

3. [10-538](#) Terry Schultz, Butte-Silver Bow Council of Commissioners, District Number 4, requesting all bid openings revert to Butte-Silver Bow Commissioners Committee of the Whole Meeting. **Recommendation: Refer to the Committee of the Whole.**
4. [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. **Recommendation: Refer to the Judiciary Committee.**
5. [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. **Recommendation: Refer to the Committee of the Whole.**
6. [10-541](#) Ellen Crain, Director, Butte-Silver Bow Public Archives, requesting Council's authorization to hold a bid opening for construction of parking lot and landscaping October 19, 2010 at 1:00 p.m. in Council Chambers. **Recommendation: Concur and place on file.**
7. [10-542](#) Sally J. Hollis, Clerk and Recorder-Election Administrator, informing Council of the retirement of the Clerk and Recorder's Chief Deputy, Pam Gilman, sometime in midwinter and requesting Council's approval of the appointment of a new Chief Deputy immediately following. **Recommendation: Concur and place on file.**
8. [10-543](#) Rick Larson, Operations Manager/Utility Division, Butte-Silver Bow Public Works Department, notifying Council of two bid openings October 12, 2010 to accept sealed bids for the Anaconda Road Storm Water Tunnel Rehabilitation Project and to accept sealed bids for the construction of the Butte-Silver Bow Waste Water Treatment Plant Phase 1A Improvements. **Recommendation: Note and place on file.**
9. [10-544](#) Rick Larson, Operations Manager/Utility Division, Butte-Silver Bow Public Works Department, requesting Council's authorization for the Chief Executive to sign the Second Amended Notice of Violation and Administrative Order on Consent in the Matter of MPDES Permit Requirements. **Recommendation: Concur and place on file.**
10. [10-545](#) Rick Larson, Operations Manager/Utility Division, Butte-Silver Bow Public Works Department, requesting Council's authorization for the Chief Executive to sign two Restoration Grant Fund Agreements with the State of Montana Natural Resource Damage Program. **Recommendation: Concur and authorize the Chief Executive to sign and place on file.**

11. [10-546](#) Rick Larson, Operations Manager/Utility Division, Butte-Silver Bow Public Works Department, requesting Council's authorization for the Chief Executive to sign Pipeline Crossing Agreement #080808 with the Union Pacific Railroad Company. **Recommendation: Concur and place on file.**
12. [10-547](#) Rick Larson, Operations Manager/Utility Division, Butte-Silver Bow Public Works Department, requesting Council's authorization for the Chief Executive to sign Project Incentive Agreement with North Western Energy. **Recommendation: Concur and place on file.**
13. [10-548](#) Wally Frasz, Butte-Silver Bow Commissioner and Fire Advisory Committee Chairman, notifying Council of a change in membership of the Butte-Silver Bow Fire Advisory Committee. **Recommendation: Note and place on file.**
14. [10-549](#) Wally Frasz, Butte-Silver Bow Commissioner and Fire Advisory Committee Chairman, requesting Council's consideration of a change in minimum score requirements to be interviewed for a position with the paid Fire Fighters in Butte-Silver Bow. **Recommendation: Concur with change and place on file.**
15. [10-550](#) Gary Keeler, Butte-Silver Bow Transit Director, requesting Council's authorization for the Chief Executive to sign an agreement with the Montana Department of Transportation, Transit Section for a 5304 Transit Planning Grant. **Recommendation: Concur and place on file.**
16. [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. **Recommendation: Concur and request the Chief Executive to schedule a Special Meeting for October 27, 2010.**
17. [10-552](#) 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 Northwest Pipe Fittings, Inc. for the purpose of providing materials for the Big Hole Transmission main pipe line. **Recommendation: Concur and place on file.**
18. [10-553](#) Kristen Rosa, TIFID Administrator, requesting Council's authorization for the Chief Executive to sign the Memorandum of Understanding with William Charles Butte Montana, LLC for grant funding for necessary infrastructure associated with the construction of a freight facility in the Port of Montana Business Development Park. **Recommendation: Concur and place on file.**
19. [10-554](#) Lori Casey, Senior Planner, requesting Council's approval of the Final Plat of the Columbia Gardens Estates Major Subdivision, with all thirteen (13) conditions and authorize the Chief Executive to sign the Subdivision Improvement Agreement. **Recommendation: Concur and place on file.**

20. [10-555](#) Dan Dennehy, Director Butte Silver Bow Public Works Department, requesting Council's approval of the closure of East Pacific Street from October 5, 2010 to November 5, 2010 for the purpose of removing, realigning and reconstruction East Pacific Street. **Recommendation: Concur and place on file.**
21. [10-556](#) 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.**
22. [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. **Recommendation: Concur and schedule presentation for October 20, 2010.**
23. [10-558](#) Bill Melvin, Butte Civic Center Manager, requesting Council's authorization to dispose of broken or obsolete equipment. **Recommendation: Concur and place on file.**
24. [10-559](#) Ervin Ketterling, President, Board of Directors, Fairmont Estates Condominium Association, requesting Council investigate the possibility of re-sealing or re-surfacing High Country Drive in Fairmont Estates. **Recommendation: Refer to Committee of the Whole.**
25. [10-560](#) Sheriff John P. Walsh, Butte-Silver Bow Law Enforcement Department, requesting Council's authorization for the Chief Executive to sign/authorize Department of the Treasury Federal Annual Certification Report. **Recommendation: Concur and place on file.**

SECTION III

SUSPENSION OF THE RULES FOR FINAL PASSAGE

COUNCIL RESOLUTION NO. [10-85](#)

A RESOLUTION FIXING THE MANDATORY TAX LEVY FOR VARIOUS COUNTY WIDE FUNDS OF THE SCHOOL DISTRICTS WITHIN THE CITY AND COUNTY OF BUTTE-SILVER BOW AT A RATE WHICH WILL RAISE THE AMOUNT SET OUT IN THE FINAL BUDGET AS THE AMOUNT NECESSARY TO BE RAISED BY TAX LEVY FOR EACH FUND FOR FISCAL YEAR 2010 – 2011; REPEALING COUNCIL RESOLUTION NO. 10-78 DATED SEPTEMBER 15, 2010 AND ALL PARTS OF RESOLUTIONS IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE HEREIN

SECTION IV

**ORDINANCES AND RESOLUTIONS –
REFERRED TO JUDICIARY**

**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.

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.

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 V

**ORDINANCES
SECOND READING**

**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.

SECTION VI

**ORDINANCES AND RESOLUTIONS
FINAL READING**

**COUNCIL BILL NO. 10-6
ORDINANCE NO. 10-6**

AN ORDINANCE AMENDING TITLE 6 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “ANIMALS”; AMENDING SECTIONS 6.04.010, 6.04.020, 6.04.050, 6.04.052, 6.04.060, 6.04.130, 6.04.140, 6.04.160, 6.04.170, 6.04.220, 6.04.230, 6.04.240, 6.04.250, 6.04.260, 6.04.280, 6.04.292, 6.04.294, 6.04.300, 6.04.310, 6.04.320, 6.04.330, 6.04.340, 6.08.020, 6.08.030, 6.16.010, 6.16.020, 6.16.030, 6.16.040, 6.16.050, 6.16.060, 6.16.080, 6.16.090, 6.16.100, 6.20.110, 6.20.120, 6.20.170 AND 6.20.230 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION VII

CALENDAR OF OTHER MEETINGS AND EVENTS

October 6 Butte Aids Support Services	7:00 p.m.	Community Center
October 7 Civic Center	5:00 p.m.	Civic Center Hospitality Room
October 11 Archives	Noon	Archives Center
October 13 Fair Board	5:00 p.m.	Business Development Center
October 13 TIFID	11:30 p.m.	Business Development Ctr. Board Room
October 13 Law Enforcement Commission	4:00 p.m.	Chief Executive’s Conference Room
October 13 Library	5:00 p.m.	2 nd or 3 rd Floor – Library Building
October 13 Fire Advisory Council	5:00 p.m.	1 st Floor Conference Room
October 13 Board of Health	7:00 a.m.	Health Department
October 14 Urban Revitalization	9:00 a.m.	1 st Floor Conference Room
October 18 Airport Authority	Noon	Bert Mooney Airport
October 19 Housing Authority	5:30 p.m.	Silver Bow Homes Housing
October 19 Parks and Recreation	4:15 p.m.	Civic Center Conference Room
October 19 Technical Review Committee	1:30 p.m.	3 rd Floor Conference Room-Water Bldg.

ADJOURN_____

COMMITTEE OF THE WHOLE MEETING REPORT

SEPTEMBER 22, 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 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 held in abeyance.*

SECTION II 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 III COMMUNICATION NO. 10-399

Terry Schultz, District 4 Commissioner, Butte-Silver Bow Council of Commissioners, requesting Council's authorization for a presentation July 7, 2010 regarding consideration of an ordinance allowing emergency responding physicians' similar status as other Emergency Responders. *Committee recommends that Communication No. 10-399 be placed in the suspense file.*

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. 10-499

Roger Ebner, Emergency Management Coordinator, requesting Council's approval to accept an Emergency Management Grant Award and authorize the Chief Executive to sign the award agreement. *Committee recommends to concur with Communication No. 10-499 and place on file.*

SECTION IV

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 held in abeyance.*

SECTION V

CLAIM APPROVAL

Committee recommends all claims be approved as presented.

**RULES COMMITTEE
SEPTEMBER 22, 2010
5:30 PM COURTHOUSE COUNCIL CHAMBERS**

NOTE: The Rules Committee Meeting was cancelled.

SECTION I COMMUNICATION NO. 10-509

Paul Babb, Chief Executive, requesting time on the Rules Committee Agenda for discussion of Council Rules and Order.