

**MINUTES OF THE REGULAR MEETING OF THE
BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
FOR DECEMBER 23, 2009**

The Regular Meeting of the Council of Commissioners was called to order Wednesday, December 23, 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

10 present, 2 absent, Commissioner Shaw was excused, Commissioner Hall arrived late.

PRAYER

Commissioner Lee led the Commissioners in prayer.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF DECEMBER 2, 2009.

It was moved by Commissioner Palmer and seconded by Commissioner Lee to approve the minutes of the Regular Meeting of December 2, 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:

- Article in the newspaper reported the possibility of a vote on the Hillcrest Subdivision. After discussing the matter with County Attorney Joyce, it has been decided a new communication from Mr. Rowling will be put on a Regular Meeting Agenda. The Developer and the residents that have an interest in the property in question have been notified of this.
- Updated Council on the selection of the four properties for the Veteran's Home site which have been ranked by the Veterans as the following:
 1. Property by Don Harrington across from Three Bears Alaska.
 2. Buffalo Estates Property owned by Art Dick on South Continental.
 3. Butte-Silver Bow Property behind NCAT.
 4. Travonia Mine Site.The proposals are due on February 5, 2010.
- Good news was reported by the consulting firm regarding the Sea Cast Project, which will start-up soon.

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. PETITIONS**
- C. COMMUNICATIONS**

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

- Commissioner Palmer made a friendly amendment on Section 1, C, 12, Communication 09-756 change the recommendation to read, “Refer to the Judiciary Committee”.
- Commissioner Foley segregated Section I, C, 40, Communication No. 09-784.

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, B, Item 1, and C Items 1-39.

Segregation of Communication No. 09-784

Dave Palmer, Chairman, Butte-Silver Bow Council of Commissioners, requesting Council’s authorization to use funds that were authorized for a Misdemeanor Probation Officer to fund a part-time clerical position for the startup process.

Commissioner Foley stated he is not in favor of filling the part time position because of the following concerns:

- Clerical staff is already available.
- Position has not been filled.

Commissioner Schultz stated the following concerns:

- Concerned about funding a position that has not been budgeted for.
- New position is being created before organization has been tested.
- Not in favor of hiring a part-time clerical position because in his experience these positions become full-time, permanent positions.

Commissioner Moodry asked County Attorney Joyce if there were any Union implications if a part-time person were hired, and it was later decided to be an unnecessary position.

County Attorney Joyce replied there was a possibility and the Union contract should be reviewed before hiring should be considered.

Commissioner Palmer made the following comments:

- Office is new to Butte-Silver Bow, and several members of the selection committee feel it would be beneficial to have a part-time secretary working there.
- The position would be advertised as a part-time, temporary Union position.
- If Council feels the position is unnecessary, he will not argue the point.

It was moved by Commissioner Foley and seconded by Commissioner Moodry to deny the request of Communication No. 09-784. The motion passed with a verbal vote of 7 yeas and 3 nays.

It was moved by Commissioner Palmer, seconded by Commissioner Lee and carried by a unanimous verbal vote to approve Communications 1-40 exclusive of No. 39. (No. 30 on amended agenda)

It was moved by Commissioner Foley, seconded by Commissioner Moodry and passed with a unanimous verbal vote to place Communication No. 09-784.

SECTION II

COMMUNICATIONS TO BE READ AND ACTED UPON

1. [09-757](#)

Dan Powers, R.S., Butte-Silver Bow Health Department, requesting Council act as the governing board for the Melrose Refuse District and to Authorize enacting a Resolution specifying the assessment for the District.

Dan Powers, Assistant Health Director for Environmental Services for Butte-Silver Bow explained the following solid waste issues of the Melrose Refuse District:

- Districts were established to help rural communities deal with solid waste issues. Melrose Refuse District was established in 1974 and a voluntary board was appointed to oversee the day-to-day activities.
- In late 1980's and early 1990's the board was inactive and the district fell into arrears to Beaverhead County in the amount of approximately \$10,000 and Butte-Silver Bow's Landfill provided the money to prevent a large increase in fees associated with garbage removal.
- Mr. Powers was asked at this time to oversee both the Melrose and Divide Refuse Districts and to act as the liaison as only one member remained and no administrative activities could be carried out.
- Board of Health was asked to take on these duties to prevent another arrearage with Beaverhead County.
- In 2007, the County Attorney suggested a letter and notice be sent to the Melrose residents asking for their voluntary commitment to serve on the Board, which was unsuccessful.
- In 2008 Beaverhead raised fees from \$72 per unit to \$95 per unit. A Public Hearing was held by the Board of Health at which no one appeared from Melrose to oppose the fee increase.
- County Attorney, Eileen Joyce informed Mr. Powers that this was not the proper entity to oversee the District and suggested they try again to establish a board in Melrose. (Which was not successful).
- Senate Bill 57, which allows local governing bodies to act as the governing board for the solid waste districts if there is no voluntary board, was passed in the legislative session of 2009 Senate Bill 57.
- Mr. Powers is requesting the Council become the governing board for the Melrose Refuse District and authorize enacting a resolution for the fee increase required by Beaverhead County.

Commissioner O'Leary asked Mr. Powers who would calculate the fee.

