

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

**FOR DECEMBER 2, 2009**

**The Regular Meeting of the Council of Commissioners was called to order Wednesday, December 2, 2009, 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 18, 2009.**

**It was moved by Commissioner Palmer and seconded by Commissioner Lee to approve the minutes of the Regular Meeting of November 18, 2009. 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 reported the following:

- Butte-Silver Bow is working with Delores Cooney in regards to the taxable valuations.
- Deadline to donate property for the Veteran's Home was last Friday, and there were no donations. There will be another meeting this Friday with the Veteran's Home Committee to discuss possible locations, after which a tour of each site will be set up. Mr. Babb invited Council members to attend the tour if they were interested.
- Sixty-one applications were received for the Butte Natural Resource Damage Council. Six of these applicants were selected for the committee.
- New Extension Agent, Jeremy Weber, has started and has been working closely with Toby Day.
- Christmas Stroll is this Friday and donations of cookies are needed.

**SECTION 1 INVITATION FOR BIDS**

SEALED BIDS ARE HEREBY INVITED FOR THE PURPOSE OF PURCHASING ONE (1) COMPACT POTHOLE REPAIR MACHINE. (Communication No. 09-715 being held in Committee of the Whole) **Proof of publication was noted and placed on file.**

Dave Cunningham, Operations Manager, Butte-Silver Bow Public Works Services Division opened two bids from the following:

Utility Specialties Inc., Butte, Montana	\$ 56,295.00
Normont Equipment, Black Eagle, Montana	\$ 66,350.00

**It was moved by Commissioner Palmer, seconded by Commissioner Lee and carried with a unanimous verbal vote to refer the bids to the Public Works Department and report back to Council.**

**SECTION II INVITATION FOR BIDS**

SEALED BIDS ARE HEREBY INVITED FOR THE PURPOSE OF PURCHASING VARIOUS MATERIALS FOR THE 2009 BIG HOLE WATER TRANSMISSION MAIN REPLACEMENT PROJECT. (Communication No. 09-730) **Proof of publication was noted and placed on file.**

Dave Cunningham, Operations Manager, Butte-Silver Bow Public Works Services Division opened three bids from the following:

HD Supply Water Works, Missoula, Montana	\$563,648.30
Northwest Pipe, Butte, Montana	\$548,144.22
US Pipe, Woodinville, Washington	\$572,295.30

**It was moved by Commissioner Palmer, seconded by Commissioner Lee and carried with a unanimous verbal vote to refer the bids to the Public Works Department and report back to Council.**

**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. COMMUNICATIONS**

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

**There being none, it was moved by Commissioner Palmer, seconded by Commissioner Lee and carried by a unanimous verbal vote to approve the Consent Agenda, Section A, Items 1-4 and Section B, 1-19.**

**SECTION IV COMMUNICATIONS TO BE READ AND ACTED UPON**

- 1. 09-738 Karen Byrnes, Community Development Director, requesting Council’s authorization of a wire transfer to Glacier Bank of Butte for the URA approved loan to the Sears Building Project upon closing of the loan documents.

Karen Byrnes explained the following:

- URA has approved a loan to the Sears Building Project in the amount of \$1,350,000.
- Not out of the ordinary for funding limitations under URA programs.
- URA loans are usually phased in over a three-year period instead of being released all at one time as in this case.
- Structure for this loan is unique.
- Kievla family purchased the Sears Building from Butte-Silver Bow through a Developer’s Packet in 2006.
- Kievla family has been working diligently putting their finance package together.
- URA funding was approved and has not been drawn down.
- Total building project is approximately nine million dollars.
- New Market tax credits are being utilized as well as Historic Preservation tax credits and their own equity, URA funding along with a few other funding sources.
- Glacier Bank is the bank being used to manage the funds.
- All funds will be wired into one managing account at Glacier Bank once the loan closes.
- Loan will close on Friday, December 4, 2009.
- Wire transfer will take place on Monday, December 7, 2009.
- Wire transfer is the most efficient way of handling funding of this size and amount.
- There is a one-year time frame to complete and have occupancy of the building once the loan closes.

Commissioner Foley asked Ms. Byrnes the status of the building and what will be in the building once it is complete.

Ms. Byrnes replied the end result would be thirty to thirty six units of apartment/condos and commercial space on the first floor. It will be fully operational within one year.

**It was moved by Commissioner Palmer, seconded by Commissioner Lee and passed with a unanimous verbal vote to concur with the request of Communication 09-738 and place on file.**

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

**COUNCIL RESOLUTION NO. 09-12  
ORDINANCE NO. 09-12**

AN ORDINANCE REPLACING CHAPTER 3.04 OF THE BUTTE-SILVER BOW MUNICIPAL CODE REGULATING THE USE OF THE BUTTE-SILVER BOW METRO SANITARY AND STORM SEWER DISTRICT NO. 1 SANITARY WASTEWATER TREATMENT SYSTEM; PRIVATE WASTEWATER DISPOSAL; CONSTRUCTION OF PUBLIC AND PRIVATE SEWERS;

INDUSTRIAL DISCHARGERS; PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**COUNCIL BILL NO. 09-13  
ORDINANCE NO. 09-13**

AN ORDINANCE AMENDING BUTTE-SILVER BOW ORDINANCE NO. 93 AND CHAPTER 13.08 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “SERVICE CHARGES FOR USE OF WASTEWATER TREATMENT SYSTEM”; ADDING A NEW SECTION TO BE NUMBERED 13.08.055; ADDING ADDITIONAL COMMERCIAL/INDUSTRIAL FEES FOR HIGH LOADING AND HIGH FLOW AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**SECTION IV           ORDINANCES AND RESOLUTIONS  
FINAL READING**

**COUNCIL BILL NO. 09-10  
ORDINANCE NO. 09-10**

AN ORDINANCE AMENDING ORDINANCE 22 AND CHAPTER 2.16 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “FIRE DEPARTMENT”; AMENDING SECTION 2.16.370, B-SB MC ENTITLED “APPLICANTS AND MEMBERS OF PAID FIRE DEPARTMENT REQUIREMENTS”; ADDING NEW SUBSECTION TO BE NUMBERED I; ADDING THE REQUIREMENT THAT ALL APPLICANTS BE REGISTERED EMERGENCY MEDICAL TECHNICIANS WITH THE NATIONAL REGISTRY OF EMERGENCY MEDICAL TECHNICIANS AND BE A MEMBER IN GOOD STANDING AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner Palmer and seconded by Commissioner Lee that Council Bill No. 09-10, Ordinance No. 09-10 be placed on final reading and passed having been deemed read at length. The motion carried with a roll call vote of 12 yeas and 0 nays.**

**COUNCIL RESOLUTION NO. 09-87**

1. 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 FROM THE UNITED STATES DEPARTMENT OF JUSTICE TO THE CITY AND COUNTY OF BUTTE-SILVER BOW TO BE EXPENDED ON BULLETPROOF VESTS FOR LAW ENFORCEMENT OFFICERS PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner Palmer and seconded by Commissioner Lee that Ordinance No. 09-87 be placed on final reading and passed having been deemed read at length. The motion carried with a roll call vote of 12 yeas and 0 nays.**

**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 7:55 p.m.

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**CHIEF EXECUTIVE**

**ATTEST:**

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**CLERK AND RECORDER**