

MINUTES OF THE REGULAR MEETING OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

For August 17, 2011

The Regular Meeting of the Council of Commissioners was called to order Wednesday, August 17, 2011, in the Council Chambers, Third Floor, Room 312, Courthouse Building, 155 West Granite Street, Butte, Montana by the Chief Executive, Paul Babb.

ROLL CALL

10 present, 2 absent. Commissioners Palmer and Ralph were excused.

PRAYER

Commissioner Hall led the Commissioners in prayer.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF AUGUST 3, 2011.

It was moved by Commissioner Shaw and seconded by Commissioner Morgan to approve the minutes of the Regular Meeting of August 3, 2011. The motion carried with a unanimous verbal vote.

ITEMS NOT ADDRESSED ON THE AGENDA

Chief Executive Babb announced there will be a Suspension of the Rules to add Communication Nos. 11-499 and 11-500 to the agenda.

It was moved by Commissioner Shaw, seconded by Commissioner Frasz and carried by a roll call vote of 9 yea, 1 nay to suspend the rules in accordance with the provisions of Subsection 6 of Rule VI of the Rules of Business of the Council of Commissioners of the City and County of Butte-Silver Bow, State of Montana, the Council hereby finds that an emergency condition exists which requires that the Council Rules be suspended to allow Communication Nos. 11-499 and 11-500 to be added to the Agenda of the August 17, 2011 Meeting of the Council.

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA

Mark Reavis, 842 W. Galena made the following statements:

- The public depends on reviewing the agenda prior to Council Meetings regarding matters of their concern, and should not have to attend Council just in case something not on the agenda will be discussed and voted on.
- The public has not been adequately informed so as to be able to participate, which is essential and is the law.
- Montana Open Meeting Law is designed to protect the “people’s business”.
- Council has taken actions this past year which are not in keeping with the Open Meeting Law.
- These actions should be viewed as violations of the Montana Open Meeting Law.

- Policies, procedures, and rules should be clearly defined and followed, as well as being posted and provided at the Council Chamber door.
- Very few citizens understand how Council works and even fewer know the proper manner in which a communication can be introduced. The forum is intimidating and explains why Council Chambers is often void of the public.
- Serious matters affecting citizens should be initiated at or referred to various citizen boards and commissions for fact collection and publication prior to Council vote.
- It is essential the public be informed and allowed to participate and citizen boards and commissions should take the lead.
- It is crucial that Departments and appointed committees are not driving the process of this legislative body and the requirements of the Montana Open Meeting Law are met.

CHIEF EXECUTIVE'S REPORT

Chief Executive Babb reported the following:

- The budget process is wrapping up and Council input is encouraged.
- An analysis of the Health Department Chemical Dependency Program has been completed and a Special Board Meeting will be held on Wednesday, August 24, 2011 at 7:00 a.m. at the Health Department.
- Contract negotiations are ongoing.
- Congratulated the An Ri Ra Committee for a successful festival.
- Congratulated Jeff Amerman and staff for receiving an A+ rating from Standard and Poore.

SECTION I PRESENTATION

Jeff Amerman, Director, Butte-Silver Bow Finance and Budget Department, requesting time on the August 17, 2011 agenda to make a presentation on the FY 2011-2012 preliminary budget.

Jeff Amerman updated Council regarding the latest version of the budget with the following:

- Labor costs have been updated.
- Several Capital Asset changes were made:
 1. Fund 2140 (Weed. Ordinance No. 196) \$6,000 for brush mowers and \$20,000 for a large self-contained mower.
 2. Fund 2210 (Civic Center) a floor scrubber which is contained in line item 360 and will not create an increase.
 3. Fund 2210, \$4,500 for a Kiosk for the Hall of Fame.
- All positions from last year have been funded, with 5 FTEs (full-time equivalents) being added. There will be 4 full-time and 2 half-time employees added.
- The Mill Value has increased this year to \$54,024 as compared to \$49,174 from last year. This increase is related to the increase in gross proceeds which is the value of the metals in the mine at Montana Resources and from Basin Creek Power coming on line.
- The increase is not being treated as a forever increase, with a Cost of Living Adjustment increase of 1.6% being given.
- Funds will be infused to the Health Insurance Fund in an effort to help defray the recent 15% increase.
- Corrections to the budget are still possible.

Commissioner Henderson asked Mr. Amerman how many total new employees are being recommended in the new budget.

Jeff Amerman replied there will be a total of 6 new employees hired, with 2 of the employees being half-time.

Commissioner Frasz stated 2 firefighters were requested and asked why only 1 was approved.

Chief Executive Babb explained adding 1 position and updating the Rescue Unit is the most prudent manner in which to address the current budget.

Commissioner Schultz asked what the ceiling of the mill is.

Jeff Amerman replied this year's ceiling has not been calculated but stated if everything holds equal from last year, the mill value will be well underneath the ceiling.

Chief Executive Babb asked Mr. Amerman to explain the difference of capital from enterprise compared to what is levied.

Mr. Amerman explained the majority of the list of capital assets is either grant supported or from enterprise funds. Mr. Amerman further explained approximately \$800,000 is in tax supported funds and the remainder (roughly \$50,000,000) is in either enterprise funds or grant funds.

Commissioner Foley asked Mr. Amerman to explain the requested increase for Butte-Silver Bow Utilities.

Mr. Amerman explained a Public Hearing will be held on September 7, 2011 for the purpose of considering increases to the water and Metro Sewer utilities. Mr. Amerman further explained the increases are due to the large amount of capital infrastructure put into place in both utilities.

Commissioner Foley asked Dan Dennehy to explain the three engineering positions being requested.

Dan Dennehy explained 3 positions are being requested, 1 project engineer for the utility side and 1 project engineer and 1 engineering tech for the road/traffic side.

Chief Executive Babb stated adding these positions will save Butte-Silver Bow money in the long run and will provide the necessary oversight for the ongoing infrastructure projects.

Commissioner Frasz asked if the positions will be filled by Professional Engineers (PEs).

Dan Dennehy replied the budgeted salary for the engineer positions is approximately \$58,000 and being a PE will not be a requirement.

Commissioner Morgan asked Mr. Amerman if there any additional costs to be considered related to the new positions.

Mr. Amerman replied a 30% multiplier above and beyond salary to cover items such as insurance should be factored in.

Commissioner Hall asked Dan Dennehy if hiring the requested engineers will save Butte-Silver Bow money on studies.

Mr. Dennehy replied money will still be spent on studies; however, the requested engineers will assist in evaluations of these studies.

Chief Executive Babb added studies and master plans are necessary in order to receive grant funds from the Federal Government.

Commissioner Schultz asked if equalizing the Health Insurance Fund will mean a pay increase to Butte-Silver Bow employees.

Jeff Amerman replied equalizing the Health Insurance Fund will result in a pay increase for employees.

Commissioner Schultz asked how much money will be placed in the Health Insurance Fund.

Mr. Amerman replied the amount would be between \$450,000 and \$500,000.

Mr. Amerman explained the upcoming steps regarding budget process:

1. Adoption of the preliminary budget, which then becomes Council's budget.
2. Adjustments put in the form of exhibits and presented at the August 24, 2011 Committee of the Whole Meeting.
3. Public Hearing to be held on September 7, 2011.

It was moved by Commissioner Foley and seconded by Commissioner Shaw to adopt the 2011-2012 preliminary budget. The motion passed with a unanimous verbal vote.

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**

Before entertaining a motion for approval of the Consent Agenda, Chief Executive Babb called for any friendly amendments or segregations.

Commissioner Shaw segregated from the Committee of the Whole Meeting Report, A (1), page 8, Section VII, Communication No. 11-431.

Commissioner Foley made a Friendly Amendment to the Finance and Budget Committee Report, Section II, Communication No. 11-476 to change the recommendation to "Committee recommends to move the 2011-2012 budget to full Council for consideration and adoption and place on file."

Commissioner Foley segregated Section B, Communications, No. 15, 11-492 and No. 19, 11-496.

It was then moved by Commissioner Shaw, seconded by Commissioner Foley and carried with a unanimous verbal vote to approve the Consent Agenda, Section A, Items 1 through 4 exclusive of Communication No. 11-431, and B, Sections 1-21, exclusive of No. 15, 11-492, and No. 19, 11-496.

Segregation – Communication No. 11-431

Jon Sesso, Director, Butte-Silver Bow Planning Department, requesting Council authority to place the Butte Sidewalks Project out for construction bid and schedule a bid opening for August 25, 2011.

Commissioner Shaw explained Mr. Sesso has requested the Bid Opening be moved from August 25, 2011 to September 7, 2011.

It was moved by Commissioner Shaw, seconded by Commissioner Foley and carried with a unanimous verbal vote to change the date of the Bid Opening to September 7, 2011.

Segregation – Communication No.11-492

Ed Randall, Manager, Butte-Silver Bow Community Enrichment Department, requesting funds to demolish the building located at 827 E. Front Street, Butte, Montana.

Commissioner Foley asked County Attorney Joyce if the Open Meeting Law regarding this Communication had been violated at last week's meeting.

County Attorney Joyce explained the following:

- There is not a "black and white" answer.
- The Open Meeting Laws were not violated.
- The provisions of the Open Meeting Law require meetings of public agencies be open to the public and last week's meeting was open to the public, with the agenda being available and published as required.
- A question could be made as to whether or not there was a violation of the public participation statute, which requires specific notice of any agency decision (a decision that is of significant public interest) be included on the agenda.
- An argument could be made by a member of the public that there was a violation of this statute.
- Arguments can be made on both sides as to whether or not there was a violation of that law.
- The matter would ultimately be decided by a Court if brought that far.
- The circumstance of the Communication may be made moot by the new communication on tonight's agenda.
- Advised Council to proceed with caution, which could be done by a motion to reconsider the communication passed last week.

Commissioner Foley stated he did not want to give the impression Council is hiding anything or keeping the public from participating in the process. Commissioner Foley asked Ed Randall if he is comfortable with the recommendation to move Communication No. 11-492 (request to demolish the building located at 827 E. Front Street) to the Finance and Budget Committee to review the request.

Ed Randall replied he is comfortable with both the communication from last week and the new communication on this week's agenda. Mr. Randall further stated he is comfortable with the process that was followed.

Commissioner Morgan asked County Attorney Joyce if every possible option needs to be stated in a communication.

County Attorney Joyce explained the public can raise issues if they do not feel there is sufficient information in a communication to correspond with the action taken. County Attorney Joyce further explained the question being raised now is the letter from Mr. Randall requested funds to repair the roof and the action taken was not as to whether or not funds would be given to repair the roof. Ms. Joyce also stated she is not able to answer whether or not the action taken is a matter of significant of public interest and again stated Council should proceed with caution.

Chief Executive Babb asked County Attorney Joyce if Council segregated Communication No. 11-472 from the Committee of the Whole Meeting Report, could there be a vote to either approve or deny the request by Mr. Randall.

County Attorney Joyce explained the communication was not segregated and the motion to approve the report was already made. County Attorney Joyce further explained in order to take a different action, it would be necessary to make motion to reconsider the approval of the Committee of the Whole Agenda.

Commissioner Andersen asked Jim Jarvis how the process followed regarding the Brinks Building would affect future projects and if this action could have a negative effect on obtaining grants.

Jim Jarvis replied rushing to demolish a building without adequate discussion or referring to the Preservation Commission for input could be poorly perceived and could have an impact on receiving future grants.

Commissioner Andersen asked if the discussions from both last week and this week would be considered reasonable dialog and proper protocol.

Mr. Jarvis replied a Herculean amount of effort by Butte-Silver Bow was put in on behalf of this project before it came to discussion.

Chief Executive Babb asked County Attorney Joyce if there is a potential conflict having both communications on the agenda and if a motion for reconsideration of Communication No. 11-472 to either deny or approve and place on file could take the communication off the agenda.

County Attorney Joyce replied a motion for reconsideration of passage of the Committee of the Whole Meeting Report is necessary before a motion for reconsideration of Communication No. 11-472.

Commissioner Schultz stated he did not feel Communication No. 11-472 was first introduced at a Regular Meeting and was introduced at a Committee of the Whole Meeting.

Commissioner Hall asked Ed Randall if there is a bid of \$50,000 to demolish the Brinks Building.

Mr. Randall replied he is requesting funds to begin the process and explained funding needs to be in place before bids are requested.

Commissioner Morgan stated Communication No. 11-472 was introduced at the Regular Meeting of August 3, 2011.

Commissioner Schultz replied the request was for funds for a roof and not for demolition.

Commissioner Hall asked Mitch Booth to speak regarding the Brinks Building.

Mitch Booth, 1501 N. Excelsior, stated the following:

- He was unable to complete the Developer's Packet in June because he broke his foot.
- He was not aware of last week's meeting regarding the Brinks Building.
- He would like to take the building from Butte-Silver Bow and fix it up.
- He wants to take his father and godfather through the building.
- He would put the building into service as a commercial upholstery business.
- He believes the building can be saved.

It was moved by Commissioner Foley and seconded by Commissioner Morgan to refer Communication No. 11-492 to the Finance and Budget Committee. The motion passed with a verbal vote of 9 yea and 1 nay, with Commissioner Schultz voting nay.

Segregation – Communication No.11-496

Karen Byrnes, Butte-Silver Bow Community Development Director, notifying Council of the URA Board of Director's decision to not fund the additional \$14,000 requested by Mr. Kujawa and of Mr. Kujawa's decision to withdraw his request for additional grant funds (\$146,250) and loan funds (\$400,000) from the URA.

Commissioner Foley stated he did not agree with the recommendation to proceed with stabilization and place on file. Commissioner Foley explained a vote was taken to proceed with stabilization with a commitment from Butte CPR and also a signed agreement from Mr. Kujawa. Commissioner Foley further explained Mr. Kujawa has withdrawn his commitment, making the vote invalid, and Council should take into consideration the fact that there is no longer a commitment from a developer.

Chief Executive Babb stated Dan Dennehy and Dave Cunningham, Butte-Silver Bow Public Works Department, investigated the possibility of Butte-Silver Bow performing the demolition of the Greek Café. After the investigation it was determined at least 90% of the work would have to be subcontracted out and their recommendation is Butte-Silver Bow would not be able to demolish the building.

Karen Byrnes, Community Development Director, summarized the following:

- A motion to award the contract to Sirius Construction was made based on 2 contingencies being met.
 1. A signed commitment by Mr. Kujawa.
 2. A commitment by CPR regarding a pledge of \$20,000 toward the project.
- The commitment by CPR for \$20,000 for stabilization has been received.
- Mr. Kujawa withdrew his proposal to the URA Board for consideration for additional grant and loan funds because his request for an additional \$14,000 to be placed into the stabilization fund from the URA Board was denied.

- There is an approximate budget of \$78,000 to stabilize the building in its current state to 4 walls with exterior bracing and will not include a roof.
- This stabilization will last a maximum of 3 years.

Chief Executive Babb asked Ms. Byrnes to tell Council the cost of stabilization compared to the project proposed by Mr. Kujawa.

Karen Byrnes stated the stabilization contract with Sirius is merely the beginning of the completion of the project of the building. Ms. Byrnes further stated the stabilization contract is \$78,000 and the cost for completion of the project in order to have a viable building is approximately \$1,000,000.

Commissioner Frasz asked Ms. Byrnes if bracing on the outside of the building is required to stabilize the building.

Ms. Byrnes replied this is correct according to the current plans, and if Council decides to move forward with stabilization, it will be important to approve funding to move the bracing to the inside of the building.

Commissioner Hall asked Ms. Byrnes if the number of developers would increase if the building is stabilized and put out for another Developer's Packet.

Ms. Byrnes replied the building has been offered 4 times over the past 5 years and stated it is possible that stabilizing the building could attract another developer.

Commissioner Hall stated when the URA was started the R stood for "Revitalization" and the URA had a great deal of love for the Uptown. Ms. Hall further stated she hoped there would be more interest in revitalizing buildings such as the Greek Café in an effort to get them back on the tax rolls.

Commissioner Schultz asked Ms. Byrnes if stabilizing the building this year would make other grants available next year.

Ms. Byrnes commented there is always a possibility of grant funds from sources outside Butte-Silver Bow. Ms. Byrnes further commented URA funds are still available to help revitalize buildings within the District and an application from a different developer or the same developer for this structure in the future would be considered.

Commissioner Foley asked Karen Byrnes how much money in the last 5 years the URA has given for stabilization and improvements in Uptown Butte.

Ms. Byrnes replied the amount is over \$3,000,000.

Commissioner Foley stated the URA has done a tremendous job in our community but can only do so much.

Commissioner Schultz asked Ms. Byrnes if Mr. Kujawa withdrew his request because he felt it would be denied. Commissioner Schultz further asked if Mr. Kujawa's request included a loan from the URA and stated Mr. Kujawa has a track record of taking on very big projects and paying them back and wondered if there was a concern the loan wouldn't be paid back.

Karen Byrnes replied Mr. Kujawa withdrew his request to the URA Board before action could be taken. Ms. Byrnes stated there was discussion preceding his withdrawal regarding the project, the risk factors, equity ratios, coverage, etc. Ms. Byrnes explained Mr. Kujawa had requested a grant in the amount of \$146,000, a loan in the amount of \$400,000, and in addition, the URA was adding the \$51,000 that was assigned in the development agreement.

Commissioner Schultz stated Mr. Kujawa would be held responsible for the loan and wondered, given Mr. Kujawa's track record, if there was a real risk for the \$400,000 loan.

Ms. Byrnes replied it is a practice of the loan committee to require 1.25 coverage on all loans and it is necessary to require collateral to back the loan. Ms. Byrnes further stated if this coverage is not there, that is a risk.

It was moved by Commissioner Frasz and seconded by Commissioner Granger to deny the recommendation of Communication No. 11-496 and place on file.

Commissioner Hall stated she felt the URA has done a wonderful job with the \$3,000,000 spent for revitalization but stated she was not in favor of demolishing buildings.

County Attorney Joyce commented Ms. Byrnes' communication was informational and did not request any action be taken and asked what was being denied.

Chief Executive Babb stated Council Chairman Palmer's recommendation is to proceed with stabilization and place on file, and he asked Commissioner Frasz if his motion was to allow for demolition and be placed on file.

Commissioner Frasz explained his motion was to deny the stabilization project and, since the requirements from the previous vote were not met, to demolish the building.

County Attorney Joyce replied taking this action on Communication No. 11-496 is questionable as the communication does not ask Council to proceed with demolition since the contingencies were not met.

Chief Executive Babb asked County Attorney Joyce what her recommendation would be.

County Attorney Joyce replied her recommendation would be to note the communication and place it on file, stating the contingencies were not met, and submit a new communication requesting some action.

It was moved by Commissioner Frasz and seconded by Commissioner Granger to withdraw his motion to deny the recommendation of Communication No. 11-496 and place on file.

It was moved by Commissioner Foley and seconded by Commissioner Frasz to note and place on file Communication No. 11-496 and request staff return with a recommendation for the Greek Café.

A substitute motion was made by Commissioner Andersen to proceed with stabilization.

Chief Executive Babb stated any substitute motion would go against the County Attorney's advice and explained Ms. Byrnes communication was informational and did not ask for any action by Council.

Karen Byrnes stated her communication did not ask for specific action by Council but did inform Council they may want to proceed with the stabilization without a committed developer or explore other options.

Chief Executive Babb asked County Attorney Joyce if Commissioner Andersen could make a motion to proceed with stabilization.

County Attorney Joyce stated, given the language Ms. Byrnes reported was in her letter, it would be possible for Commissioner Andersen to make the motion for stabilization.

Commissioner Andersen stated before the building could be demolished, there would have to be another bid request. Commissioner Andersen further stated there is \$30,000 from a grant fund and \$20,000 from CPR to stabilize the building. The cost to stabilize is \$68,000, and if the URA would contribute \$18,000 toward stabilization, there would be another 3-4 years to find a developer for the building.

A substitute motion was made by Commissioner Andersen and seconded by Commissioner Hall to proceed with stabilization and place Communication No. 11-496 on file.

Commissioner Foley asked County Attorney Joyce how long the bids for stabilization and for demolition are in effect.

County Attorney Joyce deferred to Jim Jarvis.

Jim Jarvis explained both bids have a 30-day expiration date and that date has come and gone. Mr. Jarvis further explained he has been in daily communication with Sirius Construction, and they have agreed to extend their bid for stabilization beyond the 30 days. Mr. Jarvis explained the bid for demolition has expired.

Commissioner Schultz stated stabilization would be the least cost to the citizens of Butte-Silver Bow and Council should approve Chairman Palmer's recommendation to proceed with stabilization.

Commissioner Shaw asked Karen Byrnes what happens to the money that was earmarked for stabilization if Council decides against stabilization.

Karen Byrnes explained the funds remain in the URA and will be reallocated to the grants and donations budget and used for another project.

Commissioner Morgan asked Ms. Byrnes if the URA funds are committed to the project with Mr. Kuja-wa or to the Greek Café Building.

Ms. Byrnes replied the funds were committed to the stabilization of the building, not the developer.

The motion to proceed with stabilization and place on file failed with a roll call vote of 4 yea and 6 nay.

Commissioner Foley, with the concurrence of Commissioner Granger, withdrew his original motion to note and place on file.

It was moved by Commissioner Foley and seconded by Commissioner Granger to proceed with demolition with the contingency of the bid by Hoffman’s still being valid, and if not, to put it out for bid again for demolition.

Commissioner Andersen stated his motion was based on Commissioner Palmer and Ms. Byrnes’ recommendation to continue with stabilization and asked County Attorney Joyce if Commissioner Foley’s motion would be allowed as there was no mention of demolition.

County Attorney Joyce replied the Ms. Byrnes’ communication included the statement “or explore other options” and, therefore, Commissioner Foley’s motion is valid.

Commissioner Morgan commented the public has been aware of the possibility of demolition of this building for the past 3 years.

The motion passed with a roll call vote of 7 yea and 3 nay.

Communication No. 11-499

Jeff Amerman, Director, Butte-Silver Bow Finance and Budget Department, requesting Council’s authorization to hold a Public Hearing regarding the FY 2011-2012 Preliminary Budget.

It was moved by Commissioner Shaw, seconded by Commissioner Morgan and passed with a unanimous verbal vote to concur with the request of Communication No. 11-499 and schedule the Public Hearing for September 7, 2011.

Communication No. 11-500

Jeff Amerman, Director, Butte-Silver Bow Finance and Budget Department, requesting Council’s authorization to hold a Public Hearing regarding the FY 2011-2012 rates for Water, Sewer and Solid Waste Utilities.

It was moved by Commissioner Shaw, seconded by Commissioner Morgan and passed with a unanimous verbal vote to concur with the request of Communication No. 11-500 and schedule the Public Hearing for September 7, 2011.

SECTION III

**ORDINANCES AND RESOLUTIONS –
REFERRED TO JUDICIARY**

**1. COUNCIL BILL NO. [11-9](#)
ORDINANCE NO. 11-9**

AN ORDINANCE AMENDING SECTION 17.060.030 OF BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) WHICH SECTION ADOPTED THE ZONING MAP OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR A CHANGE TO THE OFFICIAL ZONING DISTRICT MAP BY REZONING AN AREA PRESENTLY ZONED R-1S (ONE-FAMILY RESIDENCE ZONE) TO R-1T (ONE-FAMILY SUBURBAN RESIDENCE TRANSITION ZONE) LEGALLY DESCRIBED AS 138 ACRES, MORE OR LESS, OF THE BUFFALO ESTATES MAJOR SUBDIVISION PHASE 1, SUBDIVISION PLAT #285A, EXCLUDING TRACTS, 11, 18, 19, 25, 26, 27, 28, 29, 30, 31, 32, 34, 35, AND 36, SITUATED IN THE NW1/4, SW1/4 AND SE1/4 OF SECTION 10, T2N, R7W, OF THE P.M.M. OF THE CITY AND COUNTY

OF BUTTE-SILVER BOW, STATE OF MONTANA, GENERALLY LOCATED SOUTH OF HOLIDAY DRIVE, EAST OF CONTINENTAL DRIVE, NORTH OF LYNDALANE AND WEST OF INTERSTATE 90, PROVIDING FOR THE REPEAL OF ALL PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2. **COUNCIL RESOLUTION NO. [11-39](#)**

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A CERTAIN PARCEL OF LOCAL GOVERNMENT OWNED REAL PROPERTY LOCATED AT 409 W. MERCURY STREET, LEGALLY DESCRIBED AS W. 35' OF LOT 6 AND 7, BLOCK 47, ORIGINAL BUTTE TOWNSITE, SECTION 13, T3N, R8W, BUTTE-SILVER BOW, MONTANA (PARCEL NO. 1887600) FOR THE PURPOSE OF COMMUNITY DEVELOPMENT IN ACCORDANCE WITH THE PROCEDURES OF BUTTE-SILVER BOW MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

3. **COUNCIL RESOLUTION NO. [11-40](#)**

A RESOLUTION AUTHORIZING AND APPROVING THE DONATION BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA TO THE NATIONAL AFFORDABLE HOUSING NETWORK A PARCEL OF REAL PROPERTY DESCRIBED AS LOTS 24 AND 25 OF BLOCK 4 OF THE PLYMOUTH ADDITION OF BUTTE-SILVER BOW COUNTY, MONTANA FOR THE PURPOSE OF CONSTRUCTING AFFORDABLE HOUSING AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

4. **COUNCIL RESOLUTION NO. [11-41](#)**

A RESOLUTION RELATING TO \$1,130,000 SEWER SYSTEM REVENUE BONDS (DNRC WATER POLLUTION CONTROL STATE REVOLVING LOAN PROGRAM), CONSISTING OF \$300,000 SUBORDINATE LIEN, TAXABLE SERIES 2011C BOND, \$290,000 SERIES 2011D BOND, AND \$540,000 SERIES 2011E BOND; AUTHORIZING THE ISSUANCE AND FIXING THE TERMS AND CONDITIONS THEREOF.

SECTION IV

**ORDINANCES AND RESOLUTIONS
FINAL READING**

1. **COUNCIL BILL NO. 11-6
ORDINANCE NO. [11-6](#)**

AN ORDINANCE AMENDING BUTTE-SILVER BOW ORDINANCE NO. 310 AND CHAPTER 9.24 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "WEAPONS"; AMENDING SECTION 9.24.030, 9.24.050 AND 9.24.060 AND REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *It was moved by Commissioner Shaw and seconded by Commissioner Schultz that Council Bill No. 11-6, Ordinance No. 11-6, be placed on final reading and be passed, having*

been deemed read at length. The motion passed with a roll call vote of 10 yea and 0 nay.

**COUNCIL BILL NO. 11-8
ORDINANCE NO. [11-8](#)**

AN ORDINANCE AMENDING SECTION 17.060.030 OF BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) WHICH SECTION ADOPTED THE ZONING MAP OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR A CHANGE TO THE OFFICIAL ZONING DISTRICT MAP BY REZONING AN AREA PRESENTLY ZONED R-4 (MOBILE HOME) TO R-2 (TWO FAMILY RESIDENTIAL) LEGALLY DESCRIBED AS 210 ACRES, MORE OR LESS, AND IS SITUATED IN THE S1/2 OF SECTION 12 T3N, R8W, OF THE P.M.M. OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, GENERALLY LOCATED NORTH OF BOARDMAN STREET, EAST OF N. ALABAMA STREET AND N. CLARK STREET, SOUTH OF THE SOUTHERN BOUNDARY OF THE TOWN OF WALKERVILLE, AND WEST OF THE MOUNTAIN CON AND KELLY MINE PROPERTIES, GENERALLY KNOWN AS THE CENTERVILLE NEIGHBORHOOD, PROVIDING FOR THE REPEAL OF ALL PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **Commissioner Shaw pointed out a typographical error on the original draft on page 1, line 10 “Walkersville” has been changed to Walkerville.**

It was moved by Commissioner Shaw and seconded by Commissioner Morgan that Council Bill No. 11-8, Ordinance No. 11-8, be placed on final reading with the amendment and be passed, having been deemed read at length. The motion passed with a roll call vote of 10 yea and 0 nay.

3. COUNCIL RESOLUTION NO. [11-38](#)

RESOLUTION RELATING TO FINANCING OF CERTAIN PROPOSED PROJECTS; ESTABLISHING COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE. *It was moved by Commissioner Shaw and seconded by Commissioner Morgan that Council Resolution No. 11-3, be placed on final reading and passed, having been deemed read at length. The motion passed with a roll call vote of 10 yea and 0 nay.*

Commissioner Shaw announced the August 18, 2011 Zoning Board Meeting has been cancelled.

Chief Executive Babb announced there will be a Special Board Meeting of the Health Department next Wednesday, August 24, 2011, at 7:00 a.m. at the Health Department.

ADJOURN

It was moved by Commissioner Shaw, seconded by Commissioner Granger and carried with a unanimous verbal vote to Rise to the Call of the Chair.

The meeting adjourned at 9:40 p.m.

CHIEF EXECUTIVE

ATTEST:

CLERK AND RECORDER