15. [10-575](#) Karen Byrnes, Director Butte-Silver Bow Community Development Department, requesting Council's permission to schedule a Bid Opening for November 3, 2010 for the construction of the Meadowlands Senior Housing Complex. **Recommendation: Concur and schedule Bid Opening for November 3, 2010.**
16. [10-576](#) Karen Byrnes, Director Butte-Silver Bow Community Development Department, requesting Council's permission to schedule a Bid Opening for November 3, 2010 for the EECBG Lighting Retrofit Project of Government Buildings. **Recommendation: Concur and schedule Bid Opening for November 3, 2010.**
17. [10-577](#) Jeff Amerman, Director, Butte-Silver Bow Finance and Budget Department, requesting Council schedule a public hearing for November 10, 2010 concerning amending the budget to allow for increased expenditures of unanticipated revenue resulting from the State Revolving Fund (SRF) to assist in funding the Phase 1A Wastewater Treatment Plant upgrades. **Recommendation: Concur and schedule public hearing for November 10, 2010.**
18. [10-578](#) Jeff Amerman, Director, Butte-Silver Bow Finance and Budget Department, requesting Council schedule a public hearing for November 10, 2010 concerning amending the budget to allow for increased expenditures of unanticipated revenue resulting from the federally appropriated funds for the construction of an Emergency Operations Center (EOC). **Recommendation: Concur and schedule public hearing for November 10, 2010.**

19. [10-579](#) Jeff Amerman, Director, Butte-Silver Bow Finance and Budget Department, requesting Council schedule a public hearing for November 10, 2010 concerning amending the budget to allow for increased expenditures of unanticipated revenue resulting from a Department of Justice grant for the establishment of a DUI Court in Butte-Silver Bow. **Recommendation: Concur and schedule public hearing for November 10, 2010.**
20. [10-580](#) Jeff Amerman, Director, Butte-Silver Bow Finance and Budget Department, requesting Council schedule a public hearing for November 10, 2010 concerning amending the budget to allow for increased expenditures of unanticipated revenue for the purchase of OSHA compliance safety monitoring equipment. **Recommendation: Concur and schedule public hearing for November 10, 2010.**
21. [10-581](#) Charlie O’Leary, Council of Commissioners, District 5, requesting Council’s consideration of a Dog Leash Area. **Recommendation: Refer to the Judiciary Committee.**
22. [10-582](#) Eric Hassler, Residential Metals Program Manager, Butte-Silver Bow Health Department, notifying Council of quotes for soil remediation activities for projects at 235 Curtis, 1113 Oregon, 627 Wyoming, 829 W Galena, and 628 Wyoming. **Recommendation: Note and place on file.**
23. [10-583](#) Theresa R. Hocking, Director of Public Health, requesting Council’s authorization of a budget transfer. **Recommendation: Refer to the Finance and Budget Committee.**

SECTION III

SUSPENSION OF THE RULES FOR FINAL PASSAGE

COUNCIL RESOLUTION NO. [10-84](#)

A RESOLUTION ESTABLISHING CRITERIA FOR THE CLASSIFICATION OF UNSOLD TAX-DEED LANDS; DETERMINING THAT CERTAIN PROPERTY SHOULD BE HELD IN CITY-COUNTY OWNERSHIP BECAUSE OF COMPELLING PUBLIC INTEREST; ORDERING CERTAIN PARCELS OF REAL PROPERTY BE HELD IN CITY-COUNTY OWNERSHIP AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION IV

**ORDINANCES AND RESOLUTIONS –
REFERRED TO JUDICIARY**

**COUNCIL BILL NO. -10-10
ORDINANCE NO. -10-10**

AN ORDINANCE AMENDING SECTION 4 OF ORDINANCE NO. 204 AND SECTION 10.36.020 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “ONE-WAY STREETS AND ALLEYS;” ESTABLISHING A ONE-WAY STREET ON MASSACHUSETTS STREET WHERE THE TRAFFIC WILL MOVE NORTH FROM OTTAWA STREET TO B STREET AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**COUNCIL BILL NO. 10-11
ORDINANCE NO. 10-11**

AN ORDINANCE CREATING A NEW CHAPTER IN THE BUTTE-SILVER BOW MUNICIPAL CODE TO BE NUMBERED CHAPTER 2.18 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) AND ENTITLED “MISDEMEANOR PROBATION” AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION V

**ORDINANCES
SECOND READING**

**COUNCIL BILL NO. 10-09
ORDINANCE NO. 10-09**

AN ORDINANCE AMENDING SECTION 2 OF BUTTE-SILVER BOW ORDINANCE NO. 134 AND SECTION 2.04.010 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC); ADJUSTING THE ANNUAL SALARIES OF THE CHIEF EXECUTIVE, COUNTY ATTORNEY, SHERIFF, CLERK AND RECORDER, TREASURER, ASSESSOR, CITY JUDGE, JUSTICE OF THE PEACE, AUDITOR, SUPERINTENDENT OF SCHOOLS, CLERK OF THE DISTRICT COURT, CORONER AND MEMBERS OF THE COUNCIL OF COMMISSIONERS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION VI

**ORDINANCES AND RESOLUTIONS
FINAL READING**

**COUNCIL BILL NO. 10-8
ORDINANCE NO. 10-8**

1.

AN ORDINANCE AMENDING BUTTE-SILVER BOW ORDINANCES NO. 195, 398, 195, 04-5 AND 266 AND TITLE 15 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “BUILDINGS AND CONSTRUCTION”; AMENDING CHAPTER 15.04 ENTITLED “BUILDING CODE”; AMENDING CHAPTER 15.07 ENTITLED “INTERNATIONAL EXISTING BUILDING CODE”; AMENDING CHAPTER 15.14 ENTITLED “MECHANICAL CODE”; AMENDING CHAPTER 15.15 ENTITLED “INTERNATIONAL FUEL CODE”; AMENDING CHAPTER 15.16 ENTITLED “PLUMBING CODE”; AMENDING SECTION 15.18.010 ENTITLED “ELECTRICAL CODE” AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2. **COUNCIL RESOLUTION NO. [10-83](#)**

A RESOLUTION ACCEPTING THE DONATION OF REAL PROPERTY LOCATED IN THE SOUTH HALF OF SECTION 31, TOWNSHIP 3 NORTH, RANGE 7 WEST, LOCATED IN BUTTE-SILVER BOW COUNTY FROM BUTTE SCHOOL DISTRICT NO. 1 TO THE CITY AND COUNTY OF BUTTE-SILVER BOW, MONTANA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

3. **COUNCIL RESOLUTION NO. [10-86](#)**

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE COLUMBIA GARDENS MAJOR 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.

SECTION VII CALENDAR OF OTHER MEETINGS AND EVENTS

October 21	Zoning Board of Adjustment	5:30 p.m.	Council Chambers, 3 rd Floor Courthouse
October 27	Local Emergency Planning Com.	Noon	1 st Floor Conference Room
October 27	Parking Commission	9:00 a.m.	Chief Executive's Conference Room
October 27	Port of Montana	Noon	Hub Center, Silver Bow Montana
October 28	Business Development Center	10:00 a.m.	Business Development Center
October 28	Planning Board	7:00 p.m.	Council Chambers, 3 rd Floor Courthouse
November 2	Historic Preservation Commission	5:30 p.m.	1 st Floor Conference Room
November 2	Weed Board	7:00 p.m.	Weed Department
November 3	Butte Aids Support Services	7:00 p.m.	Community Center
November 3	Board of Health	7:00 a.m.	Health Department

ADJOURN

COMMITTEE OF THE WHOLE MEETING REPORT

OCTOBER 13, 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 DEVELOPER'S PACKET PROPOSALS FOR VACANT PROPERTY LOCATED ON THE NE CORNER OF S. JACKSON AND W. GOLD STREETS, BUTTE, MT. **Proof of Publication was noted.**

SECTION II COMMUNICATION NO. 10-121

Robert Macioroski, Director Butte-Silver Bow Land Office, requesting Council's approval to accept donated properties from Continental Public Land Trust. ***Committee recommends that Communication No. 10-121 be placed in the Suspense File.***

SECTION III COMMUNICATION NO. 10-295

Brandt Thomas, 1823 Wall Street, requesting review proposal to establish a folf (Frisbee golf) course in Clark Park. ***Committee recommends that Communication No. 10-295 be held in abeyance.***

SECTION IV 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 V 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 VI COMMUNICATION NO. 10-506

Earl J. Dodd, President and CEO of Rocky Mountain Supercomputing Centers, requesting Council's authorization for time on the September 8, 2010 Agenda for a Presentation regarding Rocky Mountain Supercomputing Centers requests. ***Committee recommends that Communication No. 10-506 be held in abeyance.***

SECTION XIV**COMMUNICATION NO. 10-540**

Jim Smitham, Executive Director, Butte Local Development Corporation, requesting Council's authorization for contract negotiations between Butte-Silver Bow and Butte Local Development Corporation be assigned to the Chief Executive. *Committee recommends to concur with the request of Communication No. 10-540 and place on file.*

SECTION XV**COMMUNICATION NO. 10-551**

Patsy Coates, Property Specialist, Butte-Silver Bow Land Office, requesting Council's approval to schedule a Special Meeting October 27, 2010 for the purpose of passing two resolutions regarding Tax Deed Sale Auction held October 27, 2010. *Committee recommends that Communication No. 10-551 be held in abeyance.*

SECTION XVI**COMMUNICATION NO. 10-557**

Karen Byrnes, Community Development Director, requesting Council's authorization to schedule time on the October 20, 2010 agenda for a presentation on the Urban Revitalization Agency's activities for FY 2009-2010. *Committee recommends that Communication No. 10-557 be held in abeyance pending presentation on October 20, 2010.*

FINANCE AND BUDGET COMMITTEE MEETING REPORT OCTOBER 13, 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. 10-556

Sheriff John P. Walsh, Butte-Silver Bow Law Enforcement Department, requesting Council's authorization of a budget transfer. *Committee recommends to approve Communication No. 10-556 and place on file.*

SECTION II EXPENDITURE REPORT

10-13-10

\$ 1, 239,962.78

Committee recommends to approve expenditure report and place on file.

JUDICIARY COMMITTEE MEETING REPORT

OCTOBER 13, 2010

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. 10-531

Mike Sheehy, Commissioner District No. 10, requesting Council's approval to create a special mining tax. *Committee recommends that Communication No. 10-531 be denied and placed on file.*

SECTION II COMMUNICATION NO. 10-539

Terry Schultz, Butte-Silver Bow Council of Commissioners, District Number 4, requesting Council's authorization of an ordinance prohibiting "hand held electronic devices" while operating a motor vehicle. *Committee recommends that Communication No. 10-539 be held in abeyance.*

SECTION III COUNCIL BILL NO. 10-8 ORDINANCE NO. 10-8

AN ORDINANCE AMENDING BUTTE-SILVER BOW ORDINANCES NO. 195, 398, 195, 04-5 AND 266 AND TITLE 15 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "BUILDINGS AND CONSTRUCTION"; AMENDING CHAPTER 15.04 ENTITLED "BUILDING CODE"; AMENDING CHAPTER 15.07 ENTITLED "INTERNATIONAL EXISTING BUILDING CODE"; AMENDING CHAPTER 15.14 ENTITLED "MECHANICAL CODE"; AMENDING CHAPTER 15.15 ENTITLED "INTERNATIONAL FUEL CODE"; AMENDING CHAPTER 15.16 ENTITLED "PLUMBING CODE"; AMENDING SECTION 15.18.010 ENTITLED "ELECTRICAL CODE" AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Bill No. 10-8, Ordinance No. 10-8 be moved to final reading.*

SECTION IV COUNCIL BILL NO. -10-09 ORDINANCE NO. -10-09

AN ORDINANCE AMENDING SECTION 2 OF BUTTE-SILVER BOW ORDINANCE NO. 134 AND SECTION 2.04.010 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC); ADJUSTING THE ANNUAL SALARIES OF THE CHIEF EXECUTIVE, COUNTY ATTORNEY, SHERIFF, CLERK AND RECORDER, TREASURER, ASSESSOR, CITY JUDGE, JUSTICE OF THE PEACE, AUDITOR, SUPERINTENDENT OF SCHOOLS, CLERK OF THE DISTRICT COURT, CORONER AND MEMBERS OF THE COUNCIL OF COMMISSIONERS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Bill No. 10-9, Ordinance No. 10-9 be moved to second reading.*

SECTION V

COUNCIL RESOLUTION 10-15

A RESOLUTION ACCEPTING THE DONATION BY CONTINENTAL PUBLIC LAND TRUST (CPLT) TO THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, THE REAL PROPERTY HERIN DESCRIBED ON EXHIBIT “A” TO THIS RESOLUTION FOR THE PURPOSE OF PROMOTING AND FACILITATING REDEVELOPMENT OF THESE PROPERTIES AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 10-15 be moved to the Suspense File.*

SECTION VI

COUNCIL RESOLUTION NO. [10-83](#)

A RESOLUTION ACCEPTING THE DONATION OF REAL PROPERTY LOCATED IN THE SOUTH HALF OF SECTION 31, TOWNSHIP 3 NORTH, RANGE 7 WEST, LOCATED IN BUTTE-SILVER BOW COUNTY FROM BUTTE SCHOOL DISTRICT NO. 1 TO THE CITY AND COUNTY OF BUTTE-SILVER BOW, MONTANA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 10-83 be moved to final reading.*

SECTION VII

COUNCIL RESOLUTION NO. [10-86](#)

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE COLUMBIA GARDENS MAJOR 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. 10-86 be moved to final reading.*

SECTION III

CLAIM APPROVAL

Committee recommends all claims be approved as presented.

**RULES COMMITTEE
OCTOBER 13, 2010
5:30 PM COURTHOUSE COUNCIL CHAMBERS**

SECTION I COMMUNICATION NO. 10-509

Paul Babb, Chief Executive, requesting time on the Rules Committee Agenda for discussion of Council Rules and Order. *Committee recommends that no change be made at this time and that Communication No. 10-509 be placed on file.*