

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

FOR JUNE 3, 2009

The **Regular Meeting** of the Council of Commissioners was called to order Wednesday, **June 3, 2009**, in the Council Chambers, Third Floor, Room 312, Courthouse Building, 155 West Granite Street, Butte, Montana by the Acting Chief Executive, Dave Palmer.

ROLL CALL

11 present, 1 absent. Commissioner Moodry was excused.

PRAYER

Commissioner Lee led the Commissioners in prayer.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF MAY 20, 2009

It was moved by Commissioner Lee, seconded by Commissioner Sheehy to approve the Minutes of the Regular Meeting of May 20, 2009. The motion carried with a unanimous verbal vote.

ITEMS NOT ADDRESSED ON THE AGENDA

It was moved by Commissioner Lee, seconded by Commissioner Sheehy and carried by a roll call vote of 11 yeas, 0 nays and 1 absent 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 Council Resolution 09-43 to be added to the Agenda of May 26, 2009 Meeting of the Council .

It was moved by Commissioner Lee, seconded by Commissioner Sheehy and carried by a roll call vote of 11 yeas, 0 nays and 1 absent to suspend the rules for the purpose of passing Council Resolution No. 09-33, Council Resolution No. 09-36, Council Resolution No. 09-37 and Council Resolution No. 09-43 by waiving Subsection 7 of the Rule XXXVI of the Rules and Order of Business of the Council of Commissioner, thereby have considered for advanced passage without reference to the Judiciary Committee.

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA

None

CHIEF EXECUTIVE'S REPORT

Acting Chief Executive Dave Palmer requested volunteers for the Animal Control Board and the Animal Shelter Board. Glen Granger volunteered to serve on the Animal Control Board and Mike Sheehy volunteered to serve on the Animal Shelter Board.

SECTION I INVITATION FOR BIDS

SEALED BIDS ARE HERBY INVITED FOR WASTE WATER TREATMENT PLANT PHASE I IMPROVEMENTS. (**Communication No. 9-407**) **Proof of Publication**

Dan Dennehy, Public Works Director, opened seven bids from the following:

Markovich Construction, Butte, Montana	\$ 2,150,000.00
Oswood Construction, Great Falls, Montana	\$ 2,455,500.00
Sullway Construction, Butte, Montana	\$ 2,591,600.00
BNB Builders, Inc., Seattle, Washington	\$ 2,007,000.00
Joseph Henderson & Son, Gurnee, Illinois	\$ 2,264,000.00
Swank Enterprises, Kalispell, Montana	\$ 1,847,000.00
Johnson-Wilson Construction, Helena, Montana	\$ 2,540,000.00
Walsh Construction, Butte, Montana	\$ 2,381,000.00

It was moved by Commissioner Lee and Seconded by Commissioner Sheehy and carried with a unanimous verbal vote to refer the bid to the Public Works Department and report back to Council.

SECTION II PUBLIC HEARING

FOR THE PURPOSE OF OBTAINING PUBLIC COMMENTS REGARDING A REQUEST BY BUTTE HOTEL GROUP, LLC., FOR A LOCAL OPTION TAX ABATEMENT AS DESCRIBED BY MONTANA CODE ANNOTATED (MCA) 15-24-1402, NEW OR EXPANDING INDUSTRY – ASSESSMENT – NOTIFICATION. (**Communication No. 09-355 being held in Committee of the Whole**). **Proof of publication.**

Karen Byrnes, stated a Public Hearing is the next step in the request for tax abatement process (1524.1402).

Acting Chief Executive Dave Palmer, opened the public hearing at 7:52 p.m. and called for proponents. The following came forward:

1. Marco Lucich, 2225 Fairway Avenue-Chamber of Commerce Director
2. Alana Ferko, 4815 S Wyoming Street
3. Rick Edwards, NorthWest Energy Director of Key Account & Economic Development-13 Burning Tree Lane
4. Don Peoples, 3440 St Ann Street

5. Jim Smitham, 15 Redwood- Executive Director, Butte Local Development Corp.
6. Chuck Uggetti, 1331 Steel
7. Jennnifer Shea, 120 Fleecer
8. Tom Downey, Partner Payne Financial
9. Bill Melvin, 911 Montrose - Civic Center Manager
10. Bill Markovich, 8 Redwood (part of Butte Hotel Group L.L.C.)
11. Herb Leuprecht, 108 Country Club Lane (part of Butte Hotel Group L.L.C.)
12. Rick Orizotti, (part of Butte Hotel Group L.L.C.)

Acting Chief Executive Dave Palmer, then called for opponents. The following came forward:

1. Dan O’Neill, 2085 Beacon Drive
2. Ken Bermingham, Redmond Washington - Owner, Copper King Inn

Acting Chief Executive, Dave Palmer then closed the public hearing at 8:25 p.m. Noting the request will go to the Tax Abatement Committee for an opinion.

Acting Chief Executive Dave Palmer called for a five minutes recess. The Council was called back into session at 8:35 p.m. A roll call vote was taken with 11 present and 1 absent.

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
 5. PERSONNEL COMMITTEE MEETING REPORT

B. COMMUNICATIONS

Before entertaining a motion for approval of the Consent Agenda, Acting Chief Executive Dave Palmer called for segregations. Commissioner Lee made four “friendly amendments”

A-1, Page 9, Section XIV Communication 09-361— the recommendation is “place on file”.

A-1, Page 9, Section VIII Communication 09-340 — the recommendation is “concur and place on file”.

Under B - Page 3, No.10. Communication 09-385 — the recommendation is “hold in the Committee of the Whole”

Under B-Page 6, Section IV, #4, Resolution No. 09-40 — should read “preliminary plat”

2. COUNCIL RESOLUTION NO. 09-35

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A PARCEL OR REAL PROPERTY DESCRIBED AS THE LOT 1 OF THE MOUNT MORIAH LODE (AN UNFILED PLAT), MINERAL SURVEY NO. 622, LOCATED IN SECTION 12, TOWNSHIP 3 NORTH, RANGE 8 WEST, P.M.M., OWNED BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA TO THE ADJOINING OWNER PURSUANT TO POLICIES ADOPTED BY THE COUNCIL OF COMMISSIONER AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

3. COUNCIL RESOLUTION NO. 09-39

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE PETERSEN 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.

4. COUNCIL RESOLUTION NO. 09-40

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT OF THE ALBANY STREET MINOR SUBDIVISION II 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.

5. COUNCIL RESOLUTION NO. 09-42

A RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION TO REORGANIZE GENERAL PURPOSE FOREIGN TRADE ZONE NUMBER 274 TO THE FOREIGN TRADE ZONES BOARD UNDER THE ALTERNATIVE SITED FRAMEWORK AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**SECTION V ORDINANCES AND RESOLUTIONS –
SUSPENSION OF THE RULES FOR FINAL PASSAGE**

1. COUNCIL RESOLUTION NO. 09-33

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A CERTAIN PARCEL OF LOCAL GOVERNMENT OWNED REAL PROPERTY LOCATED AT 1240 FARRELL STREET, LEGALLY DESCRIBED AS LOT 7 IN BLOCK 9 OF THE FARRELL ADDITION, SECTION 18, TOWNSHIP 3 NORTH, RANGE 7 WEST, P.M.M., BUTTE-SILVER BOW, MONTANA (PARCEL NO. 0000831100) FOR THE PURPOSE OF COMMUNITY DEVELOPMENT IN ACCORDANCE WITH THE PROCEDURES OF BUTTE-SILVER BOW MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner Lee and Seconded by Commissioner Sheehy and carried by a roll call vote of 11 yeas, 0 nays and 1 absent to place Council Resolution No. 09-33 on final reading and passed having been deemed fully read at length.**

2. COUNCIL RESOLUTION NO. 09-36

A RESOLUTION AUTHORIZING AND APPROVING THE DONATION BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA TO THE HUMAN RESOURCE COUNCIL DISTRICT XII OF REAL PROPERTIES HEREIN DESCRIBED ON EXHIBIT "A" TO THIS RESOLUTION FOR THE PURPOSE OF SUPORTING NEIGHBORHOOD STABILZATION ACTIVITIITES AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner Lee and Seconded by Commissioner Sheehy and carried by a roll call vote of 11 yeas, 0 nays and 1 absent to place Council Resolution No. 09-36 on final reading and passed having been deemed fully read at length.**

3. COUNCIL RESOLUTION NO. 09-37

A RESOLUTION AUTHORIZING AND APPROVING THE DONATION BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA TO THE HUMAN RESOURCE COUNCIL DISTRICT XII OF REAL PROPERTIES HEREIN DESCRIBED ON EXHIBIT "A" TO THIS RESOLUTION FOR THE PURPOSE OF SUPPORTING NEIGHBORHOOD STABILIZATION ACTIVITIES AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner Lee and Seconded by Commissioner Sheehy and carried by a roll call vote of 11 yeas, 0 nays and 1 absent to place Council Resolution No. 09-37 on final reading and passed having been deemed fully read at length.**

4. COUNCIL RESOLUTION NO. 09-43

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 LAW ENFORCEMENT DEPARTMENT FROM THE MONTANA DEPARTMENT OF TRANSPORTATION FOR A TRAFFIC SAFETY BUREAU EQUIPMENT GRANT FOR THE PURCHASE OF TWO POLICE VIDEO CAMERAS AND FOUR RADAR FOR POLICE VEHICLES TO BE EXPENDED IN THE GENERAL FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner Lee and Seconded by Commissioner Sheehy and carried by a roll call vote of 11 yeas, 0 nays and 1 absent to place Council Resolution No. 09-43 on final reading and passed having been deemed fully read at length.**

ADJOURN

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

The meeting adjourned at 9:30 pm.

CHIEF EXECUTIVE

ATTEST:

CLERK AND RECORDER