

# MINUTES OF THE REGULAR MEETING OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS FOR MAY 21, 2014

The Regular Meeting of the Council of Commissioners was called to order Wednesday, May 21, 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 Shaw, *present*

Commissioner Palmer, *present*

Commissioner McDonough, *present*

Commissioner Andersen, *present*

Commissioner Henderson, *present*

Commissioner Walker, *present*

Commissioner Fisher, *present*

Commissioner Foley, *present*

Commissioner Moodry, *present*

Commissioner Ralph, *present*

Commissioner Sorich, *absent*

## STAFF PRESENT

Eileen Joyce, Butte-Silver Bow County Attorney

Kareniesa Kohn, Council Secretary

## PRAYER

Commissioner Henderson said the prayer.

## PUBLIC COMMENT ON ANY ITEMS ON THE CONSENT AGENDA

Chris Harris, 820 West Galena, Butte, stated the following:

- ❖ Advocate for bike lanes.
- ❖ Commend Dave Schultz and others for this.
- ❖ We don't have a choice but to do this.
- ❖ We compete from a business point of view with other cities.
- ❖ Bike lanes add vitality.
- ❖ It promotes health and families.
- ❖ Regarding funding package: wayfinding lacked details.
- ❖ We should be allocating public money for specifics.

## APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF MAY 7, 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 May 7, 2014.*



## ITEMS NOT ADDRESSED ON THE AGENDA

None.

## CHIEF EXECUTIVE REPORT

Chief Executive Vincent reported the following:

- ❖ There are four listening sessions scheduled for Finance & Budget proceedings.
- ❖ The first one was yesterday at the Belmont Senior Center.
- ❖ They are opened for the public.
- ❖ More can be scheduled if needed.
- ❖ May 22, 2014, NorthWestern Energy will break ground on their new building.
- ❖ Blackstone launch-pad is anchored in Butte under Headwaters.
- ❖ Just completed a fiber optic loop around Butte.
- ❖ Butte needs to better market its story; since that time there has been a flurry of activity.
- ❖ This is the time to recognize what makes Butte great.
- ❖ Supporting innovation is a key piece to this.

## SECTION 1 PUBLIC HEARING COMMUNICATION NO. 14-197

E.JAY ELLINGTON, DIRECTOR, PARKS & RECREATION DEPARTMENT, REQUESTING COUNCIL'S AUTHORIZATION TO HOLD A PUBLIC HEARING ON MAY 21, 2014 REGARDING APPROPRIATING UNANTICIPATED REVENUES TO BE SPENT IN THE 2013-14 BUDGET.

Mr. Ellington stated the purpose of the budget adjustment is to apply revenue we have received from a contract amendment already brought to Council a few weeks ago with the school system. He said it would help with Stodden Park and areas within the department.

Chief Executive Vincent opened the public hearing. He called for any proponents. There were none.

Chief Executive Vincent called for any opponents. There were none. He closed the public hearing.

## SECTION 2 CONSENT AGENDA

- A. 1. COMMITTEE OF THE WHOLE MEETING REPORT
2. JUDICIARY COMMITTEE MEETING REPORT
3. PUBLIC WORKS COMMITTEE MEETING REPORT
4. FINANCE AND BUDGET COMMITTEE MEETING REPORT
5. RULES COMMITTEE MEETING REPORT
6. PERSONNEL COMMITTEE MEETING REPORT



## B. COMMUNICATIONS

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

Commissioner Shaw segregated no. 26.

Commissioner Moodry segregated the Personnel Committee Report, Section 2.

Commissioner Henderson segregated no. 18.

Commissioner Fisher segregated nos. 15, 17, and 20.

Commissioner McDonough segregated no. 25.

*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 6, with exception to no. 6, Section 2, and Section B, Items 1 through 27, with exception to nos. 15, 17, 18, 20, 25, and 26.*

### **Segregation – Personnel Committee Report, Section 2, Communication No. 14-208**

**Jack McCloskey, Butte-Silver Bow Metro Sewer, requesting a waiver of sick leave requirement be granted to Tom Burke with an additional 160 hours of sick leave granted as Mr. Burke is unable to return to work on a full-time basis.**

Commissioner Moodry stated he segregated this communication to explain how this was discussed during the Personnel Committee meeting and Mr. Burke is ill and has turned in his retirement paperwork.

*It was moved by Commissioner Moodry, seconded by Commissioner Henderson and passed by a unanimous verbal vote to approve Communication No. 14-208 and Place it on File.*

### **Segregation – no. 15, Communication No. 14-243**

**Dave Schultz, Director, Butte-Silver Bow Public Works Department, requesting Council's authorization for the Chief Executive to sign a lease with Sarah Senst regarding 3233 Kennedy Avenue.**

Commissioner Fisher segregated this communication because he has concerns wondering if the building would be used for the same activity that it has now and with the parking issues. He stated he would like a better understanding if this would continue to be a martial arts program.

Karen Brynes stated she is quite familiar with what is happening here. She stated the school is being sold to Ms. Senst and she will continue to run it as a martial arts program and take over as Master of this dojo.



*It was moved by Commissioner Fisher, seconded by Commissioner Andersen and passed by a unanimous verbal vote to Concur with Communication No. 14-243 and Place it on File.*

**Segregation – no. 17, Communication No. 14-245**

**Dave Schultz, Director, Butte-Silver Bow Public Works Department, requesting Council's authorization to institute sprinkling restrictions starting May 26, 2014.**

Commissioner Fisher stated the following:

- ❖ Sprinkling restrictions this early in the year is sending out a mixed message.
- ❖ You are telling people along Harrison Avenue to run their water for 15 minutes to clear the murky look to it.
- ❖ Giving hoses to people to clean their sidewalks and water their lawns sends a mixed message.
- ❖ Sprinkling bills are high and the timing of things are off.
- ❖ These are just comments and not concerns.

Mr. Schultz stated the following:

- ❖ The purpose of the restrictions will still enable people to wash their sidewalks and keep their grass green.
- ❖ This is an issue about water distribution.
- ❖ This will lower water demands.
- ❖ With restrictions, we can maintain water pressure.

Commissioner Andersen stated the constituents do not understand the reasons for this. He stated we have a high snowpack and maybe a Public Service Announcement would help the public understand.

Mr. Schultz stated he would be happy to do that.

Commissioner Walker stated he understood it as they can only treat so much water at a time and believed this was the reasoning of only watering lawns every other day.

Mr. Schultz stated that is correct. He stated he thought of requesting odd and even sprinkling days as a rule every year for the community. He also stated there are monies earmarked to meter the whole community and within 2016-17 they will meter the whole community and then water restrictions will no longer be in effect.

Commissioner McDonough asked how many residents are metered currently. Mr. Schultz stated around 4,000 residents out of 11,000 total customers.

Commissioner Foley stated he supports what Mr. Schultz is doing and water is a precious commodity. He also stated as a suggestion to anyone with a high water bill to get on a meter.



Chief Executive Vincent stated the following:

- ❖ In the larger context of conservation, we are not the only ones who use the Big Hole River.
- ❖ A vast number of ranches use it for irrigation.
- ❖ His office fields many complaints, as well, but this is a well thought out strategy.

*It was moved by Commissioner Fisher, seconded by Commissioner Ralph, and passed by a unanimous verbal vote to Concur with Communication No. 14-245 and Place it on File.*

**Segregation - no. 18, Communication No. 14-246**

**Dave Schultz, Director, Butte-Silver Bow Public Works Department, requesting Council's authorization for the Chief Executive to sign a letter of understanding with the local unions for summer help allowing the Road Department to run 10 hour shifts, 5 days a week.**

Commissioner Henderson stated he had Mr. Schultz explain this to him and wanted him to explain it to Council.

Mr. Schultz stated the following:

- ❖ The paving crews work 4 - 10 hour days during the construction season.
- ❖ With the goal the Chief Executive has given Public Works for better roads, this is not enough man hours.
- ❖ We do not want to accrue overtime.
- ❖ A plan was made to hire additional help.
- ❖ With the existing crew and new hires, they can work 5 - 10 hour days with Saturdays and Sundays off.
- ❖ The temporary employees cannot have 3 day weekends but can have 3 days off in a week.
- ❖ All three unions worked with Butte-Silver Bow on this and they were great.

Commissioner Henderson thanked Mr. Schultz for explaining this to all of Council.

*It was moved by Commissioner Henderson, seconded by Commissioner Ralph, and passed by a unanimous verbal vote to Concur with Communication No. 14-246 and Place it on File.*

**Segregation - no. 20, Communication No. 14-248**

**E. Jay Ellington, Director of Parks & Recreation, Butte-Silver Bow, requesting Council adopt the Operating Agreement for Evel Knievel Days Festival.**

Commissioner Fisher stated he would like to hold this communication in abeyance for further review of extra things attached to the communication.



Commissioner Ralph stated she was confused about his request. Commissioner Fisher stated it was the miscellaneous documents and licensing agreement.

Mr. Ellington stated the Evel Knievel Days, Inc. committee provided extra documents for Council to review because it was their first year operating the event and wanted to give everything they thought Council might want to see.

Commissioner Morgan stated he saw in the communication that the event was moving to the Original Mineyard and asked if it was the entire event. Mr. Ellington stated it was not the whole event but part of the festivities that would be held at the Original.

**A motion was by Commissioner Fisher and seconded by Commissioner Henderson to hold the communication in abeyance for further review.**

*A sub-motion was made by Commissioner Ralph, seconded by Commissioner Foley and passed to Concur with Communication No. 14-248 and Place it on File. Commissioners Henderson and Fisher voted nay.*

**Segregation - no. 25, Communication No. 14-255**

**Jim Jarvis, Butte-Silver Bow Historic Preservation Officer, requesting Council's authorization for the Chief Executive to sign an agreement with Tash Communications for interpretive signs for the Thompson Park Project.**

Commissioner McDonough asked what kind of signs we are putting up that the Historic Preservation Officer is placing in a park and are they historic in nature.

Mr. Ellington stated he and Mr. Jarvis have spoken of additional interpretive signs at this site.

Commissioner McDonough asked if had seen the signs. He stated it seems they have plenty of historic preservation issues in the community for him to be running around putting up signs in parks. He also stated now we have a Parks Director, this can be handled through that department.

Lori Casey, Assistant Planning Director, Butte-Silver Bow Planning Board, stated grant funding from the Thompson Foundation was being used for more interpretive signs within Thompson Park.

Commissioner McDonough asked why the Historic Preservation Officer is working on park items. He stated we have a lot of work on our plates and have a fully qualified Park Director.

Chief Executive Vincent noted Thompson Park was designated as the 2<sup>nd</sup> largest municipal park in the United States.

*It was moved by Commissioner McDonough, seconded by Commissioner Moodry and passed by a unanimous verbal vote to Concur with Communication No. 14-255 and Place it on File.*



**Segregation - no. 26, Communication No. 14-256**

**Tracy J. Swanson, Project Manager, Abundant Life Fellowship, requesting Council's authorization to hold a Big Tent Revival Meeting August 14 - 17, 2014.**

Commissioner Shaw stated the committee that submitted this communication asked that it be withdrawn.

Commissioner Morgan clarified that he had asked Mr. Ellington why this was originally put on the agenda and it was because of the possibility of over 500 people attending.

*It was moved by Commissioner Shaw, seconded by Commissioner Morgan and passed by a unanimous verbal vote to Place Communication No. 14-256 on File.*

**SECTION 3 COMMUNICATIONS TO BE READ AND ACTED UPON**

**14-250 Karen Byrnes, Director, Butte-Silver Bow Community Development Department, requesting Council rescind a motion made on May 1, 2013 regarding the replacement of the traffic signal at Granite and Main Streets.**

Ms. Byrnes stated the following:

- ❖ This is in relation to discussions last week on a presentation given.
- ❖ The discussion included enhancements and safety concerns.
- ❖ We would like to move forward with the enhancements to the intersection.
- ❖ There was previously a decision made by this body though no action was taken because we were still in negotiations with the insurance company.

Commissioner Palmer stated the following:

- ❖ I was the one who brought up there was a motion made by this body.
- ❖ We sat as the Public Works Committee, a representative from the State Highway Department, and the Public Works Director and made the decision after public comment was received.
- ❖ When we ask questions, how are we to feel if we do not receive true statements?
- ❖ At the time, we were told this was a state-owned highway.
- ❖ We figured as a committee, why not get it back to the way it was before.

Commissioner Henderson stated he had a problem with the amount of time this has taken for the amount that is owed to Butte-Silver Bow. He stated he was in shock when he heard it was over \$250,000 and why it has taken so long.

County Attorney Joyce stated she has no knowledge about the negotiations with the insurance company.



Commissioner Henderson asked if that was with the highway department. County Attorney Joyce stated she heard what Public Works Director Schultz said last week and maybe he could give him more information on this. She also stated the insurance company only wanted to offer the depreciated price instead of the value of what was lost.

Commissioner Henderson asked if they were not going to put the lights up and only put 4-way stop signs up, do they settle down for what that would cost or for the \$250,000 for what was destroyed.

County Attorney Joyce stated they would receive whatever they settled for. She stated it is like what happens when you are in a car accident and the insurance pays you for the damages.

Commissioner Henderson stated when this was done the money was spent to put the lights in. He asked why this has taken so long and why has it not been handled by now.

Chief Executive Vincent stated he would defer that question to Public Works Director Schultz. He stated when the decisions were initially made, it was under a different Public Works administration.

Commissioner Henderson stated at that time, they put out to the public what they thought and the majority came back with putting the lights back up.

Chief Executive Vincent stated he acknowledged that but the majority was 12 people and Commissioner Henderson is making his decision based on 12 people.

Commissioner Henderson stated he begged to differ with that statement.

Mr. Schultz stated the following:

- ❖ The delay is due to a number of factors.
- ❖ There has been a change in the administration.
- ❖ The insurance company has picked this apart.
- ❖ The estimate to replace was done by the MDOT.
- ❖ The insurance company engineer stated there is a depreciation policy in place.

Commissioner Ralph stated they are concentrating on monies and not the priorities. She stated recent data shows stop signs in this situation would be safer.

Commissioner Morgan stated on May 1, 2013 they had made a premature decision and asked if they were doing the same now. He asked if they should wait on making a decision until the settlement is actually signed.

Mr. Schultz stated that by rescinding this decision, they are allowing staff to work up some options to bring back to Council.



Chief Executive Vincent stated another piece of the information is the MDOT has said if they put up a light, it is Butte-Silver Bow's light and off their system. He stated they would take on all the maintenance and liability of the light for the future.

Mr. Schultz said this was correct.

Commissioner Palmer stated that was made clear in the previous meeting.

Commissioner Fisher asked who is negotiating this. Mr. Schultz stated he was.

Commissioner Fisher stated one would think it would be time to have a legal representative working on this. He stated Mr. Schultz is busy with Public Works and they should have an attorney working on this.

Commissioner Shaw stated she would like to clarify this communication is only to rescind the original motion and assumed if they do so, there will be a communication coming to them with specifics and a recommendation.

*It was moved by Commissioner Palmer, seconded by Commissioner McDonough and passed to rescind the motion made on May 1, 2013. Commissioner Henderson voted nay.*

**14-251 Jon Sesso, Director, Butte-Silver Bow Planning Board, requesting Council approve priority projects for remaining CTEP funds.**

Lori Casey, Assistant Planning Director, Butte-Silver Bow Planning Board, stated the following:

- ❖ Based on last week's comments, we have our recommendations.
- ❖ Montana Street bridge is already an allocated project with CTEP funding.
- ❖ For the remaining funds, we have 3 remaining projects still open, including two sidewalk projects.
- ❖ We recommend doing more sidewalk work, bike lanes, and streetscape improvements.
- ❖ This can include improving the gateways to Uptown.
- ❖ We are open to suggestions.

Commissioner Palmer asked if any of the money will be used for enhancing the Brinck's lot. Ms. Casey stated yes, there are items that can be paid for with this money.

Commissioner Henderson stated bike lanes are great but Butte is far behind on sidewalks and they are more important.

Commissioner Fisher commented he was happy to see the money was split evenly across the projects.

Commissioner Palmer stated he like the idea of the streetscape. He noted many bushes on Harrison Avenue have been trampled and could this money be used to replace them.



Karen Byrnes stated there is a plan in place to replace the trees and bushes along Harrison Avenue that did not make it. She stated they are beyond the warranty period but they will be replaced.

Commissioner Shaw stated she like the way the funds were being divided. She stated she understood this as if they don't use a certain portion of the money for wayfaring, it could be used across the board in another category.

Ms. Casey stated this was correct and they would like to allocate all the funds.

Commissioner Morgan asked with there being four different ideas, could they make a motion to encompass all four ideas. County Attorney Joyce stated they could make a motion that indicates how to allocate the four different projects.

Ms. Casey made a clarification stating they could not reprogram the Montana Street bridge but the rest of the money could be used as they like.

Commissioner Moodry stated he concurred with Commissioner Henderson on the sidewalks but that they had heard good arguments on all the projects. He stated it does make sense to allocate the money the way the Planning Department did.

Commissioner McDonough stated the following:

- ❖ He agreed with Commissioner Moodry.
- ❖ He had heard details of a discussion regarding Section 4 of the agenda and did they have any idea on what exactly they are proposing for wayfaring?
- ❖ It says more specific details will be included in the application.
- ❖ One quarter of the grant is quite a bit of money and he would like to see specific details so he can answer questions.

Ms. Casey stated the following:

- ❖ There are some specific ideas for the Brinck's property.
- ❖ There has been interest in making Montana Street a gateway into Uptown.
- ❖ There have been requests for benches.
- ❖ We can bring forth the application but it is due by June 1<sup>st</sup>.

Chief Executive Vincent stated in follow-up to Commissioners Fisher and Moodry's concerns, they could be assured he is working with the Finance & Budget Department and the Public Works Department to re-establish the sidewalk program to help address the sidewalks.

Commissioner Moodry stated he is on the Airport Board and within the corridor coming into the airport, there will be a new parking lot and lighting done within the next year.



Commissioner McDonough stated based on an earlier comment, he has had questions on why money is not being spent on roads and they should provide the public with the guidelines on what is acceptable and what is not. He stated he has been asked that question.

Ms. Casey stated they will certainly do that. She stated there are categories in the CTEP manual showing that criteria.

*It was moved by Commissioner Moodry, seconded by Commissioner Shaw and passed by a roll call vote of 10 yea and 1 nay to Concur with the recommendations of Communication No. 14-251 presented by the Planning Office and to Place it on File. Commissioner Henderson voted nay.*

## **SECTION 4 ORDINANCES AND RESOLUTIONS REFERRED TO JUDICIARY**

### **1. COUNCIL BILL NO. 14-6 ORDINANCE NO. 14-6**

AN ORDINANCE AMENDING TITLE 12 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "STREETS SIDEWALKS AND PUBLIC PLACES"; AMENDING CHAPTER 12. 12 ENTITLED "SIDEWALK MAINTENANCE", AMENDING SECTION 12.12.020; AMENDING SECTION 12.12.040; AMENDING SECTION 12.12.50; ADDING NEW SECTIONS TO BE NUMBERED 12.12.055; AMENDING SECTION 12.12.070; ADDING SECTIONS 12.12.072 AND 12.12.074; AMENDING SECTION 12.12.090 AND ADDING NEW SECTION 12.12.100, AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

### **2. COUNCIL BILL NO. 14-7 ORDINANCE NO. 14-7**

AN ORDINANCE AMENDING BUTTE-SILVER BOW ORDINANCE NOS. 479, 564, 601, 02-7, 03-6, AND 13-7 AND TITLE 3, OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "REVENUE AND FINANCE", AMENDING CHAPTER 3.12 ENTITLED "CONTRACT PURCHASES"; AMENDING SECTIONS 3.12.002 AND 3.12.015 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

### **3. RESOLUTION NO. 14-14**

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF REAL PROPERTY OWNED BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, DESCRIBED AS THE EAST 10' OF LOT 4 IN BLOCK 3 OF THE CURTIS & MAJORS ADDITION TO THE ADJOINING OWNER PURSUANT TO POLICIES ADOPTED BY THE COUNCIL OF COMMISSIONERS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.



**SECTION 5 ORDINANCES AND RESOLUTIONS  
FINAL READING**

**1. RESOLUTION NO. 14-9**

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF REAL PROPERTY OWNED BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, DESCRIBED AS THE EAST 51 FEET OF LOT 6 IN BLOCK 72 OF THE BUTTE TOWNSITE 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 Shaw and seconded by Commissioner Morgan that Resolution No. 14-9 be placed on final reading and be passed, having been deemed read at length. The motion passed by a roll call vote of 10 yea, 0 nay, and 1 abstain. Commissioner Andersen abstained.*

**2. RESOLUTION NO. 14-10**

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF REAL PROPERTY OWNED BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, DESCRIBED AS THE WEST 2 FEET OF LOT 6 AND THE EAST 22 FEET OF LOT 7 IN BLOCK 2 OF THE BUTTE TOWNSITE AND THE WEST 38 FEET OF LOT 7 IN BLOCK 2 OF THE BUTTE TOWNSITE 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 Shaw and seconded by Commissioner Morgan that Resolution No. 14-10 be placed on final reading and be passed, having been deemed read at length. The motion passed by a roll call vote of 11 yea and 0 nay.*

**3. RESOLUTION NO. 14-11**

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 TO BE EXPENDED IN THE COMMUNITY DEVELOPMENT FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

*It was moved by Commissioner Shaw and seconded by Commissioner Morgan that Resolution No. 14-11 be placed on final reading and be passed, having been deemed read at length. The motion passed by a roll call vote of 11 yea and 0 nay.*



**SECTION 6 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 11 yea and 0 nay to suspend the rules for the purpose of passing Council Resolution Nos. 14-13, 14-15, 14-16, and 14-17 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. 14-13**

A RESOLUTION VACATING, CLOSING, DISCONTINUING AND ABANDONING THAT PORTION OF AN ALLEY WITHIN BLOCK TWENTY-EIGHT (28) OF THE BUTTE TOWNSITE 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 Shaw and seconded by Commissioner Morgan that Resolution No. 14-13 be placed on final reading and be passed, having been deemed read at length. The motion passed by a roll call vote of 11 yea and 0 nay.*

**2. RESOLUTION NO. 14-15**

A RESOLUTION AUTHORIZING AND APPROVING THE SALE BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, TO NORTHWESTERN CORPORATION, D/B/A NORTHWESTERN ENERGY, ("NORTHWESTERN") REAL PROPERTY DESCRIBED AS ALL OF LOTS 18, 19, 20, 21 AND 22 OF BLOCK NUMBERED 28 OF THE BUTTE TOWNSITE OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, AND PARCEL A OF CERTIFICATE OF SURVEY NO. 160A, AMENDING LOTS 23, 24 & 25 OF THE BUTTE TOWNSITE OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA FOR THE PURPOSE OF ALLOWING THE CITY-COUNTY TO FULFILL ITS OBLIGATION UNDER A DEVELOPMENT AGREEMENT ENTERED INTO BETWEEN THE CITY-COUNTY AND NORTHWESTERN CONCERNING THE ABOVE-DESCRIBED PROPERTY AND PROVING FOR AN EFFECTIVE DATE HEREIN.

*It was moved by Commissioner Shaw and seconded by Commissioner Morgan that Resolution No. 14-15 be placed on final reading and be passed, having been deemed read at length. The motion passed by a roll call vote of 11 yea and 0 nay.*

**3. RESOLUTION NO. 14-16**

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 REVENUE RECEIVED FROM THE MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION TO THE BUTTE-SILVER BOW FIRE



DEPARTMENT 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. 14-16 be placed on final reading and be passed, having been deemed read at length. The motion passed by a roll call vote of 10 yea and 1 nay. Commissioner Moodry voted nay.*

**4. RESOLUTION NO. 14-17**

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 7-6-2004, MCA; APPROPRIATING BUTTE-SILVER BOW REVENUE FROM THE CAPITAL IMPROVEMENT FUND TO THE BUTTE-SILVER BOW LAW ENFORCEMENT DEPARTMENT BUDGET TO BE EXPENDED IN THE CAPITAL IMPROVEMENT (BUTTE-SILVER BOW LAW ENFORCEMENT DEPARTMENT BUDGET CAPITAL IMPROVEMENT MACHINERY AND EQUIPMENT FUND) AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

*It was moved by Commissioner Shaw and seconded by Commissioner Morgan that Resolution No. 14-17 be placed on final reading and be passed, having been deemed read at length. The motion passed by a roll call vote of 11 yea and 0 nay.*

**PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA**

None.

**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 9:00 p.m.

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**MATT VINCENT**  
**CHIEF EXECUTIVE**

**ATTEST:**

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**CLERK & RECORDER**

