

**MINUTES OF THE REGULAR MEETING OF THE  
BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS  
FOR NOVEMBER 5, 2014**

The Regular Meeting of the Council of Commissioners was called to order Wednesday, November 5, 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, *present*

**STAFF PRESENT**

Eileen Joyce, Butte-Silver Bow County Attorney  
Laura Sargent, 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 OCTOBER 15, 2014 AND THE SPECIAL MEETING OF OCTOBER 22, 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 October 15, 2014 and the Special Meeting of October 22, 2014.*

**ITEMS NOT ADDRESSED ON THE AGENDA**

**Emergency Suspension of the Rules to allow Communication No. 14-523 to be added to the agenda.**



*It was moved by Commissioner Shaw, seconded by Commissioner Palmer and passed by a roll call vote of 11 yea and 1 nay to suspend the rules in accordance with the provisions of Subsection 6 of Rule VI of the Rules of Business of the Council of Commissioners of the City and County of Butte-Silver Bow, State of Montana. The Council hereby finds that an emergency condition exists which requires that the Council Rules be suspended to allow Communication No. 14-523 to be added to the Agenda of the November 5, 2014 Regular Meeting of the Council. Commissioner Morgan voted nay.*

## **CHIEF EXECUTIVE REPORT**

Chief Executive Vincent reported the following:

- Thanked Commissioner Moodry for his service the past two years as a commissioner.
- The November 19, 2014 meeting agenda will have an agreement with MRI regarding wood smoke.
- Would like to introduce tonight an ordinance regarding superfund issues.

## **SECTION 1 BID OPENING COMMUNICATION NO. 14-493**

KAREN HASSLER, BUTTE-SILVER BOW PUBLIC WORKS DEPARTMENT, REQUESTING COUNCIL'S AUTHORIZATION TO HAVE A BID OPENING ON NOVEMBER 5, 2014 REGARDING THE BIG HOLE TRANSMISSION PIPELINE.

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

Northwest Pipe Fittings	Bid Bond 10%	Total Bid \$1,310,868.82
HD Supply Waterworks	Bid Bond 10%	Total Bid \$1,259,757.90
HD Fowler Company	Bid Bond 10%	Total Bid \$1,292,040.67
Montana Waterworks	Bid Bond 10%	Total Bid \$1,282,558.00

Mr. Schultz stated the engineer's estimate for this project is \$1,617,447.00.

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

## **SECTION 2 PUBLIC HEARING COMMUNICATION NO. 14-486**

DANETTE L. GLEASON, DIRECTOR, BUTTE-SILVER BOW FINANCE AND BUDGET DEPARTMENT, REQUESTING COUNCIL'S AUTHORIZATION TO HOLD A PUBLIC HEARING ON NOVEMBER 5, 2014 REGARDING UNANTICIPATED REVENUE FOR THE LAW ENFORCEMENT AGENCY.



Sheriff Ed Lester, Butte-Silver Bow Law Enforcement Department, stated the following:

- This is for a grant for \$250,000 to Butte-Silver Bow to allow them to hire 2 police officers for 3 years.
- This would make 51 police officers for Butte-Silver Bow.
- They will be able to apply for an additional grant after 3 years.

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 then closed the public hearing.

### **SECTION 3 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. 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. 10.

Commissioner Henderson segregated nos. 1, 14, and 20.

Commissioner Foley segregated nos. 9 and 22.

*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, and Section B, Items 1 through 23, with exception to nos. 1, 9, 10, 14, 20, and 22.*

**Segregation - #1, Communication No. 14-500**

**Karen Byrnes, Director, Butte-Silver Bow Community Development Department, requesting Council's authorization for the Chief Executive to sign an agreement with Speck & Associates, LLC.**

Commissioner Henderson stated he felt this was an out of hand cost and cannot understand it.

Chief Executive Vincent stated he appreciated Commissioner Henderson's insight but that he might want to hear out Ms. Byrnes and Mr. Schultz.



Karen Byrnes stated the following:

- Take note, this is not to exceed \$20,000.
- She doesn't foresee paying the whole amount.
- Mr. Speck is the most respected urban design guru.
- The initial contract exceeded the amount approved.
- He presented to Council his findings.
- They did receive much feedback.
- This is complicated work which takes a lot of effort.
- They are at a point where they have many plan sets.
- They need this additional contract with Mr. Speck to go over the plan sets.
- She is asking for Council to approve this.
- They will have a presentation the first meeting in December.
- She stated again, they do not foresee using the whole \$20,000.

Commissioner Fisher stated he felt the fees were deceiving and extensive for Butte. He stated they are already saturated with studies.

Chief Executive Vincent stated this is not a study but a design plan for Uptown Butte.

Ms. Byrnes stated she would like to clarify the rate is \$280 per hour for services and not \$400.

Commissioner Fisher stated if that is the case, the contract should state that.

Ms. Byrnes stated she agreed with that.

Commissioner Sorich stated he has concerns with the design and is worried about the narrow lanes and the back-up parking plan. He stated he is not sure that will work.

Ms. Byrnes stated the plan that will be implemented has not been shown to Council yet and stated Granite Street is beautiful now.

Dave Schultz stated the following:

- Granite Street was restriped in how this project will be done.
- The bike lane is missing.
- When you park in the future, your door will open into the bike lane, not traffic.
- Virtually all reverse angle parking has been eliminated.
- The reverse angle parking will be on Mercury Street.

Commissioner Shaw stated the following:

- Council has been waiting for a presentation.
- The meeting with Mr. Speck was informative.
- The contract at that time was for \$20,000.



- We just raised taxes.
- Does not understand why they cannot take this on ourselves.
- This came out of the woodwork.
- Ms. Byrnes mentioned Mr. Speck has already done work, possibly up to \$8,000.
- Concerned with this contract.

Ms. Byrnes stated she did not say that and that he has not been working for free.

Commissioner Shaw asked if this was not something we could do ourselves.

Mr. Schultz stated the following:

- Mr. Speck has prepared concepts for us that our staff has not done.
- We would like his opinion and feedback on the designs.
- He might have better ideas.

Commissioner Henderson asked Mr. Schultz if he had opposition to reverse parking and why would he consider doing it. Mr. Schultz stated reverse angle parking is far safer and a better way to park, it is worthwhile to try, and they won't know if it works unless they try it.

Chief Executive Vincent stated the following:

- He is not trying to make light of the costs.
- They expected to make improvements to Uptown.
- They owe it to everyone to spend a little more money.
- They will be judicious of controlling the final cost.

Commissioner Andersen stated they needed to take baby steps and this is a high amount of money.

**It was moved by Commissioner Andersen, seconded by Commissioner Palmer to concur with the recommendation and refer to the Committee of the Whole for more discussion.**

Commissioner Morgan asked if they were to approve this, will the \$8,000 be paid. Ms. Byrnes stated Mr. Speck would not be billing for that.

Commissioner Morgan stated they had paid him initially to design and asked if now they are asking him to review his design. Mr. Schultz stated Mr. Speck presented concepts and guidelines but not design sheets Butte could build from.

**It was moved by Commissioner Fisher, seconded by Commissioner Henderson and failed by a roll of 5 yea and 7 nay to deny the authorization of the agreement. Commissioners Fisher, Morgan, Henderson, Sorich and Moodry voted yea.**

**A motion to end all motions was made by Commissioner Andersen to Concur with Communication No. 14-500 and Place it on File. It failed for lack of a second.**



*It was moved by Commissioner Andersen, seconded by Commissioner Palmer and passed by a roll call vote of 9 yea and 3 nay to concur with the recommendation and refer to the Committee of the Whole for more discussion. Commissioners Fisher, Morgan, and Henderson voted nay.*

**Segregation - #9, Communication No. 14-508**

**E. Jay Ellington, Director of Butte-Silver Bow Parks & Recreation Department, requesting Council's authorization to execute an operating agreement with Highland View Golf Club.**

Commissioner Fisher stated he does not have a problem with this but feels the contract term of ten years is too long. He stated he does not feel that is a good idea.

Commissioner Shaw asked Mr. Ellington if there was a time constraint. Mr. Ellington stated there was not a time constraint. He stated the 10 year contract was a process to look at the process.

Chief Executive Vincent stated we currently have contracts that go beyond 10 years.

Commissioner Foley stated there is a clause in the contract regarding the liquor permit being turned over to Butte-Silver Bow. He asked if Mr. Ellington could clarify that because his understanding was Butte-Silver Bow would not want to own a liquor license.

Mr. Ellington stated the following:

- They have not had alcohol sales at the golf course since 2007.
- They are looking at operating or possibly having someone else operate the sales.
- It is an amenity at a golf course.

Commissioner Morgan stated he thought when they were dealing with the Deluxe liquor license they were told Butte-Silver Bow could not own one. County Attorney Joyce stated she did not recall that discussion and did not think they were precluded by law to own one. She stated they might want to have a discussion with MIAA.

*It was moved by Commissioner Fisher, seconded by Commissioner Moodry and passed a unanimous verbal vote to refer Communication No. 14-508 to the Committee of the Whole.*

**Segregation - #22, Communication No. 14-521**

**Lori Casey, Assistant Planning Director, Butte-Silver Bow Planning Board, requesting Council's conditional approval of the Lazy Days Trailer Court.**

Jon Sesso, Director, Butte-Silver Bow Planning Board, stated the following:

- They listened carefully to the comments made at the Public Hearing.
- Their recommendation did not change based on what we presented to Council.



- The objections heard are the 5 points made in the communication.
- Stormwater Management stated there would be issues that would have to be dealt with.
- They have analyzed traffic and the level was not met.
- #10B Condition states that each driveway in the trailer court has to be paved with installations of culverts.
- Butte-Silver Bow does not enforce covenants. They are a matter of private record.
- There is no evidence of a covenant on this particular lot.
- A trailer court is a permitted use in a R4 Zone.
- He has great respect for the comments received.
- Zoning is a delicate balance.
- There is no evidence this should be denied; a permit will only be granted if all 13 conditions are met.

Chief Executive Vincent stated they didn't want to get themselves into a lawsuit and that they could not circumvent the process.

County Attorney Joyce stated the following:

- All criteria is set forth in the Planning Board's criteria to Council.
- A person denied can sue the governing body if denial is arbitrary and capricious.
- Council needs to keep these factors in mind and present a factors of finding letter.

Commissioner Fisher stated the following:

- They have just been told by Mr. Sesso and County Attorney Joyce to rubber stamp this or they will be sued.
- This is a good test case on this issue.
- The system is flawed.
- As the governing body, they are consistently criticized for rubber stamping.

Commissioner Sorich asked if the owner of the property has three years to meet the criteria. Mr. Sesso stated this approval is for three years.

Commissioner Sorich asked if at the end of three years, if the conditions have not been met, would the owner be in default. Mr. Sesso stated he would not be issued a license and would have to apply again.

Commissioner Ralph spoke to Commissioner Fisher stating they are here to make sure to follow all the procedures in place and it is their job as Council members to make sure they follow the law, whether or not they agree with it.

Commissioner Morgan asked Mr. Sesso if there were any conditions that state the year of the trailers. Mr. Sesso stated this lot is zoned R4 and that allows for older than 1976 mobile homes.

Commissioner Henderson asked Mr. Sesso who polices all the requirements and makes sure they are met. He stated they are still having issues with the requirements on Gregson.



Mr. Sesso stated it is the responsibility of the Planning Department.

Chief Executive Vincent stated the following:

- He is hearing what is being said tonight.
- By approving this tonight, Mr. Williams cannot start to move trailers on the lot.
- He has 3 years to meet 13 conditions.
- He has heard everyone loud and clear.
- Butte-Silver Bow is not wanting to deal with how to pay on a lawsuit as our taxes have gone up.

Commissioner Fisher stated they should let the public speak and reiterated that Council needs to do the right thing on this situation.

### Public Comment

Larry H., 1315 Waterline Road, Butte, MT., stated the following:

- Opposed to the trailer court.
- Regarding the Montana Standard article, this is not about trailers in their backyard.
- He is trying to enforce covenants as a homeowner.
- This is not about trailers.
- Has not seen anything addressing the concrete pads.
- Asking Council to take a ride to their property to see the issue.
- Urged Council to vote no.

Mike Harry (?), 1307 Waterline Road, Butte, MT., stated the following:

- Does not understand how this 1 acre out of all the lots can have more than one dwelling.
- He cannot have a parked vehicle on his property but they can have 6 trailers?

Joel H. (?), 1325 Waterline Road, Butte, MT., stated the following:

- Why does he have to live by a rule that this property owner doesn't have to?

Kathy Wagner (?), 4854 Lean Drive, Butte, MT., stated the following:

- Concerned about the air quality.
- Particulate is already thick in the air.
- Concerned about the infrastructure.
- Only two roads out of the area.
- They need to take a look at this personally.

Vonnie Brown, 1309 Waterline Road, Butte, MT., stated the following:

- There is little lighting with a lot of congestion.



- There are many new homes being built.
- They are going backwards with this plan.
- Concerned about the infrastructure.

Susan Sayers, 1147 Waterline Road, Butte, MT., stated the following:

- This is a bad hill with a dip.
- Children play in the dip because there is no place to play.
- Make this lot a playground.
- There are trailers there that are boarded up and cars with flat tires.
- They don't want more housing like this.
- Zoning needs to be looked at again.
- Currently lives in a modular home.

George Armstrong, 4820 S. Arizona, Butte, MT., stated the following:

- Previously asked Zoning to split 1 acre into two ½ acre lots.
- Was told no.
- Was told it was zoned like that.

Ed (?), 1319 Waterline Road, Butte, MT., stated the following:

- Owns 2 acres.
- Wanted to build an RV storage facility.
- Was told no because there cannot be a business in this area.
- This is a slippery slope regarding litigation.
- He would like the opportunity to capitalize on his land.

Donna (?), 1315 Waterline Road, Butte, MT., stated the following:

- Standard stated regulatory framework is on the applicant side.
- They have all the rights and the homeowners do not.

Linda Wilcox, adjacent property owner, stated the following:

- There is no zoning.
- In past 4 years, property taxes have gone up every year.

Wendy Williams, no address given, stated the following:

- Did not realize this would cause issues.
- The mobile homes brought in are fixed up.
- They have good tenants in their other trailer court.
- Valley Vista has many empty spots but she does not own that property.
- The trailers will not be in the flood area.
- Does not intend to lower the property value.



Ken Williams, no address given, stated the following:

- If not here, where?
- Not everyone can afford a \$150,000 home.
- They pay much in taxes themselves.

Dennis W., 1275 Waterline Road, Butte, MT., stated the following:

- He thought someone would buy this lot and build a home.
- There are plenty of places in Valley Vista for trailers.
- There are vacant lots there.
- Expanding the trailer court is expanding blight.
- How will a trailer be nice when purchased for the same price as a 10 year old Subaru?

Commissioner Palmer asked if more conditions could be added by the Planning Department. Mr. Sesso said yes.

Commissioner Palmer asked if they could reference the pre-1976 trailers.

Mr. Sesso stated the following:

- They could try to make it a condition of approval.
- He doesn't want to give the impression the applicant will look for mobile homes older than 1976.
- They did not indicate this.
- The area was zoned in 1978 R4.
- They have never received any complaints from the commissioner of this area asking for re-zoning.
- The issue of age is a stumbling block; they could ask the applicant to move forward with a certain age of trailer.
- Council can remand this communication back to Planning.
- The Planning Board could explore the additional condition.

Commissioner Fisher stated the following:

- County Attorney Joyce and Mr. Sesso can verify this.
- There have been problems with trailers in this area being dismantled.
- Community Enrichment has been out there the past two years.
- He sees no reason to add another condition.

Commissioner Fisher asked for the motion to be voted on.

Commissioner Palmer asked if Commissioner Fisher could do that while the topic was still being debated. He asked County Attorney Joyce if when you call for the question, does it have to be voted on.



County Attorney Joyce looked at the Rules and Order of Business for Council. She stated the following:

- The question is related to when you are in the middle of debate, if someone can call on the question.
- Commissioner Palmer still wanted to ask Mr. Sesso questions.
- She is uncertain whether Commissioner Fisher can end the debate.

Commissioner Foley stated the following:

- Being on the Planning Board, this is a tough issue.
- He made the motion to approve this and it was a unanimous decision.
- Mr. Sesso is doing his job as Planning Director.
- It is clear the neighbors do not want this to happen.
- This is not an issue of people who live in trailers.
- Sadly, this issue is dividing this Council.
- He will support Commissioner Fisher tonight even though it may not be in the best interests of the county.

*It was moved by Commissioner Fisher, seconded by Commissioner Henderson and passed by a roll call vote of 7 yea and 5 nay to Deny the proposal of Communication No. 14-521 and to allow it to move forward. Commissioners Ralph, Andersen, Morgan, Palmer and Shaw voted nay.*

Chief Executive Vincent called for a recess at 9:18 PM.

Chief Executive Vincent called the Council back to order at 9:23 PM.

#### **Segregation - #10, Communication No. 14-509**

**E. Jay Ellington, Director of Butte-Silver Bow Parks & Recreation Department, requesting Council's authorization for the Chief Executive to sign an agreement with the Montana Gliding Association.**

Commissioner Shaw stated she had received a phone call from a member of the Gliding Association and had been asked for further discussion on this.

*It was moved by Commissioner Shaw, seconded by Commissioner Moodry and passed by a unanimous verbal vote to refer Communication No. 14-509 to the Committee of the Whole.*

#### **Segregation - #14, Communication No. 14-513**

**Kristen Rosa, Administrator, Tax Increment Financing Industrial District (TIFID), requesting Council's authorization for the Chief Executive to sign an agreement with Elkhorn Appraisal Services.**



Commissioner Henderson asked if this had been sent out for bid.

Ms. Rosa stated it had not been sent out for bid because it falls below what a bid requires. She stated she has a difficult time finding appraisal services.

Commissioner Henderson asked if they currently have three companies that do appraisals for Butte-Silver Bow, why are they not doing this. Ms. Rosa stated she asked around and was looking for someone not as expensive.

Commissioner Henderson stated he would like to see this done by a business in Butte. Ms. Rosa stated she could not find anyone in Butte.

*It was moved by Commissioner Henderson, seconded by commissioner McDonough and passed by a unanimous verbal vote to Concur with Communication No. 14-513 and Place it on File.*

**Segregation - #20, Communication No. 14-519**

**Bill Melvin, Manager, Butte-Silver Bow Civic Center, requesting Council's authorization for the Chief Executive to sign an agreement with the Montana Standard for website design and maintenance.**

Commissioner Henderson asked why the Butte-Silver Bow MIS Department could not assist in this.

Mr. Melvin stated the following:

- He did confer with Justin Ringsak.
- Their previous website provider is gone.
- Mr. Ringsak suggested this route.
- Their website is different because it streams live video and sells tickets to events.

Commissioner Morgan stated it seemed strange to have the Montana Standard to provide this service. He stated he was concerned they might be left in a lurch with this.

Mr. Melvin stated these were questions they asked, too, and the Montana Standard was the only bidder they had. He stated it is hard to find someone to maintain a website and it is a limited market in Butte.

Commissioner Morgan stated his only request is that it does not look like the Montana Standard website.

*It was moved by Commissioner Henderson, seconded by Commissioner Andersen and passed by a unanimous verbal vote to Concur with Communication No. 14-518 and Place it on File.*



**Emergency Suspension of the Rules: Communication No. 14-523**

**Danette L. Gleason, Director, Butte-Silver Bow Finance and Budget Department, requesting Council's authorization for the Chief Executive to sign an agreement with MarCom, LLC to complete a database project for the Health Department.**

Ms. Gleason stated the following:

- There are deliverables that are required to be met.
- November 17, 2014 is the first of these dates.
- She has met with the Health Department.
- The Wood Burning Stove database is currently being worked on.
- This contract is to not exceed \$12,000.
- She is asking for the contract to be approved now so work can begin.

Commissioner Morgan stated the following:

- He understands there are deliverables.
- This is becoming more of an occurrence with contracts being delivered the day of a meeting.
- There were mistakes in the contract that had to be addressed.
- How was this company picked?

Ms. Gleason stated the following:

- This company has previously done work for Butte-Silver Bow.
- They compiled a database for the Archives.
- She had a preliminary meeting with the company.
- Jack Joyce will be the main program developer for this project.
- These projects came to her attention in mid-October.

Commissioner Shaw stated Council did receive the agreement on Monday and it was not scanned and sent to Council until today, Wednesday.

*It was moved by Commissioner Shaw, seconded by Commissioner Morgan and passed by a unanimous verbal vote to Concur with Communication No. 14-523 and Place it on File.*

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

**1. COUNCIL BILL NO. 14-12  
ORDINANCE NO. 14-12**

AN ORDINANCE AMENDING SECTION 4 OF ORDINANCE NO. 204 AND SECTION 10.40.050 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "SPEED



LIMIT"; ESTABLISHING A 35 MPH SPEED LIMIT BEGINNING AT THE INTERSECTION OF U.S. INTERSTATE 15 AND BUXTON ROAD AND THEN PROCEEDING WESTWARD TO THE WYE INTERSECTION OF BUXTON ROAD WITH NORTH AND SOUTH BUXTON ROAD AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**2. COUNCIL BILL NO. 14-13  
ORDINANCE NO. 14-13**

AN ORDINANCE AMENDING TITLE 10, OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "VEHICLES AND TRAFFIC"; AMENDING CHAPTER 10.52 ENTITLED "PARKING", AMENDING SECTIONS 10.52.070, 10.52.090, 10.52.190, 10.52.200, 10.52.210, 10.52.240, 10.52.350, 10.52.370, 10.52.390, 10.52.400, 10.52.430, 10.52.450, 10.52.460, 10.52.470, 10.52.480, 10.52.490, 10.52.500, 10.52.510, 10.52.520, 10.52.540, 10.52.650, 10.52.720, 10.52.740, 10.52.790, 10.52.855, 10.52.870, 10.52.970, 10.52.990, 10.52.1035, 10.52.1037; REPEALING SECTIONS 10.52.220, 10.52.230, 10.52.250, 10.52.260, 10.52.270, 10.52.280, 10.52.290, 10.52.300, 10.52.310, 10.52.320, 10.52.330, 10.52.340, 10.52.920, AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. (Redline is attached to hard-copy)

**3. COUNCIL BILL NO. 14-14  
ORDINANCE NO. 14-14**

AN ORDINANCE CREATING A NEW CHAPTER IN THE BUTTE-SILVER BOW MUNICIPAL CODE TO BE NUMBERED CHAPTER 2.94 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) AND ENTITLED "SUPERFUND ADVISORY AND REDEVELOPMENT TRUST AUTHORITY"; PROVIDING FOR APPOINTMENT OF AND QUALIFICATION OF MEMBERS; PROVIDING FOR DUTIES AND RESPONSIBILITIES OF THE SUPERFUND ADVISORY AND REDEVELOPMENT TRUST AUTHORITY; PROVIDING FOR A MEANS OF FINANCING THE REDEVELOPMENT TRUST FUND; AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**4. RESOLUTION NO. 14-42**

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF CERTAIN PARCELS OF LOCAL GOVERNMENT OWNED REAL PROPERTY LOCATED IN THE 400 BLOCK OF EAST PARK STREET, LEGALLY DESCRIBED AS LOTS 5-9 OF THE LIZZIE LODE, M.S. 795, SECTION 18, TOWNSHIP 3 NORTH, RANGE 7 WEST (PARCEL NO. 0001906925) AND LOTS 10 AND 11 OF THE LIZZIE LODE, M.S. 795, SECTION 18, TOWNSHIP 3 NORTH, RANGE 7 WEST, BUTTE-SILVER BOW, MONTANA (PARCEL NO. 0000711300) FOR THE PURPOSE OF COMMUNITY DEVELOPMENT IN ACCORDANCE WITH THE PROCEDURES OF BUTTE-SILVER BOW MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**5. RESOLUTION NO. 14-44**

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE AMENDED PLAT OF LOT 126-A1 OF THE ZEMLJAK 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.

**6. RESOLUTION NO. 14-45**

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE LAZY DAYS TRAILER COURT 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 Shaw, seconded by Commissioner Morgan and passed by a roll call vote of 11 yea and 1 nay to Place Resolution No. 14-45 on File. Commissioner Andersen voted nay.*

**7. RESOLUTION NO. 14-46**

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 TRANSIT FUND FROM THE STATE OF MONTANA, DEPARTMENT OF TRANSPORTATION JOB ACCESS AND REVERSE COMMUTE (JARC) 5316 GRANT FUNDS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**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. 14-43 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. 14-43**

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF CERTAIN PARCELS OF SURPLUS PARKLAND PROPERTY OWNED BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

*It was moved by Commissioner Shaw and seconded by Commissioner Morgan that Resolution No. 14-43 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., stated the following:

- Air Quality Meeting posted on Butte-Silver Bow website stated it was at the Health Department but it was actually at the Archives.
- People are starting to recognize the sitting disease and he hopes to see more people walking.
- In regards to Communication No. 13-757; He would like Council to know he is disappointed. He recently visited a National Heritage Park. The people of that city felt it was an economic development tool for their city.

**ADJOURN**

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

The meeting adjourned at 9:55 p.m.

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

**ATTEST:**

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**CLERK & RECORDER**

