

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

**FOR JANUARY 3, 2007**

The **Regular Meeting** of the Council of Commissioners was called to order Wednesday, **January 3, 2007** in the Council Chambers, Third Floor, Room 312, Courthouse Building, 155 West Granite Street, Butte, Montana by Chief Executive Paul Babb.

## **ROLL CALL**

11 present, 1 absent. Commissioner Frasz was excused.

## **PRAYER**

Commissioner Fay led the commissioners in prayer.

## **ITEMS NOT ADDRESSED ON THE AGENDA – SUSPENSION OF THE RULES**

None

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

None

## **CHIEF EXECUTIVE'S REPORT**

Chief Executive Babb welcomed the new commissioners and advised the Council that Steve Hess is now the Acting Planning Director in the absence of Jon Sesso.

He informed them that for the next couple of days he would be in Helena at the Legislative session and in meetings with the Governor and the local delegation and the Chamber of Commerce. He will have a report at the next Chief Executive's report. J. D. Lynch is our lobbyist and we will be in contact with him at least three times a week and he will cover what is discussed between them and put that in an e-mail and also report to the commissioners in his Chief Executive's report.

He asked if anyone would be interested in being on the Fire Advisory Board as a replacement for Bud Walker. Also a replacement is needed for Mike Kerns on the Planning Board.

## **SECTION I**

### **PUBLIC HEARING**

**FOR THE PURPOSE OF CONDUCTING A PUBLIC HEARING REGARDING UPDATE TO BUTTE-SILVER BOW'S PARATRANSIT PLAN. (Communication No. 06-720 being held in Committee of the Whole) Proof of publication was noted and placed on file.**

Gary Keeler, Transit Director, said this public hearing is to satisfy a requirement of the Federal Regulations regarding our compliance with the American with Disabilities Act of 1990. Butte-Silver Bow provides the disabled transportation through a contract with Aware, Inc. and the service is equivalent to our fixed-route service. There are presently 184 people registered for the service and in 2006 we gave 10,015 rides.

Chief Executive Babb opened the public hearing at 7:36 PM and called for any proponents. On the third and final call there being none he called for opponents. Again there was no response so he closed the public hearing at 7:37 PM.

## **SECTION I-A**

### **PUBLIC HEARING**

**FOR THE PURPOSE OF HEARING COMMENTS REGARDING MULTIPLE COMMUNITY ENRICHMENT VIOLATIONS AT 731 N. MAIN. (Communication No. 06-727 being held in Committee of the Whole) Proof of publication was noted and placed on file.**

Mark Reavis, Historic Preservation Officer, made the staff presentation. He handed out a letter from a proponent of demolition. He told that he has contacted John A. Rosa who is the owner of the trailer and the property. He has had no response.

Chief Executive Babb opened the public hearing at 7:42 and called for any proponents. On the third and final call there being none he called for opponents. Again there was no response so he closed the public hearing at 7:43 PM.

Mark Reavis again came to the microphone and advised that the Community Enrichment Committee will make a recommendation on January 17<sup>th</sup>.

## **SECTION II**

### **PRESENTATION COMMUNICATION 06-06-721**

Bob Worley, Chairman Study Commission, requesting time on the 1/3/07 agenda to present the new Butte-Silver Bow Government Charter Transition Plan and Supplementary Report

Bob Worley, Chairman of the Study Commission told he had sent out packets with the Commissioner's notebooks containing an amended new charter for Butte-Silver Bow, and also a lined copy. There is a transition plan and a supplemental report also enclosed. He read the supplement report on the five ballot issues. He answered questions from several commissioners.

**It was moved by Commissioner Shaw, seconded by Commissioner Coleman and carried by a unanimous verbal vote to acknowledge receipt of the amended charter, the transition advisory plan, and the supplementary report of the Butte-Silver Bow local government's Study Commission as presented tonight by Chairman Bob Worley and place on file.**

### 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.

#### COMMUNICATIONS

Before entertaining a motion for approval of the Consent Agenda, Chief Executive Babb called for any segregations. Commissioner Coleman segregated Section III-B, Items 1 and 2. Commissioner O'Leary made a "friendly amendment" to No. 15, Communication 07-15, the recommendation should be to refer to Finance and Budget Committee. Commissioner Lee made a "friendly amendment to the Committee of the Whole Meeting Report, Section VI, Communication No. 06-722, to change recommendation to Committee recommends that Communication No. 06-722 be concurred with subject to review and approval by building official and placed on file.

It was moved by Commissioner O'Leary for approval of the Consent Agenda, Section A, Items 1 through 4, Section B, Items 1 through 15 with the exception of No. 1 and No. 2. Commissioner Lee seconded the motion and it carried with a unanimous verbal vote.

Communication No. 07-1 – Russ Connole, Economic Development Director, requesting approval and authorization for Chief Executive to enter into contract with Construction Management, Inc.

Commissioner Coleman asked if on page 2 of the attachment, the last paragraph "terminated by other party with 10 days" Is it 30 days or 10 days? Russ Connole replied that it is 30 days. Commissioner Coleman moved to concur and place on file Communication No. 07-1. It was seconded by Commissioner Lee and carried with a unanimous verbal vote.



**It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a roll call vote of 11 yeas, 0 nays and 1 absent to place Council Resolution No. 06-117 on final reading and passed having been deemed fully read at length.**

**3. COUNCIL RESOLUTION NO. 06-118**

A RESOLUTION VACATING, CLOSING, DISCONTINUING AND ABANDONING A PORTION OF BERLIN STREET ADJACENT TO BLOCKS 4 AND 5 OF THE GOLDSTREAM ADDITION WITHIN THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PRESCRIBING THE EFFECTIVE DATE OF THIS RESOLUTION AND FINDING THE NECESSARY FACTS HEREIN.

**It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a roll call vote of 11 yeas, 0 nays and 1 absent to place Council Resolution No. 06-118 on final reading and passed having been deemed fully read at length.**

**4. COUNCIL RESOLUTION NO. 06-120**

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT OF THE CARRUTHERS 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 O’Leary, seconded by Commissioner Lee and carried by a roll call vote of 11 yeas, 0 nays and 1 absent to place Council Resolution No. 06-120 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 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 8:45 PM.

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CHIEF EXECUTIVE

ATTEST:

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CLERK AND RECORDER