

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

APRIL 1, 2009

The Regular Meeting of the Butte-Silver Bow Council of Commissioners was called to order Wednesday, April 1, 2009 in the Council Chambers, Third Floor, Room 312, Courthouse Building, 155 West Granite Street, Butte, Montana by Chief Executive Paul Babb.

ROLL CALL

11 Present, 1 absent. Commissioner Foley was excused

PRAYER

Commissioners were led in prayer by Commissioner Lee.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF MARCH 18, 2009

It was moved by Commissioner Palmer, seconded by Commissioner Lee and carried with a unanimous verbal vote to approve the Minutes of the Regular Meeting of March 18, 2009.

ITEMS NOT ADDRESSED ON THE AGENDA

None

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA

Richard Halligan, 800 block on Quartz Street, came to the microphone to express his approval of a pool being built for Butte-Silver Bow.

CHIEF EXECUTIVE'S REPORT

Chief Executive Babb said he had sent out e-mails letting everyone know that with Tim Clark retiring he has appointed Lindsey Ide as Interim Personal Director. They have conducted all of the interviews and we are working through the selection process. We hope to have that done as soon as possible

He asked if anyone was interested or knows of anybody that is interested in working for the Census. They are looking for both part-time people, full-time people. They pay fairly well. They also have some management positions that do

have benefits through the Federal Government. If anyone is interested he has all the information.

He also asked if anyone is interested in serving on the Greenway Service District. He needs another commissioner on there.

The Historic Preservation Tax Credit has moved through the House. So hopefully we will have that tax credit passed.

The Rescue Mission is having their annual dinner at the Civic Center. It is free of charge and they just ask for donations. It starts at 6PM.

This Friday from 6 to 8, Starbucks is having an open house from 6 to 8. All of the products that they have are free of charge. The only thing they're asking for is a donation to the United Way.

SECTION I PUBLIC HEARING

FOR THE PURPOSE OF SOLICITING COMMENTS ON REDEVELOPMENT PROPOSALS RECEIVED FOR THE FOLLOWING PROPERTY LOCATED AT 1100 CALEDONIA STREET, LEGALLY DESCRIBED AS WEST 14' OF LOT 8, LOTS 9-13, BLOCK 10, OF THE VOLUNTEER ADDITION NO. 1, SANSFIELD LODGE, PORTION TO COMPLETE, SECTION 14, TOWNSHIP 3 NORTH, RANGE 8 WEST, BUTTE-SILVER BOW, MONTANA (PARCEL NO. 0001277230) (Communication No. 09-156 being held in Committee of the Whole. Proof of publication was noted and placed on file.

Dori Skrukrud opened the following applications:

1. Joe Obenhoff, Obenhoff Construction, three single-family residences on the property.
2. Diocese of Helena., to create a parking lot on the property for the Immaculate Conception Church.
3. Kilgore, Development, LLC, Edward and Bradford Kilgore, three single-family residences.

Chief Executive Babb opened the public hearing at 7:42 PM and called for any proponents. The following came forth.

1. Joe Obenhoff, contractor, explained that he would build three single-family residences on this property.
2. Ed Kilgore, Kilgore Development, 855 Lewisohn, explained that he would build three single-family homes on this property.

3. Stephen Hettick, 11325 W. Quartz #106, speaking as a citizen and also the professional who is designing the parking lot for the Dioceses of Helena. He is a proponent of the parking lot.
4. Msgr. Kevin O'Neill, 530 N. Ewing Street, Helena, Montana, speaking in favor of a parking lot for the Immaculate Conception Church.

There being no other proponents, Chief Executive Babb called for any opponents. On the third and final call, there being none he closed the public hearing at 7:45 PM

It was moved by Commissioner Palmer, seconded by Commissioner Lee and carried by a unanimous verbal vote to refer the three applications to the Board of Directors for review and report back.

SECTION II INVITATION FOR BIDS

SEALED BIDS ARE HEREBY INVITED FOR PHASE III- CIVIL/SITE IMPROVEMENTS FOR THE SEA CAST FACILITY LOCATED AT 119600 RICK JONES WAY, SILVER BOW, MONTANA.. WORK INCLUDES, CLEARING, GRUBBING, EARTHWORK AND SITE PREPARATION, STORM DRAINAGE, SANITARY SEWER, WATER UTILITIES, GRADING, SUBGRADE, CRUSHED BASE COURSE, CONCRETE SIDEWALKS AND PADS, ASPHALT PAVING, EXTERIOR LIGHTING AND RECEPTACLES AND CONDUIT, FENCING, LANDSCAPING AND OTHER MISCELLANEOUS WORK ASSOCIATED WITH COMPLETING THE SEA CAST FACILITY'S EXTERIOR IMPROVEMENTS. (Communication No. 09-184 being held in Committee of the Whole) **Proof of publication was noted and placed on file.**

Karen Byrnes open two bids as follows:

1. Helena Sand and Gravel, 2209 Airport Road, Helena, Montana

Base Bid	\$1,020,020.00
Unit Price	50,000.00
Total Bid Price	\$1,070,020.00
2. Gilman Construction, 3099 Grand Ave., Butte, Montana

Base Bid	\$ 891,500.00
Unit Price	50,000.00
Bid Price	\$ 941,500.00

Ms. Byrnes recommended that these bids be referred back to the TIFID Board of Directors and be reviewed and bring a recommendation back to Council.

B. COMMUNICATIONS

Before entertaining a motion for approval of the Consent Agenda, Chief Executive Babb called for any segregations or “Friendly Amendments”. Commissioner Palmer segregated B-10, Communication No. 09-200 and made a “friendly amendments’ for 09-199, 09-202, and 09-219. The recommendation was to refer these communications to the Public Works Department. They should be Public Works Committee. Commissioner Moodry segregated 09-218 and Committee of the Whole Report, Section VI, Communication No. 09-84. Commissioner Shaw segregated Judiciary Committee Meeting Report.

It was moved by Commissioner Palmer, seconded by Commissioner Lee and carried with a unanimous verbal vote to approve the Consent Agenda, Section V-A, Items 1 through 4, exclusive of 1 and 3 (with 3 being just exclusive of Section VI, 09-84) and approve the Consent Agenda B, 1 through 28 exclusive of No. 10, and No. 27.

Segregation – Commissioner Moodry

Committee of the Whole Meeting Report, Section VI, Communication No. 09-84, Cindy McIlveen, Planning Specialist, requesting time on 2/11/09 agenda for a staff presentation and approval of 2/18/09 for endorsement of Comprehensive Parks, Recreation, Open Space and Trails Presentation.

Commissioner Moodry said he segregated this communication because he wants to be sure his motion was understood on this Communication. Commissioner Shaw said she was upset because the Montana Standard’s article did not mention that the original motion was not passed. It was our substitute motion which basically took some of the power or teeth out of the Master Plan as a working plan or a blueprint to be used. Mr. Moodry then moved that we concur with last week’s original motion on Communication No. 09-84 and place it on file. Commissioner Lee seconded the motion. On the question, Commissioner Sheehy said he voted against the motion because of the word guideline. I like the word tool better because guideline says to follow that blueprint. **He made a substitute motion to change the word to tool and place it on file. Commissioner Schultz seconded the motion.** Commissioner Moodry said he is fine with the word guideline, fine with resource, I’m fine with tool. I don’t think that changes my intent.

Commissioner Morgan called for the question on the substitute motion and it passed with a roll call vote of 9 yeas, 2 nays and 1 absent. Voting nay were Commissioners Hall and Kronenberger.

Segregation – Commissioner Shaw

Judiciary Committee Meeting Report --

Commissioner Shaw asked to amend the Judiciary Committee Report to add “to approve claim No. 7658, Street Opening Bond Refund to Ron Zeiler Construction in the amount of \$1,000.00 and place on file. Commissioner Frasz seconded the motion.

Segregation – Commissioner Palmer

Communication No. 09- 200, Sally J. Hollis, Clerk and Recorder, requesting approval to purchase a Dell Optiplex desktop computer.

Commissioner Palmer asked to change the recommendation to “concur and place on file”. Commissioner Moodry seconded the motion and it passed with a unanimous verbal vote.

Segregation – Commissioner Moodry

Communication No. 09-218 – Stephen D. Hess, Acting planning Director BSB, requesting authorization to enter into a joint contract with Renewable Technologies, Inc. to develop historic preservation guidelines.

Commissioner Moodry said he believes that any historic preservation guidelines need to be developed with our new Historic Preservation Officer. He would like to either hold this or put it in the Suspense File until such a time that our new Historic Preservation officer is on board, up to speed and has a chance to at least review our current ordinance and have some say in our decision making process. **He moved that Communication No. 09-218 be placed in the Suspense File until the Historic Preservation Officer is on board and up to speed. Commissioner Lee seconded the motion. On the question, Commissioner Palmer asked Mr. Hess if he has any comments on this. Steve Hess said they have stretched the time limit that we thought we would have these guidelines done. We thought for us to get this done we would use Chuck’s salary that is not being used for these past three months and CLG grant that we get which is \$2,750.00 to get those done. On the question, Commissioner Lee said he thought that person should have some say in it. The motion passed with a unanimous verbal vote.**

SECTION VI

**ORDINANCES AND RESOLUTIONS –
REFERRED TO JUDICIARY**

1. COUNCIL RESOLUTION NO. 09-17

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE BUFFALO ESTATES SUBDIVISION – PHASE 1 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. 09-18

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE FULTON MINOR 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 ORDINANCES AND RESOLUTIONS -
FINAL READING**

3. COUNCIL RESOLUTION NO. 09-16

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 7-6-406, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW COMMUNITY DEVELOPMENT DEPARTMENT FROM THE MONTANA DEPARTMENT OF COMMERCE TO BE EXPENDED IN THE COMMUNITY DEVELOPMENT FUND FOR THE PURPOSE OF A BIG SKY ECONOMIC DEVELOPMENT TRUST FUND GRANT TO BE USED FOR THE COMPLETION OF UPGRADES TO THE MERDI DATA CENTER. **It was moved by Commissioner Palmer, seconded by Commissioner Lee and carried by a roll call vote of 11 yeas, 0 nays and 1 absent to place Council Resolution No. 09-16 on final reading and passed having been deemed fully read at length.**

ADJOURN

There being no further business to come before the Council, it was moved by Commissioner Palmer, seconded by Commissioner and carried with a unanimous verbal vote to Rise to the Call of the Chair.

CHIEF EXECUTIVE

ATTEST:

CLERK AND RECORDER