

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

**NOVEMBER 5, 2008**

The **Regular Meeting** of the Council of Commissioner was called to order Wednesday, **November 5, 2008** in the Council Chambers, Third Floor, Room 312, Courthouse Building, 155 West Granite Street, Butte, Montanan by Chief Executive Paul Babb.

**ROLL CALL**

7 present, 5 absent. Commissioners Fay, Sorich, Frasz, Coleman and Mulcahy were excused.

**PRAYER**

Commissioner Lee read the commissioners in prayer.

**APPROVAL OF THE MINUTES OF THE  
REGULAR MEETING OF OCTOBER 22, 2008**

It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a unanimous verbal vote to approve the Minutes of the Regular Meeting of October 22, 2008

**ITEMS NOT ON THE AGENDA  
SUSPENSION OF THE RULES**

None

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

None

**CHIEF EXECUTIVE’S REPORT**

None

**SECTION I PUBLIC HEARING**

FOR THE PURPOSE TO SOLICIT COMMENTS REGARDING THE ALLOCATION OF THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUNDS FROM THE MONTANA DEPARTMENT OF

COMMERCE. (Communication No. 08-710 being held in Committee of the Whole)  
**Proof of publication was noted and placed on file.**

Karen Byrnes, Community Development Director, came to the microphone and informed the commissioners that this public hearing is to amend the budget to add funds that were received from a planning grant that was applied for and received from CDBG for \$15,000.00. It's a pass through to the Human Resource Council to do an engineering report on their Homeward Bound Facility.

Chief Executive Babb opened the public hearing at 7:31 PM and called for any proponents. On the third and final call there being none he then called for any opponents. Again, there was no response so he closed the public hearing at 7:32PM.

## **SECTION II PUBLIC HEARING**

FOR THE PURPOSE OF AMENDING THE BUDGET TO CREATE BUDGETARY AUTHORITY IN THE OFFICE OF THE CLERK AND RECORDER. (Communication No. 08-699 being held in Committee of the Whole) **Proof of publication was noted and placed on file.**

Clerk and Recorder Mary McMahon came to the microphone and informed the council said this is a request for budgetary authority to receive funds that have been received through the Montana Secretary State's office for a polling place accessibility and disability grant for ADA compliance at the Divide Grange Hall. The money will be used to improve the parking area approach for handicapped accessibility, replace a 20 x 20' concrete slab and replace the entry door. The amount of the grant is \$3,325 and the match is being given by the contractor doing the work.

Chief Executive Babb opened the public hearing at 7:33 PM and called for any proponents. On the third and final call there being none he then called for any opponents. Again there was no response so he closed the public hearing at 7:34 PM.

## **SECTION III 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**

- 1. 08-13 John Harrington, Building Official, requesting on behalf of Galena Street, LLC to close and vacate an undeveloped portion of East

Galena Street and the alley between Ohio and Oklahoma Streets in Block 3, Yellow Jack Lode. **Recommendation: refer to Public Works Committee**

### C. COMMUNICATIONS

Before entertaining a motion for approval of the Consent Agenda, Chief Executive called for any “friendly amendments” or segregations. Commissioner Shaw called for a “friendly amendment” and said that amended page 4 of the November 5, 2008 agenda was to add her communication No. 08-747 which was inadvertently left the original agenda to tonight’s agenda. Also on page 10 of the Finance and Budget Committee Meeting Report, Section I, Communication No. 06-678, the recommendation should read “approved and placed on file”. Commissioner O’Leary made a “friendly amendment” to the Committee of the Whole Agenda from last meeting. Communication No. 08-722 was left off of that agenda. For the record, that communication is still on the Committee of the Whole Agenda. He also segregated page 2, No. 8, Communication No. 08-730. Commissioner Moodry segregated Page 4, Item 21, Communication No. 08-743. Commissioner Lee made a “friendly amendment” to the Committee of the Whole Meeting Report, page 8, Section IV, Communication No. 08-654, under the Committee recommendation it should read Resolution 08-87 instead of 08-97.

**It was then moved by Commissioner O’Leary, seconded by Commissioner Lee to approve the Consent Agenda, Section III-A, Items 1 through 4 and Section III-B and C, Items 1 through 26. The motion carried with a unanimous verbal vote.**

### SEGREGATIONS

Communication No. 08-730 – Karen Byrnes, Community Development Department, requesting authorization for Chief Executive to enter into the Homeowner Deferred Repayment Assistance Agreement and the Housing Rehabilitation Lien Agreement.

Commissioner O’Leary said the reason he referred this to Finance and Budget Committee had to do with the size of it. After visiting with Karen Byrnes he found this is one of several of these liens that we are placing on property that is being approved and it is not that much out of the ordinary. **He moved to approve and place on file. Commissioner Lee seconded the motion and it carried with a unanimous verbal vote.**

Communication No. 08-743, Karen Byrnes, Director Community Development Department, requesting authorization for Chief Executive to sign contract with Montana Home Improvement, Inc.

Commissioner Moodry asked who negotiates the figure on these contracts. Karen Byrnes said that this contract was let for bid twice and had no responders. We put



DATE HEREIN. It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a roll call vote of 6 yeas and 1 nay to place Council Bill No. 08-5, Ordinance No. 08-5 on final reading and passed having been deemed fully read at length. Commissioner Foley voted nay.

2. **COUNCIL BILL NO. 08-6  
ORDINANCE NO. 08-**

AN ORDINANCE AMENDING ORDINANCE NO. 479 AND CHAPTER 3.12 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED” CONTRACT PURCHASES”; AMENDING SECTIONS 3.12.012 AND 3.12.030, B-SB MC; ADDING A NEW SECTION TO BE NUMBERED 3.12.013, B-SB MC AND ENTITLED “PURCHASE REQUIREMENTS”; ADDING A NEW SECTION TO BE NUMBERED 3.12.014, B-SM MC AND ENTITLED “MISTAKES AND MINOR VARIATIONS IN BIDS AND OFFERS: AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a roll call vote of 7 yeas and 0 nays to place Council Bill No. 08-6, Ordinance No. 08-6 on final reading and passed.

**ADJOURN**

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

The meeting adjourned at 7:45 PM.

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CHIEF EXECUTIVE

ATTEST:

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CLERK AND RECORDER