

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

FOR APRIL 7, 2010

The Regular Meeting of the Council of Commissioners was called to order Wednesday, April 7, 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

9 present, 3 absent, Commissioners Lee and Foley were excused, Commissioner Sheehy arrived at 7:40 p.m.

PRAYER

Commissioner Hall led the Commissioners in prayer.

APPROVAL OF THE MINUTES OF THE SPECIAL MEETING OF MARCH 10, 2010 AND THE REGULAR MEETING OF MARCH 24, 2010.

It was moved by Commissioner Palmer and seconded by Commissioner Moodry to approve the minutes of the Special Meeting of March 10, 2010 and the Regular Meeting of March 24, 2010. 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:

- The Butte Natural Resource Damage Committee will hold their first meeting on April 8, 2010 at 6:00 p.m. in the Thornton Building.
- The Rescue Mission Dinner will be held Friday, April 9, 2010 at the Civic Center.
- The remainder of the funding for the Main Street Project has been released and work on the project will begin in May, 2010.

SECTION I

PUBLIC HEARING

TO HEAR PUBLIC COMMENT REGARDING TREATMENT/PREVENTION NEEDS IN BUTTE-SILVER BOW FOR CHEMICAL DEPENDENCY AND PREVENTION SERVICES. (Communication No. 10-132 being held in Committee of the Whole.) Proof of Publication was noted.

Gina Pate-Terry, Director of Chemical Dependency Services stated there are seven counselors on staff at Butte-Silver Bow Chemical Dependency, two case managers and a Prevention Program Manager as well as administrative staff.

Chief Executive, Babb opened the Public Hearing at 7:34 p.m. and called for proponents.

On the third and final call, there being none, Chief Executive, Babb called for opponents.

On the third and final call, there being none, Chief Executive, Babb closed the Public Hearing at 7:35 p.m.

SECTION II PUBLIC HEARING

TO HEAR PUBLIC COMMENT ON PETITION 10-1 FILED BY CAROL LESTER CRAIG AND ROBERT LESTER SR. TO CLOSE AND VACATE A PORTION OF NORTH IDAHO STREET. (Petition 10-1 being held in Public Works Committee) Proof of Publication was noted.

John Harrington, Building Official stated Qwest has requested an easement in the closed area.

Chief Executive, Babb opened the Public Hearing at 7:36 p.m. and called for proponents.

Carol Craig, 200 W Missoula stated she requested the closure in order to build a garage in this area.

Chief Executive, Babb called for opponents.

On the third and final call, there being none, Chief Executive, Babb closed the Public Hearing at 7:38 p.m.

SECTION III PRESENTATION COMMUNICATION NO. 10-164

Jerry Jordan, President World Museum of Mining Board of Directors, requesting Council's authorization for time on the April 7, 2010 agenda for a presentation regarding a request to transfer ownership of the Orphan Girl Mine Yard to Butte-Silver Bow.

Jerry Jordan, 123 Rocky Mtn. Lane, President of the Board of Directors for the World Museum of Mining, introduced Tina Green, Director of the World Museum of Mining.

Tina Green, Executive Director, World Museum of Mining, distributed a handout regarding the World Museum of Mining and explained the following:

- World Museum of Mining was established by the Butte Exchange Club in 1963.
- The Museum is located on the grounds of the Orphan Girl Mine Yard.
- There are numerous exhibits and artifacts at the Museum.
- An underground mine tour is available.
- The Miner's Memorial Monument is the newest addition to the Museum.
- A vast archives of photos from the 1800's through 1940 to 1950 is available at the Museum.
- Research Services are offered by the Museum.

- The museum displays a doll and dollhouse exhibit as well as a rock and mineral collection.
- Tours of the Anselmo Mine Yard are offered by Museum volunteers.
- The Museum offers education, volunteer, personal and corporate membership, and entertainment programs.
- Visitors to the Museum vary in ages and interests and have increased over the last three years.
- The transfer of ownership involves only the real property – land and buildings.
- A 501 (C) 3 is in place for the museum and there is a budget which sustains the operations of the Museum.
- The Museum would become a lessee of the real property subject to terms of an agreement (similar to the Mother Lode Theater).
- The Museum would become eligible to apply for grants/funding.
- The Museum would become eligible to join Butte-Silver Bow's insurance policy for the real property.
- The Orphan Girl is one of the few mine yards not owned by Butte-Silver Bow.
- A portion of the mine yard still needs to be developed.
- The Museum shares a commonality with the Butte-Silver Bow Public Archives to preserve and share history.
- Relationships with other tourist attractions in Butte-Silver Bow have been established by the Museum.
- The Museum is a self-funded operation.
- County ownership would provide the Museum with significant advances in preservation efforts.

Commissioner Palmer asked Chief Executive Babb if an ad hoc committee had been appointed in the past to study this issue and what the outcome of this was.

Chief Executive Babb replied an ad hoc committee had been formed approximately two years ago to conduct a study regarding this matter. This committee was not able to make a conclusion at that time, but could be re-established since the museum wants to move forward with this proposal.

Commissioner Moodry stated the initial discussion of the ad hoc committee was how to proceed, but with staff changes taking place at the museum, the committee decided to table the ad hoc until the new staff could make a presentation. The ad hoc was not dissolved and can be utilized for this issue.

Chief Executive Babb stated the ad hoc committee could be reunited if Council decided to refer this issue to the committee.

Commissioner Frasz stated he would defer his questions and concerns to the ad hoc committee.

Commissioner Moodry explained this is merely the first step in transferring ownership of the Orphan Girl Mine Yard to Butte-Silver Bow and the next step will be to request the County Attorney to begin drafting a lease and a transfer of deed. Commissioner Moodry asked County Attorney Joyce if this should be referred back to the ad hoc committee or if Council should approve this communication and refer it to the County Attorneys' office.

Segregation – Communication No. 179

Kristen Rosa, TIFID Administrator, requesting Council’s authorization for the Chief Executive to sign an amendment to the Robert Peccia and Associates contract for Construction Oversight and Contract Administration for the MADA/Aerotec construction project.

Commissioner Moodry gave the following explanation:

- The amendment has been approved by the TIFID Board.
- The cost of the building came in significantly under the allowed grant received by MADA.
- MADA has made additional requests for testing and oversight.
- The TIFID Board feels it is prudent to use the savings realized from the building to be utilized by Peccia and Associates for more testing and oversight.

It was moved by Commissioner Moodry, seconded by Commissioner Palmer and passed by a unanimous verbal vote to approve Communication 10-179 and place on file.

Segregation – Communication No. 10-196

Dave Palmer, Chairman Butte-Silver Bow Council of Commissioners, requesting that Butte-Silver Bow solicit proposals from qualified design build companies for an outdoor swimming pool and ask the Chief Executive to appoint an ad hoc committee to oversee the process from start to finish.

Commissioner Hall stated the following:

- She is excited Butte-Silver Bow is moving forward with plans for an outdoor swimming pool.
- Many local citizens have already donated a great deal of money and time towards “Splash Butte”.
- She feels it would be a waste to not consider the results of the time and money already spent by “Splash Butte” on this matter.
- Asked Fran Doran to give a brief update regarding the findings by “Splash Butte”.

Fran Doran, 900 W Silver made the following statements regarding “Splash Butte”:

- “Splash Butte” has been working on this project for over two years and has the same vision of a pool as Butte-Silver Bow.
- The primary goal is a pool, but “Splash Butte” would also like to incorporate a wave-pool in the project.
- “Splash Butte” is also proposing a lazy river, slides, changing rooms with lockers, fountains, spray features, landscaping, a family pavilion, food and beverage facilities, and a unique theme reflecting Butte’s mining, smelting and railroad history.
- “Splash Butte” is searching for a recreation area which would capitalize on available land, infrastructure and neighborhood compatibility as well as convince and visibility.
- The market for a water park will come from area inhabitants. Tourism will make up 10% of the market, but 90% will come from the local area.
- The cost of the water park will be between \$4,000,000 and \$7,000,000, and the operating expenses will be approximately \$350,000 per year with 65% of the fees going to wages.

- A qualified Aquatics Manager will be hired to manage and market the facility.
- The entrance fee would be approximately \$10 for adults with discounts for seniors, students and toddlers.
- “Splash Butte” is incorporated in a 501 (C) 3 and has a conceptual design as well as a feasibility analysis, which Butte-Silver Bow could utilize.
- Funds are being raised for architectural and engineering design.
- Capital costs still need to be determined.
- “Splash Butte” has community support and has raised over \$32,000.
- “Splash Butte” wants to assist Butte-Silver Bow put together first-class water park for the community starting with a pool and eventually incorporating the other features mentioned.

Commissioner Palmer stated he is in favor of “Splash Butte” and feels moving forward with this communication would not put “Splash Butte” to the side. He further stated the two causes could be combined at a later date, but the first step is to obtain permission from Council to solicit proposals and for the Chief Executive to create an ad hoc committee to oversee the process from start to finish.

It was moved by Commissioner Palmer, seconded by Commissioner Morgan to concur with the recommendation of Communication 10-196 and place on file.

Commissioner Moodry asked Chief Executive Babb if an ad hoc committee would be formed to discuss the type of proposal being sought.

Chief Executive Babb stated members from staff, Council members, planning members, members from the Parks and Recreation Board, the risk manager as well as himself would comprise the ad hoc committee.

Commissioner Moodry stated a study had taken place two years ago regarding the Stodden Park Pool and asked for the data from that study to be considered in this project.

Chief Executive Babb agreed with Commissioner Moodry and stated Butte-Silver Bow is not looking for another study, but rather for a firm to design and inform of the cost of building the pool as well as the operation and maintenance costs. Once this information has been obtained it would be put before the public to vote as to whether they want to support the pool.

Commissioner Shaw stated the ultimate goal of this communication is to have a good view of the cost of building and maintaining the pool.

Commissioner Palmer stated there are companies who specialize in building pools and their proposal would include the cost of the pool as well as the cost of maintaining the pool after its construction.

Commissioner Schultz commented he is in favor of this approach and commended Commissioner Palmer for the idea.

Commissioner Hall stated by doing this study, Butte-Silver Bow will be paying for something that has already been done. She further stated she hopes Butte-Silver Bow will meet with “Splash Butte” in an effort to discover what has already been accomplished.

Commissioner Palmer asked County Attorney Joyce if proposals need to be solicited since government funds will be used.

County Attorney Joyce replied this is correct.

Commissioner Morgan asked Commissioner Palmer if Butte-Silver Bow will be doing another study.

Commissioner Palmer replied a firm will be paid to design a pool and not to do a study regarding whether or not Butte-Silver Bow needs a pool.

Commissioner Sheehy asked Chief Executive Babb if he would be appointing the ad hoc committee and stated he would support the appointment of Fran Doran to the committee.

Chief Executive Babb replied he would not appoint anyone from a special interest group, but all groups would be invited to attend the meetings and be allowed to give their input.

Commissioner O'Leary stated it will be important to size the bond to cover the cost of building and maintaining the pool. He also stated Butte-Silver Bow should oversee the operation of the pool once it is built.

The motion passed with a unanimous verbal vote.

SECTION V COMMUNICATIONS TO BE READ AND ACTED UPON

10-176 Dan Dennehy, Director Butte-Silver Bow Public Works Department, requesting Council's authorization for time on the April 7, 2010 agenda for a presentation from ThinkOne regarding the Splash Feature at Clark Park.

Rusty Harris, Think One, Project Manager for Clark Park's Splash Park gave a power point presentation which explained how the Splash Park will look, and the status of the progress of the project.

Commissioner O'Leary asked Mr. Harris if the outside of the pump house could be made to match the other features in Clark's Park, i.e. the old Columbia Gardens buildings.

Mr. Harris replied the pump house building was designed to be rugged and to match the facilities already in place at Clark's Park. Mr. Harris further stated he would refer the matter back to the team for consideration of changing the design.

Commissioner Moodry asked Mr. Harris if there was room in the design of the system for expansion of features.

Mr. Harris replied plumbing and piping is being stubbed up below the concrete slab and once the cement is poured it would become difficult and expensive to add features. He stated it is possible to run several additional pipes under the slab which could be capped off and not used at the present time, but would be accessible for future use if desired. Mr. Harris further stated there would be a cost increase if the extra pipe was added, but assured Council this could be done if it was decided within the next few weeks.

Commissioner Hall stated she would like to see another spray park in another Butte neighborhood if the spray park at Clark's Park becomes popular.

Commissioner Shaw asked if the water will be recycled and treated and what the cost for this and for maintenance will be.

Mr. Harris replied the exact cost for maintenance of the system has not yet been determined. The system uses 4,000 gallons of water which is treated and recycled. Evaporation will cause the need to add 200 to 500 gallons to the splash pad. The majority of water used will be in the shower area and timers will be utilized to help with conservation.

It was moved by Commissioner Palmer, seconded by Commissioner Moodry and passed with a unanimous verbal vote to place Communication 10-176 on file.

10-187 George Parrett, President, Spirit of Columbia Gardens Carousel, requesting authorization to address Council regarding the possibility of leasing property to house the Carousel.

George Parrett thanked Council for allowing time on the Agenda to make a presentation regarding the Spirit of Columbia Gardens Carousel and made the following comments:

- The Spirit of Columbia Gardens Carousel project has been in existence for fourteen years.
- The group of volunteers who have worked on the project feel they have found an ideal piece of land to house the carousel.
- This parcel of land is five acres which lies between the Chamber of Commerce and the Northwest Energy grid off George Street.
- The building will be placed as soon as land authorization is received.
- The history of the project has been outlined in a packet which has been handed out to the Commissioners.

John Sesso, Planning Director explained the parcel of land being considered for the Spirit of Columbia Gardens Carousel is encumbered by a flood plain, but a high ground area is available on which the Carousel building can be erected. He further stated the Carousel will compliment the Visitors' Center. Mr. Sesso stated the Planning Department has recommended a lease be pursued in order to protect the Carousel from any reclamation or Superfund activities.

Commissioner Schultz asked Mr. Sesso if Butte-Silver Bow owns the land in question.

Mr. Sesso replied Butte-Silver Bow does own the land the Carousel is requesting a lease for. Mr. Sesso further stated this land used to be a landfill and some concerns exist about the stability of the land. It will be the responsibility of the Carousel project to ensure the stability of the foundation for the building.

Commissioner Schultz asked if any thought had been given to placing the Carousel at the Hillcrest site.

Mr. Parrett replied this site had been considered many years ago and the Carousel Board had been told the Carousel was not wanted in this area.

Commissioner Schultz asked Mr. Sesso if there was any reason the Carousel could not be located at the Hillcrest site.

Mr. Sesso replied the Carousel group has struggled for many years with the siting decision for the Carousel and the Carousel board has decided the site next to the Chamber is the best site for their project. Mr. Sesso also stated Butte-Silver Bow should defer to their decision.

Commissioner Morgan asked if the financing for the building was in place and what the time frame for completion of the building is.

Jim Ayers, 3150 Busch explained the site next to the Chamber was chosen because of the need for tourism dollars to help sustain the Carousel. He further explained the project has approximately \$250,000 and a metal structure, but not all of the funding necessary. In order to obtain grant money, it is necessary to have a physical address.

Commissioner Shaw stated the area has become a “Tramp Camp” and she has some concerns about security.

Mr. Ayers replied security issues have been discussed and the Board feels with more activity in the area and enhanced landscaping the area will be less “tramp friendly”. Having security at the sight in the evening has also been discussed.

Commissioner Moodry stated he feels Council should be 100% behind this project and asked if Council is being asked for concurrence to proceed with the lease.

Chief Executive Babb replied Butte-Silver Bow has met with the Carousel Board and they are asking Council to grant permission to move forward with drafting of the lease, which would come back for Council’s approval once drafted.

Jon Sesso stated the area in question is zoned residential and there is a process the Board must go through to secure a conditional use permit before a lease can be granted.

Commissioner Schultz stated he is in favor of the Carousel being placed wherever the Board wishes, but wonders if the Hillcrest site should be reconsidered.

It was moved by Commissioner Palmer and seconded by Commissioner Moodry to authorize the Chief Executive, the County Attorney and the Planning staff to work with the Carousel Board to negotiate a lease agreement on the land at George Street and give the authorization to proceed with the request for a zoning classification on the property.

Commissioner O’Leary stated taking a right hand turn when headed North on Montana Street into the Chamber is difficult and feels the curb should be cut back.

The motion passed with a unanimous verbal vote.

It was moved by Commissioner Palmer, seconded by Commissioner Moodry and passed with a unanimous verbal vote to place Communication No. 10-187 on file.

SECTION V

**ORDINANCES AND RESOLUTIONS
REFERRED TO JUDICIARY**

1. COUNCIL RESOLUTION NO. 10-20

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT OF THE RAMPART VIEW ADDITION 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.

2. COUNCIL RESOLUTION NO. 10-28

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 HEALTH DEPARTMENT FROM THE MONTANA STATE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES, ADDICTIVE AND MENTAL DISORDERS DIVISION, TO BE EXPENDED IN THE BUTTE-SILVER BOW HEALTH DEPARTMENT FUND FOR THE PURPOSE OF DRUG AND ALCOHOL PREVENTION SERVICES IN DEER LODGE, POWELL, AND GRANITE COUNTIES.

3. COUNCIL RESOLUTION NO. 10-29

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 HEALTH DEPARTMENT FROM THE MONTANA STATE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES, ARRA/MONTANA REINVESTMENT ACT, AND THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES – MONTANA LEARNING COLLABORATIVE, TO BE EXPENDED IN THE BUTTE-SILVER BOW HEALTH DEPARTMENT TO PROVIDE FUNDING FOR ADDITIONAL SERVICES TO FURTHER MEET THE NEEDS OF PERSONS WHO ARE RECIPIENTS OF THE HUMAN SERVICES PROGRAMS, AND TO IMPLEMENT QUALITY IMPROVEMENT PROCESSES THAT PREPARE LOCAL HEALTH JURISDICTIONS FOR VOLUNTARY PUBLIC HEALTH ACCREDITATION.

4. COUNCIL RESOLUTION NO. 10-30

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 HEALTH DEPARTMENT FROM THE MONTANA STATE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES, TO BE EXPENDED IN THE BUTTE-SILVER BOW HEALTH DEPARTMENT TO PROVIDE FUNDING FOR ADMINISTERING VACCINATIONS AT PUBLIC HEALTH-ORGANIZED CLINICS OR OTHER VENUES, IDENTIFY-

ING COMMUNITY VACCINATION NEEDS, REPORTING AND TRACKING OF VACCINE DOSES.

5. **COUNCIL RESOLUTION NO. 10-32**

RESOLUTION RELATING TO BUTTE-SILVER BOW TAX INCREMENT INDUSTRIAL INFRASTRUCTURE DISTRICT #2; AUTHORIZING THE CHIEF EXECUTIVE TO ENTER INTO A BOND PURCHASE AGREEMENT WITH REC ADVANCED SILICON MATERIALS, LLC FOR THE PURCHASE OF TAXABLE TAX INCREMENT REVENUE BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$16,370,000, SUBJECT TO THE TERMS AND LIMITATIONS SET FORTH HEREIN

6. **COUNCIL RESOLUTION NO. 10-33**

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 FIRE DEPARTMENT FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), ASSISTANCE TO FIREFIGHTERS GRANT, GRANT NUMBER EMW-2009-FO-05637, TO BE UTILIZED FOR PERSONAL PROTECTIVE EQUIPMENT AND AN EXTRACTOR MACHINE AND DRYER FOR LAUNDERING THE NEW TURNOUT GEAR FOR THE FIRE DEPARTMENT TO BE EXPENDED IN THE GENERAL FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

7. **COUNCIL RESOLUTION NO. 10-34**

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 METRO SEWER FROM THE ARMY CORP OF ENGINEERS WRDA GRANT, TO BE UTILIZED IN ASSISTING IN THE FUNDING OF THE WASTEWATER TREATMENT PLANT UPGRADES FOR METRO SEWER TO BE EXPENDED IN THE GENERAL FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

8. **COUNCIL RESOLUTION NO. 10-35**

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 ARCHIVES BOND FUND FROM THE CASH RESERVES OF THIS FUND FOR THE PURPOSE OF INCREASING THE BUDGETARY AUTHORITY FOR THE BOND INTEREST PAYMENT AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

9. **COUNCIL RESOLUTION NO. 10-36**

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 TIFID BOND FUND FROM THE CASH RESERVES OF THIS FUND TO BE USED TO REPURCHASE OUTSTANDING BONDS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION VII

**ORDINANCES AND RESOLUTIONS –
FINAL READING**

1. **COUNCIL BILL NO. 10-01
ORDINANCE NO. 10-01**

AN ORDINANCE AMENDING CHAPTER 2.20 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “LAW ENFORCEMENT DEPARTMENT”; AMENDING SECTION 2.20.085, B-SB SUBSECTION F, ENTITLED “FEES OF SHERIFF” AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner Palmer and seconded by Commissioner Moodry that Council Bill No. 10-01, Ordinance No. 10-01 be placed on final reading and passed having been deemed read at length. The motion carried with a roll call vote of 10 yeas and 0 nays.**

2. **COUNCIL BILL NO. 10-2
ORDINANCE NO. 10-2**

AN ORDINANCE AMENDING CHAPTER 2.36 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “PARK AND RECREATION BOARD”; AMENDING SECTION 2.36.040, B-SB MC SUBSECTION A, ENTITLED “CREATED-MEMBERS’ APPOINTMENT, TERMS AND REMOVAL-VACANCY-FILLING-OFFICERS’ ELECTION” AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner Palmer and seconded by Commissioner Moodry that Council Bill No. 10-02, Ordinance No. 10-02 be placed on final reading and passed having been deemed read at length. The motion carried with a roll call vote of 10 yeas and 0 nays.**

1. **COUNCIL RESOLUTION NO. 10-21**

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT OF THE IRISH EYES MAJOR 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. **It was moved by Commissioner Palmer and seconded by Commissioner Moodry that Council Resolution No. 10-21 be placed on final reading and be passed having been deemed read at length. The motion carried with a roll call vote of 10 yeas and 0 nays.**

2. **COUNCIL RESOLUTION NO. 10-24**

A RESOLUTION DESIGNATING BUTTE-SILVER BOW, MONTANA AS A RECOVERY ZONE FOR PURPOSES OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner Palmer and seconded by Commissioner Moodry that Council Resolution No. 10-24 be placed on final reading and be passed having been deemed read at length. The motion carried with a roll call vote of 10 yeas and 0 nays.**

3. **COUNCIL RESOLUTION NO. 10-25**

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A PARCEL OF REAL PROPERTY DESCRIBED AS A PORTION OF THE RETAKEN LODE #2346, 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 COMMISSIONERS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner Palmer and seconded by Commissioner Moodry that Council Resolution No. 10-25 be placed on final reading and be passed having been deemed read at length. The motion carried with a roll call vote of 10 yeas and 0 nays.**

4. **COUNCIL RESOLUTION NO. 10-27**

A RESOLUTION VACATING, CLOSING, DISCONTINUING AND ABANDONING A PORTION OF NORTH IDAHO STREET ADJACENT TO LOT 2A IN BLOCK 7 OF THE RAVIN ADDITION TO THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PRESCRIBING THE EFFECTIVE DATE OF THIS RESOLUTION AND FINDING THE NECESSARY FACTS HEREIN. **It was moved by Commissioner Palmer and seconded by Commissioner Moodry that Council Resolution No. 10-27 be placed on final reading and be passed having been deemed read at length. The motion carried with a roll call vote of 10 yeas and 0 nays.**

Commissioner Moodry stated he will be bringing a communication before Council to formally recognize the efforts by Bob Pavlovich in obtaining the siting of the Veterans' Home in Butte-silver Bow and requested Council ideas on how best to accomplish this.

Chief Executive Babb explained a social is being planned at the American Legion Hall within the next few weeks to recognize those who worked on the Veterans' Home Project.

Commissioner Frasz stated the Fire Advisory Council will meet at 5:00 p.m. in the first floor conference room and the Fair Board is scheduled to meet there at 5:30 p.m. He explained the Fire Advisory Council meeting is not over until 6:00 p.m. and asked for the Fair Board meeting to be redirected to another location.

Commissioner Morgan stated there will be a Greenway Service District Meeting on Thursday, April 8, 2010 at 4:40 p.m. in the Chief Executives' Conference Room.

Chief Executive Babb commented Dan Dennehy sent out an e-mail today regarding a decision by the Historic Preservation Commission to delay making a decision to move forward with a certificate of appropriateness for the Big Hole Diversion Dam Project. Chief Executive Babb further explained a Special Meeting will be called next Wednesday, April 21, 2010 to bring the matter before Council.

Commissioner Moodry stated there are five Wednesdays in June and asked Commissioner Palmer which day Council will take off.

Commissioner Palmer replied he would check the schedule to see which Wednesday had been scheduled off and would respond to Commissioner Moodry with the correct date.

Chief Executive Babb stated Carol Biggers has agreed to step down from the Parks and Recreation Board and since the Resolution to add a Council member to the Parks and Recreation Board was passed at tonight's meeting; he will wait for Council to make their appointment to request Ms. Biggers to officially step down and thank her for her service.

Commissioner Shaw asked Chief Executive if he will be putting together a list of candidates for the ad hoc committee for the swimming pool.

Chief Executive replied several Council members have shown interest in being on the ad hoc committee and he will let Council decide amongst them who will be on the committee in order to refrain from having a quorum.

ADJOURN

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

The meeting adjourned at 9.07 p.m.

CHIEF EXECUTIVE

ATTEST:

CLERK AND RECORDER