

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

FOR AUGUST 5, 2009

The **Regular Meeting** of the Council of Commissioners was called to order Wednesday, **AUGUST 5, 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 Kronenberger was absent.

PRAYER

Commissioner Foley led the Commissioners in prayer.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF JULY 1, 2009

It was moved by Commissioner Palmer and seconded by Commissioner Lee to approve the minutes of the Special Meeting of July 10, 2009 and the Regular Meeting of July 15, 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 commented on the following:

- Informed the Council there will be a Press conference at Clark's Park Thursday, August 6, 2009 at 1:00 pm to show the conceptual drawings for the splash features proposed at Clark's Park. Requested the Commissioners pass on to their constituents the importance of the Public Comment periods for locating the splash features. The dates will be listed on the Web site.
- Negotiations are continuing with bargaining units. New approach using interest based bargaining is being utilized this year. The two unions participating thus far are the Electrician's and the Operating Engineer's. These negotiations are going well.
- Commended the Fair Board and the 4H group on a job well done.
- Reminded Council of the An Ri Ra Festival this weekend.
- Department of Revenue has stated the certified values will be issued one week later, which will be August 31, 2009.

SECTION I

PRESENTATION COMMUNICATION NO 09-540

Ellen Crain, Manager of Butte-Silver Bow Public Archives gave a presentation regarding the Archives Annual Report for 2009.

Ms. Crain informed Council of the busy year the Archives had which included:

- The building project.
- The Archives has moved.
- Provided services to 3,000 people
- 50 new collections.
- Spoke to services organizations and schools.
- Helped Montana State Genealogical Society host a Genealogical Conference.
- Worked with the National Summit of Mining Communities in the fall of 2008.

Ms. Crain commended her Board of Directors and staff for their hard work. She also welcomed Steve Huntington to the Archives Board of Directors.

Commissioner Shaw commented she felt despite the mess everything has worked out well. She thanked Ms. Crain and her staff for all they have done.

Chief Executive, Paul Babb thanked Ms. Crain for the job she has done over the past several years, and stated it was simply amazing.

It was moved by Commissioner Palmer and seconded by Commissioner Lee to place Communication No. 09-540 on file.

SECTION II

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
 5. PERSONNEL COMMITTEE MEETING REPORT

B. **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 Communication 09-521, Section B, Item 3: The recommendation be changed to have the County Attorney prepare a Resolution and a Transfer Deed and hold in Committee of the Whole.

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 , and Section B Communications 1-23.

SECTION III COMMUNICATIONS TO BE READ AND ACTED UPON

1. COMMUNICATION NO. 09-544

Dave Palmer, Council of Commissioners, District No. 12, requesting Council’s approval to contract with “All Montana Productions, LLC” to film the Community Wide Forum at Butte Civic Center on August 13, 2009.

Commissioner Palmer stated he met with the owners of “All Montana Productions” to discuss the possibility of filming future Council meetings in order to inform members of the community who are not able to attend Council meetings. He feels it would help get the word out about what is happening in Butte-Silver Bow. The reason for this request is to have an example of the type of work this group can do for Council consideration.

It was moved by Commissioner and seconded by Commissioner Lee to approve Communication No. 09-544. The motion passed with a verbal vote of 10 yeas and 1 nay.

A second motion was made by Commissioner Palmer and seconded by Commissioner Lee to approve Communication 09-544 and place on file. The motion passed with a unanimous verbal vote.

2. COMMUNICATION NO. 09-545

Donald Kronenberger, Sr., Council of Commissioners, District No. 5, letter of resignation as Butte-Silver Bow Commissioner, District 5, effective immediately.

It was moved by Commissioner Palmer and seconded by Commissioner Lee to concur with the request in Communication No. 09-545 to accept Mr. Kronenberger’s resignation, move forward with the replacement process and advertise for the position. The motion passed with a unanimous verbal vote.

Chief Executive Babb informed Council of the process for filing this position:

- Post position through Personnel Department,
- qualifications have to be met,
- applicants will come before Council for interviews and
- applicant selected will fill the position until next election, which is approximately 15 months.

Commissioner Frasz asked if the entire Council of Commissioners would be involved in the interview process.

Chief Executive Babb replied yes to the question and further stated all of the questions asked of the applicants need to be the same.

Commissioner Hall questioned if the candidate chosen by Council will be able to run for that seat.

2. **COUNCIL BILL NO. 09-06**
ORDINANCE NO. 09-06

AN ORDINANCE AMENDING SECTION 17.060.030 OF BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) WHICH SECTION ADOPTED THE ZONING MAP OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR A CHANGE TO THE OFFICIAL ZONING DISTRICT MAP BY REZONING AN AREA PRESENTLY ZONE R-1S (SINGLE-FAMILY SUBURBAN RESIDENCE) TO M-2 (HEAVY INDUSTRIAL) LEGALLY DESCRIBED AS ALL OF GOVERNMENT LOT 2, LOT 1 EXCEPT EAST PORTION, EAST PORTION OF LOT 1, PORTIONS OF THE BRILLANT #3088, AND PORTION OF TRACT B, COS 866-B, ALL SITUATED IN THE NE1/4 OF SECTION 26, TOWNSHIP 3 NORTH, RANGE 8 WEST, OF THE P.M.M OF THE CTIY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, PROVIDING FOR THE REPEAL OF ALL PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

3. **COUNCIL RESOLUTION NO. 09-51**

A RESOLUTION VACATING, CLOSING, DISCONTINUING AND ABANDONING A PORTION OF CALIFORNIA STREET ADJACENT OT LOTS 8-11, BLOCK 12 OF THE NOYES AN UPTON RAILROAD ADDITION NO. 2, AND ADJACENT TO LOTS X, 2K, NORTH STAR, SOUTH STAR AND JANUARY LODES 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.

4. **COUNCIL RESOLUTION NO. 09-52**

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT OF THE RIVERBEND MONOR 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.

SECTION V ORDINANCES AND RESOLUTIONS-
SECOND READING

COUNCIL BILL NO. 09-4
ORDINANCE NO. 09-4

AN ORDINANCE AMENDING SUBSECTION 9.01 OF SECTION 4 OF BUTTE-SILVER BOW ORDINANCE NO. 204 AND CHAPTER 10.32 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "STOP SIGNS" AND SECTION 10.32.010, B-SB MC; PROVIDING THAT TRAFFIC PROCEEDING ALONG IRON STREET SHALL STOP BEFORE ENTERING THE INTERSECTION OF WYOMING STREET AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner Palmer and seconded by Commissioner Lee be placed on second reading and passed having been deemed read at length. The motion carried with a unanimous roll call vote.**

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

**1. COUNCIL BILL NO. 09-3
ORDINANCE NO. 09-3**

AN ORDINANCE AMENDING SECTION 4 OF ORDINANCE NO. 204 AND SECTION 10.40.050 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (BSB MC) ENTITLED “SPEED LIMIT”; “ESTABLISHING A 25 MPH SPEED LIMIT BEGINNING AT THE INTERSECTION OF MONTANA STREET AND BEEF TRAIL ROAD CONTINUING WEST ALONG BEEF TRAIL ROAD APPROXIMATELY 3900 FEET; ESTABLISHING A 35 MPH SPEED LIMIT BEGINNING AT THE INTERSECTION OF BEEF TRAIL ROAD AND LITTLE BASIN CREEK ROAD CONTINUING SOUTHWEST ON BEEF TRAIL ROAD UNTIL THE ASPHALT PAVEMENT ENDS APPROXIMATELY 10,750 FEET; ESTABLISHING A 25 MPH SPEED LIMIT ON BEEF TRAIL ROAD CONTINUING SOUTHWEST FROM WHERE THE ASPHALT PAVEMENT ENDS AND THE GRAVEL ROAD BEGINS APPROXIMATELY 3 MILES UNTIL LITTLE BASIN CREEK ROAD ENDS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner Palmer and seconded by Commissioner Lee that Council Bill No. 09-3, Ordinance No. 09-3 be placed on final reading and passed having deemed being read at length. The motion carried with a roll call vote of 10 ayes and 1nay.**

2. COUNCIL RESOLUTION NO. 09-50

A RESOLUTION ACCEPTING THE DONATION AND MAINTENANCE OF BLACKTAIL LOOP ROAD, LOCATED IN SECTION 4 AND THE NORTH HALF OF SECTION 9, TOWNSHIP 2 NORTH, RANGE 7 WEST P.M.M., TO THE CITY AND COUNTY OF BUTTE-SILVER, STATE OF MONTANA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner Palmer and seconded by Commissioner Lee that Council Resolution No. 09-50 be placed on final reading and passed having deemed having been read at length. The motion carried with a unanimous roll call vote.**

Commissioner Palmer requested Council permission to move November 25, 2009 Council meeting to November 24, 2009, as the 25th is the night before Thanksgiving. Council agreed.

Commissioner Frasz informed Council the Fire Advisory Board was omitted from the Calendar of other meetings and events. He stated there will be two meetings in the month of September on the 2nd and 4th Wednesday of the month at 5:00 pm in the first floor conference room.

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 8:00 pm.

CHIEF EXECUTIVE

ATTEST:

CLERK AND RECORDER