

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

For December 1, 2010

The Regular Meeting of the Council of Commissioners was called to order Wednesday, December 1, 2010, 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 Lee led the Commissioners in prayer.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF NOVEMBER 17, 2010.

It was moved by Commissioner Palmer and seconded by Commissioner Lee to approve the minutes of the Regular Meeting of November 17, 2010. The motion carried with a unanimous verbal vote.

ITEMS NOT ADDRESSED ON THE AGENDA

It was moved by Commissioner Palmer, seconded by Commissioner Lee and carried by a roll call vote of 12 yea, 0 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 Council Communication No. 10-647 to be added to the Agenda of the December 1, 2010 Meeting of the Council.

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA

None

CHIEF EXECUTIVE'S REPORT

Chief Executive Babb reported the following:

- Clean-up at the Library is underway with involvement by the Insurance adjuster and thanked the Firefighters, Tom Loggins, Pat Holland, Lee Phillips, Library Staff and the Good Samaritan who reported the incident.
- Thanked all the Butte-Silver Bow employees and Chris Fisk and his History Club for their help with decorating the Courthouse.
- Reminder of the Stroll Friday evening and the ribbon cutting at the new Hennessy Market in the Sears building.

- There will be a meeting with a legislative delegation at 5:30 p.m. at Montana Tech in the Pin-tlar Room to review issues Southwest Montana will be facing in the future.
- A Meeting was held with the Fire District from Rocker to discuss fees related to fire hy-drants.

SECTION I

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 Schultz segregated Section I-B, Communication No's. 10-634 and 10-640.

It was then moved by Commissioner Palmer, seconded by Commissioner Lee and carried with a unanimous verbal vote to approve the Consent Agenda, Section A, Items 1 through 4 and B 1-15 exclusive of No's 6 and 12.

Segregation – Communication No. 10-634

Edward Banderob, 2601 Grand Avenue, Butte, Montana, requesting Council's consideration of six items regarding the Greeley Area Plan.

Commissioner Schultz requested Mr. Banderob and his group be allowed to make a presentation at tonight's meeting.

R. Edward Banderob, 2601 Grand Avenue requested the title be changed to read R. Edward Banderob and others and stated the participants of the Interim Greeley Community Coalition bring to Council a proposal that is not a part of the final Greeley Area Plan, but is the preference of the people. Mr. Banderob explained the proposal consists of six parts for Council's considera-tion

- 1) Creation of a Butte-Silver Bow Council of Commissioners Commission to review and update the Regional Historic Preservation Plan of 1993.
- 2) Creation of a Greater Butte-Silver Bow Destination Heritage Museum System Coalition.
- 3) Creation of a Multipurpose Heritage Museum Youth and Community Center on the Gree-ley Grade School site.
- 4) Creation of an Introductory Historical, Educational, Promotional Heritage View Point Park on the remnant of Farrell St., at the intersection of Continental Drive and Farrell street.
- 5) Creation of a Designated Greater Butte-Silver Bow Introductory, Connective, Historical, Cultural, Educational, Recreational, Commercial, Scenic Drive Route, with markers as a part of the Greater Butte-Silver Bow Destination Heritage Museum System.

- 6) Begin the remediation of impacts from active mining and other industrial operations to the Greeley Area.

Mr. Banderob explained the reasons for bringing the proposal before Council at this time are as follows:

- The non-existence of the Greeley Neighborhood Manifest Requesters.
- The Greeley Area planned survey had not been completed.
- The opportunity to begin forming a Greeley Community Coalition had not presented itself previously.
- The Greeley Community had not been advised previously that the Greeley School would not be reopened, but instead would be offered for sale.

Robert Bergsing, 2304 Locust, spoke regarding the creation of Butte-Silver Bow Council of Commissioners Commission to review and update the Regional Historic Preservation Plan of 1993 and creation of a Greater Butte-Silver Bow Destination Heritage Museum System Coalition.

Barbara Parker, 3463 Banks spoke regarding the creation of a Multipurpose Heritage Museum on the Greeley Grade School site.

Renal Parker 3463 Banks spoke regarding the creation of an Introductory Historical, Educational, and Promotional Heritage View Point Park on the remnant of Farrell Street at the intersection of Continental Drive and Farrell Street.

R. Edward Banderob 2601 Grand spoke regarding the Creation of a Designated Greater Butte-Silver Bow Introductory, Connective, Historical, Cultural, Educational, Recreational, Commercial, Scenic Drive Route, with markers as a part of the Greater Butte-Silver Bow Destination Heritage Museum System and regarding beginning the remediation of impacts from active mining and other industrial operations to the Greeley Area.

Mr. Banderob summarized by stating a blind survey shows the preference of 75% of the Greeley residents is for the Greeley School Building to be retained for general public usage. Mr. Banderob requested Butte-Silver Bow give the Greeley Community the opportunity to raise the money to purchase the building if Butte-Silver Bow does not have adequate funds to do so.

Commissioner Schultz stated the Steering Committee for the Community Development for the Greeley Area held its final meeting last night and asked Mr. Hess what the time line for receiving the report and recommendation from this committee would be.

Steve Hess stated the contract for the Neighborhood Plan is up in December and the final copy of the Neighborhood Plan for both Greeley and Central Butte will be available near the end of December.

It was moved by Commissioner Schultz and seconded by Commissioner Sheehy to hold Communication No. 10-634 in the Committee of the Whole in order to have the opportunity to evaluate the information and make recommendations at the December 8, 2010 meeting.

Commissioner Morgan asked Mr. Banderob for an estimate of a budget regarding this proposal.

Mr. Banderob replied he did not have an estimate at this time, but would take a guess of around one million dollars.

Commissioner Schultz stated the Greeley School Building is in remarkably good condition and rough estimates to update the building so it would be protected are approximately \$150,000. Commissioner Schultz further stated the building needs a roof and a new heat source.

The motion passed with a unanimous verbal vote.

Segregation – Communication No. 10-640

Jim Jarvis, Historic Preservation Officer, requesting Council's authorization for the Chief Executive to sign a Professional Services Agreement with Historical Research Associates, Inc. to prepare an inventory report for the contents of the Big Hole River Pumpstation Building.

Commissioner Schultz inquired as to the purpose of the Inventory.

Jim Jarvis stated after the last round of thefts occurred last summer, the question of what was stolen came up. The contents of the pumpstation have accumulated over the last one hundred years and it is difficult to determine exactly what was stolen. An accurate inventory is necessary for future tracking and interpretation. The inventory will also be useful for a maintenance plan concept.

Commissioner Schultz stated spending the money on security for the pumpstation would be of more value than the inventory.

Jim Jarvis agreed with Commissioner Schultz regarding the necessity of improved security, but stated an accurate inventory is also valuable.

Commissioner Moodry commented Mr. Jarvis has done exactly what Council asked and authorized him to do. Commissioner Moodry further commented increased security of the pumpstation is paramount and the balance of the allocation should be used to improve windows, locks and fencing.

Commissioner Henderson asked Jim Jarvis if he is capable of completing the inventory of the pumpstation.

Jim Jarvis replied he is capable of doing the inventory but explained it would take a large portion of his time to do the extensive inventory properly and stated he does not have enough time to dedicate to this specific project.

Commissioner Morgan asked if it would be better to remove some of the smaller, loose items from the pumphouse and place them in a more secure area after the inventory is completed.

Jim Jarvis replied he feels a lot of the material in the pumphouse would be better stored elsewhere.

Commissioner Morgan asked what the cost would be if Mr. Jarvis were to complete the inventory.

Jim Jarvis replied he is not sure of the cost if he were to do the inventory, but feels it would take at least four months whereas the consultant could complete it in less than two months.

It was moved by Commissioner Schultz to not hire the consultant and to put the entire \$20,000 into security for the area and assign Butte-Silver Bow's Historical Officer to perform the inventory.

The motion died for lack of a second.

Commissioner Foley asked Dan Dennehy, Director of BSB Public Works, for the present state of the security of the building.

Dan Dennehy replied the building will be secured with a fence around the perimeter of the pumphouse and a security system for the doors will be in place soon. Mr. Dennehy further stated the inventory by a professional consultant would be money well spent.

Commissioner Moodry commented a valid inventory is important before the new pumphouse is completed.

Dan Dennehy echoed his agreement.

It was moved by Commissioner Palmer and seconded by Commissioner Lee to concur with the request of Communication No. 10-640 and place on file.

Commissioner Morgan asked Jim Jarvis if the inventory should be completed prior to new security measures.

Jim Jarvis replied the security improvements should be completed as soon as possible, but stated now is a good time for the inventory to be completed.

Commissioner Morgan asked Mr. Dennehy if anything can be done now to assist with the security measures.

Dan Dennehy replied the security fence will be installed around the perimeter of the pumphouse within the next three weeks.

Commissioner Schultz explained he feels the pumphouse should be preserved, but has a problem with using an out-of-town firm to do the inventory.

The motion passed with a verbal vote of 10 yea and 2 nay.

COMMUNICATION NO. 10-647

Kristen Rosa, TIFID Administrator, requesting Council's authorization for the Chief Executive to sign a deed for a modified parcel to William Charles Butte Montana, LLC which will include additional lands from a boundary modification.

5. **COUNCIL RESOLUTION NO. [10-95](#)**

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 DISTRICT COURT FROM A FEDERAL APPROPRIATION FOR AN AFTER SCHOOL PROGRAM TO BE EXPENDED IN THE GENERAL FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

6. **COUNCIL RESOLUTION NO. [10-96](#)**

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 RISK MANAGEMENT DEPARTMENT FROM THE RISK MANAGEMENT CASH RESERVES FOR THE PURPOSE OF PURCHASING OSHA COMPLIANCE SAFETY MONITORING EQUIPMENT AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

7. **COUNCIL RESOLUTION NO. [10-97](#)**

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 DISASTER AND EMERGENCY SERVICES FROM A FEDERAL APPROPRIATION FOR THE CONSTRUCTION OF AN EMERGENCY OPERATIONS CENTER TO BE EXPENDED IN THE GENERAL FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

8. **COUNCIL RESOLUTION NO. [10-98](#)**

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 FROM A DEPARTMENT OF JUSTICE GRANT FOR THE ESTABLISHMENT OF A DRIVING UNDER THE INFLUENCE (DUI) DRUG COURT TO BE EXPENDED IN THE GENERAL FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

9. **COUNCIL RESOLUTION NO. [10-99](#)**

RESOLUTION RELATING TO BUTTE-SILVER BOW TAX INCREMENT INDUSTRIAL INFRASTRUCTURE DISTRICT #2; AUTHORIZING THE ISSUANCE OF TAXABLE TAX INCREMENT INDUSTRIAL INFRASTRUCTURE DEVELOPMENT IMPROVEMENT AND REFUNDING BONDS, SERIES 2010, AND THE EXECUTION AND DELIVERY OF AN INDENTURE OF TRUST, AN AMENDED AND RESTATED DEVELOPMENT AGREEMENT AND RELATED DOCUMENTS.

10.

COUNCIL RESOLUTION NO. [10-100](#)

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 COMMUNITY DEVELOPMENT DEPARTMENT EXPENDED IN THE COMMUNITY DEVELOPMENT FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

11.

COUNCIL RESOLUTION NO. [10-101](#)

A RESOLUTION ACCEPTING THE DONATION OF A PARCEL OF PROPERTY OWNED BY THE ESTATE OF VALERIE SCHONBERG, LOCATED IN THE SW ¼ OF THE SE ¼ OF SECTION 17, TOWNSHIP 3 NORTH, RANGE 7 WEST, SILVER BOW COUNTY MONTANA IN EXCHANGE FOR PROVIDING TO THE ESTATE OF VALERIE SCHONBERG A PARCEL OF PROPERTY OWNED BY THE CITY-COUNTY OF BUTTE-SILVER BOW KNOWN AS A PORTION OF LOT 1-C OF THE STRIZIC MINOR SUBDIVISION AS SHOWN ON PLATE 245A, LOCATED IN SECTION 17, TOWNSHIP 3 NORTH, RANGE 7 WEST SILVER-BOW COUNTY MONTANA, AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION III

**ORDINANCES AND RESOLUTIONS
FINAL READING**

1.

COUNCIL RESOLUTION NO. 10-90

A RESOLUTION RELATING TO \$750,000 SEWER SYSTEM REVENUE BONDS (DNRC WATER POLLUTION CONTROL STATE REVOLVING LOAN PROGRAM) CONSISTING OF \$240,000 SUBORDINATE LIEN TAXABLE SERIES 2010A BOND AND \$510,000 SERIES 2010B BOND; AUTHORIZING THE ISSUANCE AND FIXING THE TERMS AND CONDITIONS THEREOF. **It was moved by Commissioner Palmer and seconded by Commissioner Lee that Council Resolution No. 10-90 be placed on final reading and passed having been deemed read at length. The motion carried with a roll call vote of 12 yea and 0 nay.**

ADJOURN

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

The meeting adjourned at 8:50 p.m.

CHIEF EXECUTIVE

ATTEST:

CLERK AND RECORDER