

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

MARCH 18, 2009

The Regular Meeting of the Council of Commissioners was called to order Wednesday, March 18, 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

11 present, 1 absent. Commissioner Sheehy was excused.

PRAYER

Commissioners were led in prayer by Commissioner Frasz.

APPROVAL OF THE MINUTES OF THE SPECIAL MEETING OF 2/11/09 AND THE REGULAR MEETING OF 3/4/09

It was moved by Commissioner Palmer, seconded by Commissioner Lee and carried with a unanimous verbal vote to approve the Minutes of the Special Meeting of 2/11/09 and the Regular Meeting of 3/4/09.

ITEMS NOT ADDRESSED ON THE AGENDA

None

PUBLIC COMMENT ON ANY PUBLIC MATTER

None

CHIEF EXECUTIVE'S REPORT

Chief Executive Babb reported that he attended the Mayors' Forum in Helena. A person from the Extension Agency put on a fantastic program on open meetings. I am going to ask him to come to Butte and offer a couple of different times for others to attend these meetings.

On Monday they did a table top exercise that mirrored the explosion that happened in Bozeman. They went into Roger Ebner's Incident Command Center, with the Sheriff, the Fire Chief, myself, Jeff Amerman, somebody from the hospital and we went through an exercise as if there was a building on Broadway that exploded.. How would we react to that the day before St. Patrick's Day. We spent about four hours – how do we notify the public, how do we make sure that

Commissioner Shaw moved to concur with the original request and place on file. Commissioner Palmer seconded the motion and it carried with a unanimous verbal vote.

SECTION IV COMMUNICATIONS TO BE READ AND ACTED UPON

1. 09-181 Don Kronenberger, Sr., Commissioner District 5, requesting time on the 3/18/09 agenda to make a motion for a roll call vote on letter clarifying the position of the Consolidated Government with regard to the Forest Service Revised Plan.

Commissioner Kronenberger moved to call a roll call vote at this meeting where a vote of yea would signify a continued support for the proposal known as the Beaverhead Deer Lodge Partnership and a vote of nay would signify an unwillingness to endorse the proposal. Commissioner Moodry seconded the motion. Mr. Kronenberger then called for the question. Commissioner Schultz proposed a substitute motion that we adopt Commissioner Kronenberger's letter with the revision that paragraph that starts "within that pursuit" and a roll call vote be eliminated and instead in its place the paragraph that he just read stating that we support all groups in their efforts to increase access to the forest and that we do not support any specific plans. There was no second to that motion so the motion died. Now back to the original motion. Commissioner Morgan asked Commissioner Kronenberger if he intended to send his letter out. Commissioner Kronenberger said he is asking that the letter be sent out to the four parties to whom it is addressed. Mr. Kronenberger stated his motion was to propose that given that three years ago a distribution similar to that on this letter indicated that the Butte-Silver Bow Council of Commissioners favored the Beaverhead Deer Lodge Partnership Strategy by a vote of eleven to one. I'm asking that this letter approximately three years later be distributed to the same parties reflecting the current will of the commission and that this letter would then distributed to Senators Baucus and Tester, U. S. Representative Rehberg and to the U.S.D.A. Forest Service. A roll call vote was taken with six yea and 5 nay. The machine was acting up so they asked to do a verbal vote, Voting yea were Commissioners Shaw, Foley, Schultz, Lee, Frasz, and Granger. Voting nay were Commissioners Moodry, Palmer, Hall, Kronenberger and Morgan (6 yeas and 5 nays)

It was moved by Commissioner Palmer, seconded by Commissioner Lee and carried with a unanimous verbal vote to place Communication No. 09-181 on file.

SECTION V

**ORDINANCES AND RESOLUTIONS –
REFERRED TO JUDICIARY**

1. COUNCIL RESOLUTION NO. 09-116

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 7-6-406, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW COMMUNITY DEVELOPMENT DEPARTMENT FROM THE MONTANA DEPARTMENT OF COMMERCE TO BE EXPENDED IN THE COMMUNITY DEVELOPMENT FUND FOR THE PURPOSE OF A BIG SKY ECONOMIC DEVELOPMENT TRUST FUND GRANT TO BE USED FOR THE COMPLETION OF UPGRADES TO THE MERDI DATA CENTER.

SECTION VI

**ORDINANCES AND RESOLUTIONS –
FINAL READING**

1. COUNCIL RESOLUTION NO. 09-14

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT OF THE PETERSEN 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. **It was moved by Commissioner Palmer, seconded by Commissioner Lee and carried to place Council Resolution No. 09-14 on final reading and passed having been deemed fully read at length.**

**2. COUNCIL BILL NO. 09-2
ORDINANCE NO. 09-2**

AN ORDINANCE AMENDING ORDINANCE NO. 178 AND TITLE 16, CHAPTER 16.04 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC); AMENDING THE BUTTE-SILVER BOW SUBDIVISION REGULATIONS; AMENDING SECTION 10: DESIGN STANDARDS, B. LANDS UNSUITABLE FOR SUBDIVISION, F. BRIDGES AND CULVERTS, SUBSECTION 2, G. STREETS AND PRIVATE ROADS, SUBSECTIONS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 AND SECTION 11, REQUIRED IMPROVEMENTS, B. STREETS, SUBSECTION 4 STREET SURFACING, C. SIDEWALKS, SUBSECTION 1. AND SUBSECTION 5, H. TRAFFIC CONTROL DEVICES, SUBSECTION 2, K. FIRE PROTECTION, L. SPECIAL STANDARDS FOR SUBDIVISIONS PROPOSED IN AREA OF HIGH FIRE HAZARD, AND CREATION OF APPENDIX A, FIRE

PROTECTION STANDARDS; PROVIDING FOR THE REPEAL OF ALL PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner Palmer, seconded by Commissioner Lee and carried with a unanimous verbal vote to place Council Bill No. 09-2, Ordinance No. 09-2 on final reading and passed having been deemed fully read at length.**

ADJOURN

There being no further business to come before the Council, it was moved by Commissioner Palmer, seconded by Commissioner Lee and carried by a unanimous verbal vote to Rise to the Call of the Chair.

The meeting adjourned at 9PM.

CHIEF EXECUTIVE

ATTEST:

CLERK AND RECORDER