

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

FOR MAY 5, 2010

The Regular Meeting of the Council of Commissioners was called to order Wednesday, May 5, 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

10 present, 2 absent. Commissioners Foley and O'Leary were excused

PRAYER

Commissioner Hall led the Commissioners in prayer.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF APRIL 21, 2010. 0.

It was moved by Commissioner Palmer and seconded by Commissioner Lee to approve the minutes of the Regular Meeting of April 21, 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

Ed Banderob, 2601 Grand Ave stated

CHIEF EXECUTIVE'S REPORT

Chief Executive Babb reported the following:



Chief Executive Babb announced Section IV, "Communications To Be Read and Acted Upon" would be moved up to accommodate members of the audience.

SECTION IV COMMUNICATIONS TO BE READ AND ACTED UPON

10-244 Sheriff John Walsh, Butte-Silver Bow Law Enforcement, requesting Council's confirmation of Jarett Branson as a permanent member of the Butte-Silver Bow Law Enforcement Department.

It was moved by Commissioner Palmer, seconded by Commissioner Lee and passed by a unanimous verbal vote to concur with the request of Communication No. 10-244 and confirm Jarett Branson as a permanent member of the Butte-Silver Bow Law Enforcement Department.

It was moved by Commissioner Palmer, seconded by Commissioner Lee and passed by a unanimous verbal vote to place Communication No. 10-244 on file.

10-248 Mark Moodry, Commissioner District Number seven, requesting Council's concurrence in recognizing Bob Pavlovich for his efforts relating to locating the Southwest Montana Veterans' Home in Butte with a Memorial Plaque to be presented at a Regular Council Meeting.

It was moved by Commissioner Moodry, seconded by Commissioner Palmer and passed by a unanimous verbal vote to approve Communication No. 10-248 and place on file.

10-269 Kristen Rosa, TIFID Administrator, requesting Council's authorization to schedule time on the May 5, 2010 agenda to present the annual report of the TIFID.

It was moved by Commissioner Palmer, seconded by Commissioner Lee and passed by a unanimous verbal vote to place Communication No. 10-269 on file.

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 Palmer made a Friendly Amendment to Section I, Consent Agenda, B, Communications, number 1, Communication No. 10-197 to change the recommendation to hold in the Committee of the Whole.

Commissioner Moodry segregated page 5, Section I, Consent Agenda, number 36, Communication No. 10-237.

AND THE EXPIRATION DATE OF THE REDEMPTION PERIOD HAS EXPIRED AND THE REQUIRED PAYMENTS HAVE NOT BEEN MADE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

5. **COUNCIL RESOLUTION NO. 10-42**

A RESOLUTION OF ASSESSMENT APPROVING THE INCREASE IN THE SOLID WASTE DISPOSAL FEES FOR THE MELROSE REFUSE DISPOSAL DISTRICT, A “SPECIAL DISTRICT” AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

6. **COUNCIL RESOLUTION NO. 10-43**

A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION WITH THE DEPARTMENT OF COMMERCE OF THE STATE OF MONTANA, FOR A MONTANA COMMUNITY DEVELOPMENT BLOCK GRANT UNDER THE TERMS OF THE COMMUNITY DEVELOPMENT ACT OF 1974 (42 USC 5301) AS AMENDED.

7. **COUNCIL RESOLUTION NO. 10-44**

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A CERTAIN PARCEL OF REAL PROPERTY LOCATED IN THE PORT OF MONTANA’S BUSINESS DEVELOPMENT PARK, LEGALLY DESCRIBED AS TRACT 3A, COS 838B, WITHIN THE CITY-COUNTY BUTTE-SILVER BOW, STATE OF MONTANA FOR THE PURPOSE OF COMMUNITY DEVELOPMENT IN ACCORDANCE WITH THE PROCEDURES OF BUTTE-SILVER BOW MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

8. **COUNCIL RESOLUTION NO. 10-45**

A RESOLUTION RELATING TO A PROJECT ON BEHALF OF WILLIAM CHARLES BUTTE MONTANA, LLC AND THE ISSUANCE OF A REVENUE BOND TO FINANCE THE COSTS THEREOF UNDER MONTANA CODE ANNOTATED, TITLE 90, CHAPTER 5, PART 1, AS AMENDED; GRANTING PRELIMINARY APPROVAL THERETO AND CALLING A PUBLIC HEARING THEREON AND ESTABLISHING COMPLIANCE WITH CERTAIN REIMBURSEMENT REGULATIONS UNDER THE INTERNAL REVENUE CODE.

SECTION VI **ORDINANCES AND RESOLUTIONS –**
FINAL READING

1. **COUNCIL RESOLUTION NO. 10-31**

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 ENVIRONMENTAL PROTECTION AGENCY TO BE EXPENDED IN THE COMMUNITY DEVELOPMENT FUND FOR THE PURPOSE TO PROVIDE EQUIPMENT AND FINANCIAL SUPPORT TO THE

GREENHOUSE NURSERY-HARDENING FACILITY ON THE MONTANA TECH CAMPUS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner Palmer and seconded by Commissioner Lee that Council Resolution No. 10-31 be placed on final reading and passed having been deemed read at length. The motion carried with a roll call vote of 10 yea and 0 nay.**

2. **COUNCIL RESOLUTION NO. 10-37**

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 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION. THE REVENUE IS THE RESULT OF UNSPENT FUNDS FROM THE PRIOR YEAR. **It was moved by Commissioner Palmer and seconded by Commissioner Lee that Council Resolution No. 10-37 be placed on final reading and passed having been deemed read at length. The motion carried with a roll call vote of 10 yea and 0 nay.**

3. **COUNCIL RESOLUTION NO. 10-39**

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 MAINTENANCE DISTRICT 1 & 4 FUND FROM THE STATE OF MONTANA DEPARTMENT OF TRANSPORTATION TO PURCHASE A SWEEPER TO BE EXPENDED IN THE GENERAL FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner Palmer and seconded by Commissioner Lee that Council Resolution No. 10-39 be placed on final reading and passed having been deemed read at length. The motion carried with a roll call vote of 10 yea and 0 nay.**

Commissioner Frasz invited

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 8:23 p.m.

CHIEF EXECUTIVE

ATTEST:

CLERK AND RECORDER