

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

For JUNE 15, 2011

The Regular Meeting of the Council of Commissioners was called to order Wednesday, June 15, 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

12 present, 0 absent,

PRAYER

Commissioner Hall led the Commissioners in prayer.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF JUNE 1, 2011.

It was moved by Commissioner Palmer and seconded by Commissioner Shaw to approve the minutes of the Regular Meeting of June 1, 2011. The motion carried with a unanimous verbal vote.

ITEMS NOT ADDRESSED ON THE AGENDA

None

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA

None

CHIEF EXECUTIVE'S REPORT

Chief Executive Babb gave the following report:

- Updated Council regarding the flood warning and flood watch by stating weather has cooperated over the last few days with some waterways receding and stated any questions should be referred to Roger Ebner.
- Stated the budget process has been moving along with meetings with department heads and all deadlines should be met.
- Reported the majority of Unions have agreed to utilize Interest Based Bargaining rather than traditional bargaining
- Stated a seven member Ad Hoc Committee to review Historic Preservation Guidelines has been formed.

SECTION I

PUBLIC HEARING

TO HEAR PUBLIC COMMENT REGARDING THE WORK PLAN AND BUDGET OF A TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID). (**Communication No. 11-338 being held in the Committee of the Whole**). **Proof of Publication was noted.**

Jeff Amerman stated the Public Hearing is being held in accordance with Montana Code 7-12-1132, which requires the TBID to submit a work plan and budget as well as a Public Hearing.

Chief Executive Babb opened the Public Hearing at 7:39 p.m. and called for proponents.

On the third and final call, there being none, Chief Executive Babb called for opponents.

On the third and final call, there being none, Chief Executive Babb closed the Public Hearing at 7:40 p.m.

SECTION II

**PRESENTATION
COMMUNICATION NO. [11-323](#)**

Elizabeth Erickson, Chairperson, Butte Natural Resource Damage Restoration Council (BNRC), requesting time on the June 15, 2011 Agenda for a presentation regarding the “Butte Area One Draft Restoration Process Planning Document.

Elizabeth Erickson gave a power point presentation which highlighted the following items:

- Fund History
- Council History
- Document Contents
- Guiding Principles
- Schedule

A copy of the Butte Area One Draft Restoration Process Planning Document was given to all Commissioners for their review. Please see copy in record for any questions.

Chief Executive Babb stated Council needs to review the document before bringing forward any questions and suggested holding the communication in the Committee of the Whole until Council has sufficient time to go over the document.

It was moved by Commissioner Palmer, seconded by Commissioner Morgan and passed with a unanimous verbal vote to hold Communication No. 11-323 in the Committee of the Whole.

SECTION III

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**
- C. COMMUNICATIONS**

Chief Executive Babb requested Council place Communication No. 11-396 on file as a Friendly Amendment and explained any Change Order's will be brought before Council for approval.

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

Commissioner Shaw made a Friendly Amendment to page 17, Judiciary Committee Meeting Report, Communication 11-97 to change the recommendation to read hold in abeyance.

Commissioner Palmer made a Friendly Amendment to the Consent Agenda, No. 39, Communication No. 11-396 to change the recommendation from refer to Committee of the Whole to deny and place on file.

Commissioner Foley segregated from the Consent Agenda, No. 18, Communication No. 11-375.

It was then moved by Commissioner Palmer, seconded by Commissioner Foley and carried with a unanimous verbal vote to approve the Consent Agenda, Section A, Items 1 through 4, B, 1, and C, 1-42 exclusive of No. 18, 11-375.

Segregation – Communication No. 11-375

Sheriff John P. Walsh, Butte-Silver Bow Law Enforcement Department, requesting Council's authorization of the DUI Task Force Plan and for the Chief Executive to sign the agreement and authorization to proceed.

Commissioner Foley explained he wished to go as record as abstaining from voting on Communication No. 11-375.

It was moved by Commissioner Palmer, seconded by Commissioner Morgan and passed with a unanimous verbal vote to agree with the request of Communication No. 11-375 and place the Communication on file.

SECTION IV

**SUSPENSION OF THE RULES
FOR FINAL PASSAGE**

It was moved by Commissioner Palmer, seconded by Commissioner Shaw and carried by a roll call vote of 12 yeas and 0 nays to suspend the rules for the purpose of passing Council Resolution No's. 11-28, 11-30 and 11-31 by waiving Subsection 7 of Rule XXXVI of the Rules and Order of Business of the Council of Commissioners, thereby having it considered for advanced passage without reference to the Judiciary Committee.

1. **COUNCIL RESOLUTION NO. [11-28](#)**

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 OF REAL PROPERTIES HEREIN DESCRIBED ON EXHIBIT "A" TO THIS RESOLUTION FOR THE PURPOSE OF CONSTRUCTING AFFORDABLE HOUSING AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *It was moved by Commissioner Palmer and seconded by Commissioner Shaw that Council Resolution No. 11-28, be placed on final reading and passed having been deemed read at length. The motion passed with a roll call vote of 12 yea and 0 nay.*

2. **COUNCIL RESOLUTION NO. [11-30](#)**

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW HR/RISK MANAGEMENT FUND FROM TOWN PUMP TO PURCHASE TWO AED'S WITH FAST RESPONSE KITS TO BE EXPENDED IN THE GENERAL FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *It was moved by Commissioner Palmer and seconded by Commissioner Shaw that Council Resolution No. 11-30, be placed on final reading and passed having been deemed read at length. The motion passed with a roll call vote of 12 yea and 0 nay.*

3. **COUNCIL RESOLUTION NO. [11-31](#)**

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW TRANSIT DEPARTMENT FROM THE ARRA GRANT FUNDS FOR THE COST OF A PARKING LOT FOR THE NEW BUS BARN TO BE EXPENDED IN THE GENERAL FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *It was moved by Commissioner Palmer and seconded by Commissioner Shaw that Council Resolution No. 11-31, be placed on final reading and passed having been deemed read at length. The motion passed with a roll call vote of 12 yea and 0 nay.*

SECTION V **ORDINANCES AND RESOLUTIONS –**
REFERRED TO JUDICIARY

1. **COUNCIL RESOLUTION NO. [11-29](#)**

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE AMENDED PLAT OF THE KINGS ADDITION NO. 1 AND THE GWIN & DUCIE'S 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.

2. **COUNCIL RESOLUTION NO. [11-32](#)**

A RESOLUTION DIRECTING THE ELECTION ADMINISTRATOR TO PUT THE QUESTION OF APPROVING A GENERAL OBLIGATION BOND ISSUE NOT TO EXCEED THE AMOUNT OF \$7,500,000.00 FOR THE RENOVATION AND EXPANSION OF THE BUTTE-SILVER BOW AQUATICS AND RECREATION COMPLEX ON THE BALLOT FOR VOTER APPROVAL AT A SPECIAL MAIL BALLOT ELECTION TO BE HELD ON TUESDAY, SEPTEMBER 27, 2011 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2. **COUNCIL RESOLUTION NO. [11-27](#)**

A RESOLUTION ACCEPTING THE DONATION OF A PARCEL OF PROPERTY OWNED BY PANTERRA MINERALS, INC., A MONTANA CORPORATION, DESCRIBED AS RIGHT OF POSSESSION-PORION OF LOT 3 TO BE DESCRIBED ON A CERTIFICATE OF SURVEY (AMENDED PLAT OF THE SILICON MOUNTAIN #1 MINOR SUBDIVISION) TO BE FILED WITH THE CLERK AND RECORDER OF BUTTE-SILVER BOW COUNTY, MONTANA, IN EXCHANGE FOR A PARCEL OF REAL PROPERTY NOW OWNED BY THE CITY-COUNTY KNOWN AS LOT 3A TO BE DESCRIBED ON A CERTIFICATE OF SURBEY (AMENDED PLAT OF THE SILICON MOUNTAIN #1 MINOR SUBDIVISION) TO BE FILED WITH THE CLERK AND RECORDER OF BUTTE-SILVER BOW COUNTY, MONTANA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION IV **ORDINANCES AND RESOLUTIONS**
FINAL READING

1. **COUNCIL RESOLUTION NO. [11-17](#)**

A RESOLUTION APPROVING GROWTH POLICY AMENDMENT NO. 28 TO THE 1987 BUTTE-SILVER BOW MASTER PLAN, INCORPORATING, BY REFERENCE, THE TEXT OF THE AMENDMENTS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *It was moved by Commissioner Palmer and seconded by Commissioner Shaw that Council Resolution No. 11-17, be placed on final reading and passed having been deemed read at length. The motion passed with a roll call vote of 12 yea and 0 nay.*

2. **COUNCIL RESOLUTION NO. [11-24](#)**

RESOLUTION APPROVING SEWER SYSTEM IMPROVEMENTS AS AN INDUSTRIAL INFRASTRUCTURE DEVELOPMENT PROJECT; AUTHORIZING THE ISSUANCE AND PRIVATE NEGOTIATED SALE OF TAX INCREMENT INDUSTRIAL INFRASTRUCTURE DEVELOPMENT REVENUE BONDS (TIFID #2), SERIES 2011, SUBJECT TO THE TERMS AND LIMITATIONS SET FORTH HEREIN; AND AUTHORIZING THE CHIEF EXECUTIVE TO ENTER INTO A BOND PURCHASE AGREEMENT WITH RESPECT THERETO. *It was moved by Commissioner Palmer and seconded by Commissioner Shaw that Council Resolution No. 11-24, be placed on final reading and passed having been deemed read at length. The motion passed with a roll call vote of 12 yea and 0 nay.*

3.

COUNCIL RESOLUTION NO. [11-25](#)

RESOLUTION AUTHORIZING THE ISSUANCE AND PRIVATE NEGOTIATED SALE OF UP TO \$9,950,000 GENERAL OBLIGATION REFUNDING BONDS SUBJECT TO THE TERMS AND LIMITATIONS SET FORTH HEREIN; AND AUTHORIZING THE CHIEF EXECUTIVE AND FINANCE AND BUDGET DIRECTOR TO ENTER INTO A BOND PURCHASE AGREEMENT WITH RESPECT THERETO. *It was moved by Commissioner Palmer and seconded by Commissioner Shaw that Council Resolution No. 11-25, be placed on final reading and passed having been deemed read at length. The motion passed with a roll call vote of 12 yea and 0 nay.*

ADJOURN

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

The meeting adjourned at 8:10 p.m.

CHIEF EXECUTIVE

ATTEST:

CLERK AND RECORDER