

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

**APRIL 15, 2009**

The **Regular Meeting** of the Council of Commissioners was called to order Wednesday, **April 15, 2009** in the Council of Chambers, Third Floor, Room 312, Courthouse Building, 155 West Granite Street, Butte, Montana by Chief Executive Paul Babb.

## **ROLL CALL**

9 present and 3 absent. Commissioner Frasz, Hall and Granger were excused.

## **PRAYER**

Commissioner Lee led the commissioners in prayer.

## **APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF APRIL 1, 2009**

**It was moved by Commissioner Palmer, seconded by Commissioner Lee and carried with a unanimous verbal vote to approve the Minutes of the April 1, 2009 Regular Meeting.**

## **ITEMS NOT ADDRESSED ON THE AGENDA**

**It was moved by Commissioner Palmer, seconded by Commissioner Lee and carried by a roll call vote of 9 yeas, 0 nays and 3 absent that in accordance with the provisions of Section 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 Council Communication No. 09-258 to be added to the agenda of the April 15, 2009 meeting of the Council**

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

None

## **CHIEF EXECUTIVE'S REPORT**

Chief Executive Babb reported that they had a successful meeting with Delta. The purpose of their meeting was to meet with the new officials at Delta that are over our region. They have no plans of pulling out of Butte. We asked them if



**seconded by Commissioner Lee and carried with a unanimous verbal vote to place Communication No. 09-230 on file.**

2. 09-243 Patrick M. Callaghan, Treasurer, requesting council consider reclassification for the front line employees in the Treasurer's Office

Mr. Babb explained that this is something the Council cannot consider and can't act on tonight. He has visited with County Attorney Joyce and she agrees. He passed out a classification process to the commissioners. The next step after going through the appeals is to go to Article 12 – Grievance Procedure. Once the employees go through the Grievance Procedure there are steps they need to go through and then the last step would be to go to arbitration. We do have a contract that has been ratified and we are operating under that. The Council does not have a say in this and we can't discuss it until we are opening up the contract. The best thing that we could do tonight is place this on file with no action taken by the Council. Mr. Callaghan wanted to have that letter more as an informational piece. He's hoping that everybody has had a chance to read that. There are some issues in regard to classification and it's our intent, working through labor management meetings and once the contract is under negotiations, we will discuss this.

**It was moved by Commissioner Palmer, seconded by Commissioner Lee and carried with a unanimous verbal vote to place Communication No. 09-243 on file.**

**Now, back to Section I, Consent Agenda**

Before entertaining a motion for approval of the Consent Agenda, Chief Executive called for any segregations or "friendly amendments". Commissioner Moodry segregated No. 33, Communication No. 09-255. Commissioner Morgan made a "friendly amendment" on Communication No. 00-227. It should be 09-227. And also within that same communication, it has the 100 block of Caledonia. It should be 1100 block of Caledonia

**It was moved by Commissioner Palmer, seconded by Commissioner Lee and carried by unanimous verbal vote to approve the Consent Agenda, Section I-A, Items 1 through 4 and B, Items 1 through 35 exclusive of Communication No. 09-255.**

**Segregation of Communication 09-255**

Karen Byrnes, Community Development Director, requesting authorization for the Chief Executive to sign a change order to the Lost Dolphin Contract for the engineering of the SeaCast building.

Commissioner Moodry said he segregated this communication to address a couple issues. I believe that this needed some discussion. If you recall, in September Lost Dolphin came to us asking for a \$35,000 change order to assist with moving the contract through construction. At that same time we also amended the contract of Pioneer Technical to do the oversight for the project.

Kristen Rosa came forward to give a report on the TIFID Board. She said they did discuss this at the TIFID Board meeting on the 6<sup>th</sup>. Four members were present. They were also hesitant to do this. We feel to make sure the project is done in a timely fashion, and to try and get the support that the contractors need, and make sure that this building it up and running in the July timeframe. The TIFID Board decided to pass this communication on to council and ask for approval. There is some work that we need to have move forward ,and it would move forward more quickly if there were extra money in the contract to get some of these of these people here on site to look at the building and look at what the contractors are doing. Without this money the project will still go forward but I feel that there will be some time delays just due to the longer time to get communications back and forth without being able to get people here to visit and observe the site.

**It was moved by Commissioner Moodry, seconded by Commissioner Sheehy and carried with a roll call vote of 7 yeas, 1 nay and 1 abstaining and 3 absent to deny the request in Communication No. 09-255 and place on file. Commissioner Morgan requested to abstain from the vote due to his employment with Pioneer Technical. Commissioner Palmer voted nay.**

**Emergency Communication No. 09-258**

Dan Dennehy, Public Works Director, requesting authorization for Chief Executive to enter into a water service agreement for the Albany Street Minor Subdivision between the Butte-Silver Bow Public Works Department and Rex Leipheimer

Dan Dennehy, Public Works Department Director, explained to the Council that this is a water service agreement between Butte-Silver and Mr. Rex Leipheimer. Since, our 8” main is through his property on Albany Street, what we would do in order for him to get water to his townhouse he needs to hook into our main. Since the main is on his property there is a no-build zone in this agreement where Mr. Leipheimer



CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner Palmer, seconded by Commissioner Lee and carried with a roll call vote of 9 yeas, 0 nays and 3 absent to place Council Resolution No. 09-17 on final reading and passed having been deemed fully read at length.**

**2. COUNCIL RESOLUTION NO. 09-18**

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE FULTON 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 with a roll call vote of 9 yeas, 0 nays and 3 absent to place Council Resolution No. 09-18 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 8:15 PM.

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CHIEF EXECUTIVE

ATTEST:

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CLERK AND RECORDER