

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

FOR SEPTEMBER 16, 2009

The **Regular Meeting** of the Council of Commissioners was called to order Wednesday, **September 16, 2009**, in the Council Chambers, Third Floor, Room 312, Courthouse Building, 155 West Granite Street, Butte, Montana by the Chief Executive, Paul Babb.

ROLL CALL

12 present, 0 absent.

PRAYER

Commissioner Lee led the Commissioners in prayer.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF SEPTEMBER 2, 2009 AND THE SPECIAL MEETING OF SEPTEMBER 9, 2009

Commissioner Palmer made a friendly amendment to page 2, Communication 09-593 of the Regular Meeting on September 2, 2009 to read Commissioner Palmer instead of Commissioner Morgan.

It was moved by Commissioner Palmer and seconded by Commissioner Lee to approve the minutes of the Regular Meeting of September 2, 2009 and the Special Meeting of September 9, 2009. 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 on the following meetings:

- Negotiations continue to go well. Contracts to be ratified will be coming before Council.
- Vigilante Guard Exercise was held earlier this week.
- Montana League of Cities and Towns Conference is on October 7th through October 9th. Contact Nancy to make reservations.

SECTION IV

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. **PETITIONS**

C. **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 on Section IV C, No.6, Communication 09-617 to change the recommendation to note and place on file.
- Commissioner Palmer made a friendly amendment on Section IV C, No. 17, Communication 09-629 to withdraw in order for Kristen Rosa to make amendments and resubmit in two weeks.
- Commissioner Palmer made a friendly amendment on Section IV C, No. 19, Communication 09-631 to change the recommendation to refer to the Judiciary Committee.
- Commissioner Moodry made a friendly amendment to the Finance and Budget Committee Meeting Report, September 9, 2009, Section I, No. 6, Communication 09-482 to change the final recommendation to read Committee recommends approval of Communication 09-482 with amendments and forward to the full Council.

It was moved by Commissioner Palmer, seconded by Commissioner Lee and carried by a unanimous verbal vote to approve the Consent Agenda, Section A, Items 1-4, as amended, Section B, 1-2, and C 1-22 as amended.

SECTION I

PUBLIC HEARING

TO HEAR PUBLIC COMMENT ON PETITION NO. 09-6 FILED BY PACIFIC HIDE & FUR DEPOT TO CLOSE AND VACATE A PORTION OF ERGO STREET. (Petition No. 09-6 being held in Public Works Committee) Proof of publication was noted and placed on file.

John Harrington, Building official stated the Planning Department will require Pacific Hide and Fur to cap the property with asphalt and provide a water retainage plant.

Chief Executive Babb opened the public hearing at 7:40 p.m. and called for proponents.

Rick Orizotti, Poore, Roth and Robinson was present to represent the applicant, Pacific Hide & Fur. Mr. Orizotti stated the following:

- Pacific Hide and Fur recently acquired the property to the West of its current operations location, including all lots in the subdivision next to Ergo Street.
- Closure of a portion Ergo Street is necessary to expand the operations of Pacific Hide and Fur.
- Pacific Hide and Fur intends to fully comply with the Planning Department's two conditions, including the placement of an asphalt cap on property.
- Scrap operations will be transferred to the newly acquired property, which is zoned heavy industrial.

Dave Oehmcke, One Burning Tree Lane explained the following:

- Crowded condition of buildings.
- Necessity to move scrap closer to rail.
- Ability of trucks to get on and off the scale easier.
- Safety concerns.
- Improvement of traffic conditions.
- Six inch overlay of asphalt and fence installation.
- Ability of operation to expand.
- Installation of green area between fence and boulevard.
- Storm water run-off will be addressed.

No other proponents came forward, Chief Executive Babb called for opponents.

Bill Hund, 1232 Short Street stated the following:

- He has signatures from the neighbors in the area who oppose the proposition.
- Pacific Hide and Fur is not a good steward of the property and is not a good neighbor.
- Property is an eyesore.
- Dust and noise are a problem.

Jim Ugrin, 833 Emma Street addressed Council with the following:

- No access to blocks 11-20 if Ergo is closed except up a very narrow alley.
- Pacific Hide and Fur are not good stewards, they are noisy and dirty.
- Not enough room for Semi's.
- Doesn't want a junkyard in the neighborhood.

Jim Daily, 835 Emma Street stated he is opposed to the closure of Ergo Street for the same reasons already stated.

There were no further opponents, Chief Executive closed the public hearing at 7:52 p.m.

SECTION II

PRESENTATION COMMUNICATION NO 09-608

Dave Palmer, Commissioner District No. 12, requesting time on the September 16, 2009 agenda for reports from recipients of FY 2008-2009 Economic Development Mill Levy and time on the September 23, 2009 agenda to accept sealed proposals for the allocation of the FY 2009-2010 Economic Development Mill Levy Funds.

The following reports were given from recipients of the fiscal year 2008-2009 Economic Development Mill Levy:

- 1) Ron Davis, 105 Solitude Drive, Chairman of Advantage Butte:
 - Thanked Council for the investment made to Advantage Butte last year.
 - Received \$10,500 last year.
 - Grant money from last year was used to underwrite State B Girls Basketball and State AA Boys & Girls basketball tournaments at the Butte Civic Center as well as helping underwrite the State track meet.
 - The return investment from the \$10,500 grant was \$1,444,400.
 - Money was well used to create economic development as requested.

- 2) Brandon McDonnough, 1911 Argyle, Chairman of 2009 An Re Ra Festival:
 - Received \$8,000 last year.
 - Money was used towards contract with DTM Productions and for stage and light contract for two stages on Friday and Saturday.
 - Thanked Council for their support.
 - Had a very successful weekend.

- 3) Michelle Miles, 36 North Lake Drive, representing Big Sky Repertory Theater:
 - Received funds for marketing and advertising.
 - Advertised in Montana Standard and Butte Weekly, and KXLF, also had posters printed.
 - Thanked Council for the funds received.

- 4) Eleanor Johnson 1024 Placer, representing Butte Figure Skating Club:
 - Received \$2,000 last year.
 - Requested Funds to help defray costs of Ice Show and ice in the Butte Civic Center.
 - Thanked Council for the funds received.

- 5) Glen Bodish, 325 W Gold, Executive Director Butte-Silver Bow Arts Foundation:
 - Thanked Council for the funding for the Arts Foundation.
 - Received \$7,000, which helped pay a portion of the \$37,000 energy bill for the MOFAB building.
 - Struggling with costs of running the MOFAB building.

- 6) Joe McClafferty, 4224 Sacramento, representing Montana Tech Digger Athletic Association:
 - Thanked Council for the funds received last year.
 - The \$3,000 was used to help defray Security and Labor costs at events.

- 7) Chad Harrington, 110 Meadow View Drive, Chairman Evil Knievel Days:
 - Thanked Council for \$6,500 contribution, which was approximately 4 1/2 % of total expenditures.
 - Approximately \$700,000 went into Butte-Silver Bow's economy based on event.

- All bills from the event are paid and there is money in the Bank to move forward toward next year.

8) George Everett, 943 Caledonia, representing Main Street Uptown Butte, National Folk Festival:

- Thanked Council for past support.
- National Folk Festival is a partnership with Butte-Silver Bow County.
- Economic Mill Levy funds are very important to show support of the local community.
- Received \$25,000 last year, which was used to bring performers to Butte.
- An average of \$177.82 per person was spent by those who attended the Festival.
- An estimated total of \$17,000,000 was spent in Butte and the trade area as a result of the Festival.
- Butte-Silver Bow received good national publicity as a result of the Festival.
- National Folk Festival will be in Butte-Silver Bow one more year, July 9, 10, and 11th of 2010.

Commissioner Palmer commented on the history of the Economic Mill Levy funding:

- In the past, Butte-Silver Bow gave \$65,000 to BLDC to be used for economic development.
- Several years ago, Council decided to take control of these funds.
- Requests were taken from local groups for these funds.
- Funds have been well used and the return has been excellent.
- Will be accepting proposals from these groups as well as new groups.
- Feels it is a great program and wants to see it continue.

It was moved by Commissioner Palmer and seconded by Commissioner Lee to hold Communication No. 09-608 in Committee of the Whole for next week's acceptance of the proposals.

Commissioner Moodry asked how long proposals would be accepted.

Commissioner Palmer stated the deadline for acceptance of proposals is September 23, 2009 at the Council meeting.

Commissioner O'Leary concurred with Commissioner Palmer's success of the program. He stated these are legal contracts and in the past Karen Byrnes did a review to determine if the contracts were complied with. Commissioner O'Leary further stated he felt the groups should submit a document to show how the funds were spent.

Chief Executive Babb stated Ms. Byrnes will be instructed to send a letter to all recipients requesting this information and a report will be sent to Council.

The motion passed with a unanimous verbal vote.

SECTION III

PRESENTATION COMMUNICATION NO. 09-616

Brad Molnar, Montana Public Service Commission, requesting time on the September 16, 2009 agenda to speak in regards to the issues concerning the MSTI line.

Brad Molnar, Laurel Montana, Montana Public Service Commission District II explained he wanted to bring a different view of MSTI with the following statements concerning consumer impacts:

- When the Energy Legislature met in 2001 there were no energy contracts in place and we were tied to the California market.
- The California market was at \$1,000 a megawatt, and the Montana market was at \$27.50 a megawatt.
- The State was in total chaos because of electricity prices.
- His reason for bringing MSTI to Council is to provide information regarding what happens when we are 100% tied to the California market, not just 3-4% as in 2001.
- MSTI will run from Townsend to mid-point Idaho, tie in and go to California.
- Northwestern customers are currently at \$47 megawatt for base load while California is at \$104 megawatt for base load.
- California is the 5th highest electricity cost State and has the fastest increase in utility rate bills for their customers of any State in the Nation.
- We should not tie ourselves to the California Market because we will be selling in a market we cannot compete in.
- Asked Council to consider becoming "Late-Interveners" at the Federal level to oppose MSTI on behalf of ratepayers.
- Presented Council with documents from Northwestern Energy to the Federal Energy Regulator Commission for their review.
- Asked Council if they had any questions.

Commissioner Schultz asked Commissioner Molnar if it is the Governor's vision to make Montana an exporter of energy.

Commissioner Molnar replied his objection was not to being an exporter of energy. He explained wind travels best on DC lines, which are very small and he has no objection to the building of these lines in North Central Montana. His objection is to attaching into our native load, which will put us into the California market.

Commissioner O'Leary asked Commissioner Molnar if the Public service Commission will loose control if the MSTI line is built.

Commissioner Molnar replied the Public Service Commission authority will remain the same as it is on all contracts. The Public Service Commission checks to see if the contracts are prudently incurred and then accepts or denies them on that basis.

Commissioner O'Leary asked if there was a deadline on becoming "Late-Interveners".

- Department Heads complete the requested expenditures.
 - Estimated revenues are turned back into Finance and Budget.
 - Finance and Budget pull this information together for the preliminary budget.
 - Preliminary budget is returned to the Department Heads and Elected Officials.
 - Department Heads and Elected Officials have the option of meeting with the Chief Executive and/or Finance and Budget.
 - Additional adjustments are made.
 - Preliminary budget is then presented to the Finance and Budget Committee.
 - Finance and Budget Committee then makes any recommendations.
 - Finance and Budget Committee then adopts preliminary budget.
3. Mr. Amerman explained the remaining process:
- Resource and requirement schedule will be completed
 - A balanced budget will be demonstrated which will show funding available to cover all of the estimated expenditures for the year.
4. Mr. Amerman told Council the budget they have in hand is essentially the same budget Council reviewed, but with several significant changes.
- Negotiated increases in Union salaries with the exception of the Firefighters.
 - Labor increases recommended by Fox Lawson Compensation Study.
 - \$30 per month benefit increase for health insurance.
 - The addition of several positions.
 - Operational increases.
 - Capital expenditures.
5. Mr. Amerman stated the labor increases in the tax supported funds are:
- 1.5 laborers in the Parks Department.
 - A position in Community Enrichment was also added
 - A position in Animal Control was deducted.
6. Other capital expenditures in the tax supported funds are:
- Road Department has expenditures for repairs to the crusher.
 - Animal control has an expenditure for a new truck.
 - Parks Department has an expenditure for a concession stand, playground equipment, the Water Park features (\$350,000), which is a one time expenditure.
 - Public Works Department has expenditures for the Golf Course for additions to the sprinkles system and Club House improvements of \$50,000.
 - Coroners budget has an expenditure for a new truck for \$25,000.
 - Treasurers budget shows an expenditure for new printers.
 - Library budget asks for a security gate and scanners.
 - Government buildings shows expenditures for continued asbestoses abatement, and security upgrades.
 - Non-department has expenditures for phone upgrades, router upgrades, and Council laptops.
 - Civic Center is requesting an HD Video Screen/Video Camera, Web-Cam and boiler insulation.

7. Mr. Amerman also noted funds 4040 and 4120:
 - \$548,814 for elevator repairs, which is left over from last year's appropriation.
 - \$249,783 for energy retrofits which is also a continuation from last year.
 - \$5,300,000 for the Archives Building renovation and new vault construction.
8. Mr. Amerman further explained there will be additional changes to the budget based on any changes made by Council or any necessary changes to balance the resource and requirement schedule. These changes will be brought to Council next week.
- 9.
10. Mr. Amerman reviewed the current schedule:
 - Recommendation of adoption of the preliminary budget by Council tonight.
 - Public Hearing is scheduled for September 23, 2009;
 - The final budget will be adopted and the necessary Resolutions will be passed at a Special Meeting on September 28, 2009.
11. Mr. Amermam explained addendum No. 1:
 - Adjustments for labor costs for Union contracts.
 - Increased funding for Disaster and Emergency Services.
 - Balancing transfers from various funds.
 - New Grant in the Health Department.
 - Adjustments of employee associated costs.
 - Adjustments of Labor costs for the Union contract.
12. Mr. Amerman explained addendum No. 2 which are recommendations from the Finance and Budget Committee last week.
 - Increasing the budget for the clubhouse improvements by \$30,000 for a total of \$80,000.
 - A \$30,000 donation from the Highland View Golf Club, which offsets the above \$30,000.
 - \$5,000 in the Library Grant fund 2880, which is earmarked for equipment, will be taken to zero and be used to pay the PEEL (Professional Education and Employment for Librarians) Grant.
 - \$12,000 from various Grants and donations will be reduced to \$9,000 to reduce the payment on the PEEL Grant.
 - \$40,000 from PEEL Grant to fund two new positions in the Library be reduced by \$8,000.

Commissioner O'Leary asked Mr. Amerman if the item to Be Read and Acted Upon needed to be taken care of before any motion could be made on Addendum.

Mr. Amerman replied yes this is the correct procedure.

Commissioner Moodry stated the intent of the Finance Budget Committee was to utilize unencumbered funds that were unrestricted to offset the General Fund transfer in. He explained it was not the intent of the Committee to take funds that were already designated or encumbered.

Commissioner Schultz asked Mr. Amerman to explain the employer contributions of \$118, 514 in the Council's budget.

Mr. Amerman replied the original budget was calculated at the highest insurance rate if all Commissioners were taking health insurance. Since this is not the case, there will be a reduction and the new amount is \$63,000.

Commissioner Palmer requested the discussion on the budget be tabled until Communication 09-619 could be acted on.

Chief Executive Babb and Council agreed to table approval of the budget until after Communication 09-619 was acted on.

SECTION VII COMMUNICATIONS TO BE READ AND ACTED UPON

Communication No. 09-619

Lee Phillips, Director Butte-Silver Bow Public Library, requesting Council honor commitment to provide grant match of funds and transfer into 2880 as presented in the CEO's budget.

Commissioner Palmer asked Steph Johnson to explain what the Library Board is asking for in this communication.

Steph Johnson, Reference Librarian, Butte Public Library, explained Lee Phillips sent this communication because she is concerned that emptying the Grant would be using the funds for purposes they were not intended for.

Chief Executive Babb asked Mr. Amerman to share any information he had regarding this issue.

Mr. Amerman replied his understanding is the funds that come into the Grant fund are restricted funds and cannot be used for any other purposes than which they were granted. He stated this in not an entire truth. Unencumbered funds also go into the Grant fund, which are not restricted. He further stated he feels the \$5,000 cash in the fund is not restricted, but it is a remainder which has built up over the years.

County Attorney Joyce clarified Ms. Phillips representation to Council in the Communication is accurate. She stated she felt the issue is to determine if these funds are unencumbered. If these funds all came from Grants, gifts or donations or bequests, it appears that these funds cannot be accessed and be reverted back to the general fund. She felt Ms. Phillips should be questioned as to why these funds were still in the account and not being used for the purpose they were intended for.

Commissioner Moodry stated he believed Council was given assurances the financial burden to the taxpayers would be mitigated by the Library Board and Ms. Phillips to as low of an amount as possible by utilizing as many Grant funds and donations as possible. He further stated the Finance and Budget Committee was simply requesting to mitigate the transfer in the general fund to subsidize the Peel Grant portion that is not made up in grants, donations or otherwise. He explained it was not the intent of the Finance and Budget Committee to transfer funds designated for other items, but wanted to use unencumbered funds to reduce the Peel Grant.

Commissioner Schultz asked County Attorney Joyce if these funds are earmarked by the grant receiver and if the receiver has no latitude as to the expenditure of the funds.

County Attorney Joyce replied yes this is correct.

Commissioner Hall asked Mr. Amerman if it would be possible to have two accounts. One with designated funds and the other with funds that are not designated.

Mr. Amerman stated this would be a good solution to the problem.

Commissioner O'Leary asked if it would be possible to set up these accounts up for this year and have Ms. Phillips and the Library Board determine which funds are available.

Mr. Amerman replied no one has the ability to figure out exactly where the \$5,000 came from and whether or not these funds are unencumbered. From his past experience these funds most likely were not encumbered or they would have already been spent for the intended purposes they were given for.

Commissioner Moodry stated he felt all unrestricted funds should be spent on the Peel Grant before being spent on anything else.

Commissioner O'Leary asked Mr. Amerman if it is possible to err on the side of the taxpayer, and if there were other line items that could be transferred to cover if they were wrong.

Mr. Amerman replied there would be with an amount this small. He also stated there was a very small likelihood these funds were restricted.

Commissioner Moodry asked County Attorney Joyce if Amendment II to the preliminary budget was prudent, which leaves \$9,000 for potential grants.

County Attorney Joyce replied she was not sure if this was prudent or not. Her concern is how to determine the amount of funds that are not encumbered.

Commissioner Moodry replied the Finance and Budget Committee felt the money in the 260 account was carryover money that was unencumbered and should be used for the Peel Grant.

Commissioner Palmer asked Mr. Amerman if Ms. Phillips was requesting Council to keep everything as it was presented in the Chief Executive's budget.

Mr. Amerman stated this was correct, Ms. Phillips is requesting to keep \$40,000 in her budget.

Commissioner Foley commented he appreciates the efforts of the Finance and Budget Committee, but feels there is too much confusion regarding these funds. He feels it would be prudent to revert back to the original approved budget.

It was moved by Commissioner Palmer and seconded by Commissioner Foley to concur with the request of Communication 09-619 and place on file. The motion passed with a roll call vote of 8 yeas and 4 nays.

Chief Executive Babb announced we will go back to Section V, Communication No. 09-624, which was tabled, and requested Commissioner Foley to state his motion.

It was moved by Commissioner Foley, and seconded by Commissioner Palmer to amend addendum No. II to the prior approved budget on line 260, 390, and 820. The motion was passed with a roll call vote of 8 yeas and 4 nays.

It was moved Commissioner Palmer and seconded by Commissioner Lee to approve Addendum no. I to the Preliminary Budget as presented. The motion was passed with a roll call vote of 12 yeas and 0 nays.

It was moved by Commissioner Palmer and seconded by Commissioner Lee to approve the Preliminary Budget as presented with Addendum No. I and Addendum No. II as amended. The motion passed with a roll call vote of 11 yeas 1 nays.

Chief Executive Babb announced at 9:32 p.m. there would be a five minute recess.

ROLL CALL 9:37 p.m.

12 present, 0 absent.

Chief Executive Babb told Council members they should see Mr. Amerman with any budget amendments they need to make before the Public Hearing September 28, 2009.

Commissioner Palmer announced the Special Meeting on September 28, 2009 will start at 5:30 p.m.

SECTION VIII

ORDINANCES AND RESOLUTIONS – REFERRED TO JUDICIARY

COUNCIL BILL NO. 09-7 ORDINANCE NO. 09-7

1. AN ORDINANCE AMENDING BUTTE-SILVER BOW ORDINANCE NO. 360 AND CHAPTER 8.06 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (BS-B MC) ENTITLED "COMMUNITY DECAY", AMENDING SECTIONS 8.06.020 AND 8.06.030, B-SB MC; ADDING A DEFINITION TO BE ENTITLED "JURISDICTIONAL AREA"; INCLUDING THE TOWN OF WALKERVILLE IN THE JURISDICTIONAL AREA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN
2. **COUNCIL RESOLUTION NO. 09-57**

A RESOLUTION TO CREATE A CAPITAL PROJECT FUND FOR THE BUTTE-SILVER BOW PUBLIC LIBRARY AND TO AUTHORIZE THE TRANSFER OF FUNDS TO BE DE-

POSITED IN THE GENERAL FUND LIBRARY DEPRECIATION AND RESERVE FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

3. **COUNCIL RESOLUTION NO. 09-58**

A RESOLUTION ACCEPTING THE DONATION OF LOTS 11 AND 12 OF THE MOONLIGHT LODGE, AN UNFILED PLAT, MINERAL SURVEY NO. 800, LOCATED IN SECTION 13, TOWNSHIP 3 NORTH, RANGE 8 WEST, P.M.M., OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

4. **COUNCIL RESOLUTION NO. 09-59**

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

**SECTION V ORDINANCES AND RESOLUTIONS-
FINAL READING**

1. **COUNCIL RESOLUTION NO. 09-54**

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE ALBANY STREET MINOR SUBDIVISION II 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 Lee that Council Resolution No. 09-54, be placed on final reading and passed having been deemed read at length. The motion carried with a roll call vote of 12 yeas, 0 nays.**

2. **COUNCIL RESOLUTION NO. 09-55**

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT OF THE FLEECER VIEW SUBDIVISION PHASE III 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 Lee that Council Resolution No. 09-55, be placed on final reading and passed having been deemed read at length. The motion carried with a roll call vote of 12 yeas, 0 nays.**

3. **COUNCIL RESOLUTION NO. 09-56**

A RESOLUTION RELATING TO \$750,000 SEWER SYSTEM REVENUE BONDS (DNRC WATER POLLUTION CONTROL STATE REVOLVING LOAN PROGRAM), CONSISTING

OF \$390,700 SUBORDINATE LIEN, TAXABLE SERIES 2009A BOND, AND \$359,300 SERIES 2009B BOND; AUTHORIZING THE ISSUANCE AND FIXING THE TERMS AND CONDITIONS THEREOF. **It was moved by Commissioner Palmer and seconded by Commissioner Lee that Council Resolution No. 09-56, be placed on final reading and passed having been deemed read at length. The motion carried with a roll call vote of 12 yeas, 0 nays.**

Commissioner Frasz announced the Fire Advisory Council meeting for September 23, 2009 has been cancelled. The next meeting will be October 13, 2009.

Commissioner Palmer requested the October 7, 2009 Council meeting be moved to October 6, 2009 to allow Commissioners to attend the League of Cities and Towns Conference in Great Falls.

Commissioner Moodry announced the TIFID Board meeting will be held at 11:30 a.m. September 23, 2009.

Commissioner Shaw stated the URA will meet at 9:00 a.m. September 23, 2009

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 9:45 pm.

CHIEF EXECUTIVE

ATTEST:

CLERK AND RECORDER