

MINUTES OF THE REGULAR MEETING OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS FOR APRIL 2, 2014

The Regular Meeting of the Council of Commissioners was called to order Wednesday, April 2, 2014, in the Council Chambers, Third Floor, Room 312, Courthouse Building, 155 West Granite Street, Butte, Montana by the Chief Executive, Matt Vincent.

ROLL CALL

Commissioner Morgan, *present*

Commissioner Palmer, *present*

Commissioner Andersen, *present*

Commissioner Walker, *present*

Commissioner Foley, *present*

Commissioner Ralph, *present*

Commissioner Shaw, *present*

Commissioner McDonough, *present*

Commissioner Henderson, *present*

Commissioner Fisher, *present*

Commissioner Moodry, *present*

Commissioner Sorich, *present*

STAFF PRESENT

Eileen Joyce, Butte-Silver Bow County Attorney

Scott Sheehan, Deputy Clerk & Recorder

Kareniesa Kohn, Council Secretary

PRAYER

Commissioner Henderson said the prayer.

PUBLIC COMMENT ON ANY ITEMS ON THE CONSENT AGENDA

None.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF MARCH 19, 2014.

It was moved by Commissioner Shaw, seconded by Commissioner Morgan and passed by a unanimous verbal vote to approve the minutes of the Regular meeting of March 19, 2014.

ITEMS NOT ADDRESSED ON THE AGENDA

None.



CHIEF EXECUTIVE REPORT

Chief Executive Vincent reported the following:

- ❖ Spoke with Parks & Recreation Director, Jay Ellington regarding Evel Knievel Days.
- ❖ This goes back to a meeting with BET and an agreement for all festivals.
- ❖ Spoke with Commissioner McDonough on the Irish Festival and had a conversation with Chad Harrington on Evel Knievel Days.
- ❖ Aware of proposed agreement with his brother-in-law, Kelly Knievel regarding Evel Knievel naming rights.
- ❖ Will recues himself from that process.
- ❖ Asked Jay Ellington to briefly speak on the subject.

Jay Ellington, Director, Butte-Silver Bow Parks & Recreation Director, stated the following:

- ❖ He had started discussions with BET Group in January.
- ❖ Has studied the last three years of reports.
- ❖ On March 27, 2014 he met with the Evel Knievel Days board and discussed moving into an operating agreement.
- ❖ Met again on March 31, 2014 to give them the operating agreement.
- ❖ Has reviewed their by-laws and job descriptions.
- ❖ Kelly Knievel will be here on April 16, 2014 to speak on Evel Knievel Days and the operating agreement.

Chief Executive Vincent continued with the Chief Executive's Report:

- ❖ Receiving input regarding the Brincks property and a developer's packet.
- ❖ It will be on the website and Sunday's newspaper.
- ❖ The period of response will be 45 days.
- ❖ There will be a minimum amount of \$10,000.
- ❖ We will determine what the best proposal will be.
- ❖ The letter to the National Heritage is almost complete.
- ❖ April 14, 2014 will be the deadline for the manufacturing proposal.
- ❖ Will be going to Billings for the Montana Energy Conference.
- ❖ In regards to budget planning, received an email from Commissioner Foley asking where we are at in the process.
- ❖ All budget information is due back to the Chief Executive's Office at the end of April.
- ❖ 100% certain the budget will be approved the first week of August.
- ❖ The NorthWestern Energy development agreement is on the agenda.
- ❖ Over the last 10 months many details were worked out.



**SECTION 1 BID OPENING
COMMUNICATION NO. 14-105**

DAVE SCHULTZ, DIRECTOR, BUTTE-SILVER BOW PUBLIC WORKS DEPARTMENT, REQUESTING COUNCIL'S AUTHORIZATION TO HAVE A BID OPENING ON APRIL 2, 2014 FOR EQUIPMENT FOR THE BASIN CREEK WATER TREATMENT PLANT.

Dave Schultz, Director, Butte-Silver Bow Public Works Department, opened 3 bids:

Meta Water	1. \$5,540,000
	2. \$617,000
	3. \$9,463,100
	4. \$7,780,694

GE Water & Process Technology	1. \$3,232,600
	2. \$754,900
	3. \$3,232,600
	4. \$6,623,249

Pall Corporation	1. \$4,646,062
	2. \$509,623
	3. \$4,646,062
	4. \$8,678,032.25

Commissioner Henderson asked if the projected cost was \$5.5 million. Mr. Schultz stated it is.

It was moved by Commissioner Shaw, seconded by Commissioner Morgan and passed by unanimous verbal vote to refer the bids to the Public Works Department and wait for a recommendation back to Council.

**SECTION 2 BID OPENING
COMMUNICATION NO. 14-137**

PAT HOLLAND, MANAGER, BUTTE-SILVER BOW GOVERNMENT BUILDINGS, REQUESTING COUNCIL'S AUTHORIZATION FOR A BID OPENING ON April 2, 2014 REGARDING THE BIG BUTTE FIRE DEPARTMENT FIRE APPARATUS BAY ADDITION.

Chief Executive Vincent stated the bid opening had been postponed until April 16, 2014.



SECTION 3 PRESENTATION COMMUNICATION NO. 14-131

DAVID SABO, DISTRICT RANGER, BEAVERHEAD-DEER LODGE NATIONAL FOREST, REQUESTING COUNCIL'S AUTHORIZATION TO GIVE A PRESENTATION ON APRIL 2, 2014 REGARDING THE DRAFT BEAVERHEAD-DEER LODGE NATIONAL FOREST FOOD STORAGE ORDER AND THE BUTTE HIGHLANDS MINE HAUL ROAD PROJECT.

David Sabo, District Ranger, Beaverhead-Deer Lodge National Forest, thanked Council for the opportunity to speak at the meeting. He passed out two handouts.

Mr. Sabo stated the following regarding Forest Wide Food Storage:

- ❖ A food storage order will be implemented in 2014.
- ❖ This expands the food storage order of the Madison and a portion of the Jefferson ranger districts.
- ❖ This coincides with when bears come out of hibernation.
- ❖ The purpose is to comply with the biological opinion of the forest service.
- ❖ It is to protect humans and wildlife.

Mr. Sabo stated the following regarding the Butte Highlands Mine Haul Road Project:

- ❖ The forest service is currently in its analysis of this project.
- ❖ On April 24, 2012 a plan of operation proposing to use the Highland Road was received by the Forest Service.
- ❖ To date, the Forest Service has prepared a draft environmental assessment that analyzes three alternatives.
- ❖ The forest service will not make any decisions on actions proposed on private lands.
- ❖ The draft environmental assessment was released to the public on March 6, 2014 with a legal notice published. The comment period for this draft assessment is April 7, 2014.
- ❖ The forest service will review the comments before issuing a final assessment in late May/early June, 2014.

Commissioner Henderson stated he was unhappy with the Forest Service and the Department of Environmental Quality because this has taken so long. He stated the investors in this mine cannot keep going on this long and feel they are being held up by the lack of decision by the Forest Service.

Chief Executive Vincent stated they certainly have a lot of interest in this project and recognizes the frustrations. He stated we have been working to a quicker end on this project.



SECTION 4 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
 - 5. PERSONNEL COMMITTEE REPORT

B. PETITION

- 1. **14-2** Lori Casey, Assistant Planning Director, Butte-Silver Bow Planning Board, requesting Council's authorization to petition to close and vacate that portion of the North-South alley located in Block 28 of the Butte-Townsite Addition and to schedule a Public Hearing for April 16, 2014.

C. COMMUNICATIONS

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

Commissioner Shaw asked for a friendly amendment on Communication No. 14-137. She stated the bid opening is moved to April 16, 2014.

Commissioner Foley asked for a friendly amendment on Communication No. 14-146. He asked the recommendation be changed to "Refer to Public Works Committee".

Commissioner Shaw segregated #19, Communication No. 14-157.

It was then moved by Commissioner Shaw, seconded by Commissioner Morgan and passed with a unanimous verbal vote to approve the Consent Agenda, Section A, Items 1 through 5, Section B, Item 1, and Section C, Item Nos. 1 through 21, except no. 19.

Segregation - Communication No. 14-157

Karen Byrnes, Director, Butte-Silver Bow Community Development Department, requesting Council's authorization for the Chief Executive to sign a development agreement with NorthWestern Energy regarding the construction of the new General Office Building in Uptown Butte.

Commissioner Shaw segregated this communication to ask others to speak on the project and to open it for comments from the Council.

Commissioner Sorich stated he would like to abstain from the vote being he is currently an employee of NorthWestern Energy.



Karen Byrnes, Director, Butte-Silver Bow Community Development Department, stated the following:

- ❖ This has been a 10-month long process and a great partnership with NorthWestern Energy.
- ❖ They have had very thorough communication, while meeting every 2 weeks.
- ❖ This agreement lays out all the aspects of this process.
- ❖ In a previous MOU, Butte-Silver Bow agreed to many obligations on their part.
- ❖ If you look at page 2 of the agreement, it speaks of what this agreement sets forth.
- ❖ It also speaks of the assumed ownership of the current GO Building.
- ❖ NorthWestern Energy has to stay in its current building until the new building is 100% complete.
- ❖ The estimate increment on the new building will be a little over \$900,000 a year to Butte-Silver Bow into our Urban Renewal District.

Pat Corcoran, VP Government Affairs, NorthWestern Energy, stated the following:

- ❖ He is here tonight to support the development agreement.
- ❖ In 2011-12, NorthWestern Energy started to look at their assets in Butte.
- ❖ The 100 year anniversary for NorthWestern Energy in Butte was in 2012.
- ❖ They are committed and focused on Butte.
- ❖ They are also focused on parking issues in Butte
- ❖ They looked for a new location to build a new building.
- ❖ They knew they would have to approach Butte-Silver Bow to partner in this project.
- ❖ It is a cornerstone project for NorthWestern Energy and Uptown Butte.
- ❖ This good for Butte, NorthWestern Energy and NorthWestern Energy employees.
- ❖ The development agreement is a 20-year agreement.
- ❖ Butte-Silver Bow's commitment to date has been as strong as NorthWestern Energy's.
- ❖ Construction will begin as early as June 2014 with an approximate completion date set for December 2015.

Commissioner Palmer stated this is a great project and should move forward. He stated he is concerned about the existing GO Building and the ownership going to Butte-Silver Bow. He also stated he would like to see a joint committee between NorthWestern Energy and Butte-Silver Bow to work towards that end regarding the existing GO Building.

Commissioner Ralph stated it was her understanding that NorthWestern Energy could not own both the existing GO Building and the new building at the same time and asked if this was correct. Chief Executive Vincent stated that is correct.

It was moved by Commissioner Palmer, seconded by Commissioner Morgan and passed by a unanimous verbal vote to concur with the request of Communication No. 14-157 and Place it on File. Commissioner Sorich abstained from voting.



SECTION 5 SUSPENSION OF THE RULES FOR FINAL PASSAGE

It was moved by Commissioner Shaw, seconded by Commissioner Morgan and passed by a roll call vote of 12 yea and 0 nay to suspend the rules for the purpose of passing Council Resolution No. 14-7 by waiving Subsection 7 of Rule XXXVI of the Rules and Order of Business of the Council of Commissioners, thereby having it considered for advanced passage without reference to the Judiciary Committee.

1. RESOLUTION NO. 14-7

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 BUTTE-SILVER BOW GENERAL FUND REVENUE FROM CASH RESERVES TO THE BUTTE-SILVER BOW PARKING COMMISSION BUDGET TO BE EXPENDED IN THE GENERAL FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

It was moved by Commissioner Shaw and seconded by Commissioner Morgan that Resolution No. 14-7 be placed on final reading and be passed, having been deemed read at length. The motion passed by a roll call vote of 12 yea and 0 nay.

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA

R. Edward Banderob, 2601 Grand Avenue, Butte, MT, thanked Council for moving the letter forward.

Commissioner Palmer asked the County Attorney if an MOU is the same as a contract and does a developer's packet need to be approved before it is sent out.

County Attorney Joyce stated an MOU sets forth an agreement between parties in terms of what each side has agreed to do and is seen as a contract. Commissioner Palmer stated he felt the MOU's delivered to the different festival groups really should have been approved by Council prior to them being given to any of the groups to be signed.

Chief Executive Vincent stated that was duly noted.

Commissioner Palmer stated, in regards to the developer's packet, he asked if the Council needed to approve it before it was given out. County Attorney Joyce stated it would depend on what the motion was made by Council previously.



ADJOURN

It was moved by Commissioner Shaw, seconded by Commissioner Morgan and passed with a unanimous verbal vote to Rise to the Call of the Chair.

The meeting adjourned at 8:47 p.m.

MATT VINCENT
CHIEF EXECUTIVE

ATTEST:

CLERK & RECORDER

