

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

For JANUARY 5, 2011

The Regular Meeting of the Council of Commissioners was called to order Wednesday, January 5, 2011 in the Council Chambers, Third Floor, Room 312, Courthouse Building, 155 West Granite Street, Butte, Montana by the Chief Executive, Paul Babb.

ROLL CALL

1 presiding, 11 present, 0 absent,

PRAYER

Commissioner Hall led the Commissioners in prayer.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF DECEMBER 15, 2010 AND THE SPECIAL MEETING OF DECEMBER 29, 2010.

It was moved by Commissioner Shaw and seconded by Commissioner Morgan to approve the minutes of the Regular Meeting of December 15, 2010 and the Special Meeting of December 29, 2010. 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

Acting Chief Executive Palmer reported the following:

- The first public meeting with the Aquatics Subcommittee will be held Tuesday, January 11, 2011, 7:00 p.m. at the War Bonnet Inn.
- The 25th Anniversary Dinner for Our Lady of the Rockies will be held at the Civic Center with cocktails being served at 6:00 p.m. and dinner at 7:00 p.m.

SECTION I

PUBLIC HEARING

TO HEAR PUBLIC COMMENT REGARDING THE UPDATE TO BUTTE-SILVER BOW PARATRANSIT PLAN FOR DISABLED TRANSPORTATION. (Communication No. 10-679 being held in Committee of the Whole). Proof of Publication was noted.

Gary Keeler, Butte-Silver Bow Transit Coordinator reported the following:

Report, Section B, item 1, and Section C, items 1-16 with the exclusive of number 12, Communication No. 11-12.

Segregation – Communication No. 11-12

Karen Byrnes, Director, Butte-Silver Bow Community Development Department, requesting Council’s authorization for the Chief Executive to sign a contract with Mark Wolfram Construction to perform stabilization work on the Columbia Garden Water Tower.

Commissioner Morgan explained the RRA Board will be meeting on Thursday with this topic being on the agenda. Commissioner Morgan further explained he would like to hold this communication until after the RRA Board meets.

It was moved by Commissioner Morgan, seconded by Commissioner Granger and passed with a unanimous verbal vote to move Communication No. 11-12 to the Committee of the Whole.

SECTION III

**ORDINANCES AND RESOLUTIONS –
REFERRED TO JUDICIARY**

**COUNCIL BILL NO. [11-1](#)
ORDINANCE NO. 11-1**

AN ORDINANCE CREATING A NEW CHAPTER IN THE BUTTE-SILVER BOW MUNICIPAL CODE TO BE NUMBERED CHAPTER 10.22 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) AND ENTITLED “USE OF ELECTRONIC DEVICES WHILE OPERATING A MOTOR VEHICLE” AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

COUNCIL RESOLUTION NO. [11-01](#)

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 7-6-4006, MCA APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW COMMUNITY DEVELOPMENT DEPARTMENT FROM THE UNITED STATES DEPARTMENT OF JUSTICE TO THE CITY AND COUNTY OF BUTTE-SILVER BOW TO BE EXPENDED ON BULLETPROOF VESTS FOR LAW ENFORCEMENT OFFICERS PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION IV

**ORDINANCES
SECOND READING
COUNCIL BILL NO. 10-12
ORDINANCE NO. 10-12**

AN ORDINANCE AMENDING ORDINANCES NO. 53 AND 325, ALSO KNOWN AS THE “ZONING ORDINANCE” AND TITLE 17 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) WHICH SECTION ADOPTED THE ZONING REGULATIONS OF BUTTE-SILVER BOW, STATE OF MONTANA; AMENDING CHAPTER 17.04 ENTITLED

“DEFINITIONS”; AMENDING CHAPTER 17.06 ENTITLED “DISTRICTS, BOUNDARIES AND MAP”; AMENDING THE TITLE OF CHAPTER 17.21 ENTITLED “I/OS INSTITUTIONS AND OPEN SPACE ZONING” TO BE REPLACED WITH “OS-C CONSERVATION OPEN SPACE ZONING DISTRICT”; REPEALING SECTIONS 17.21.010, 17.21.020, 17.21.030, 17.21.040, 17.21.050, 17.21.060, 17.21.070, 17.21.080, 17.21.090 AND 17.21.100 ADDING NEW SECTIONS TO BE NUMBERED 17.21.110, 17.21.120, 17.21.140, 17.21.150, 17.21.160, 17.21.170, 17.21.180, 17.21.190, 17.21.200, 17.21.210 AND 17.21.220; AMENDING THE TITLE OF CHAPTER 17.22 ENTITLED “C-1 LOCAL COMMERCIAL ZONE” TO BE REPLACED WITH “OS-D DEVELOPABLE OPEN SPACE ZONING DISTRICT”; ADDING NEW SECTIONS TO BE NUMBERED 17.22.010, 17.22.020, 17.22.040, 17.22.050, 17.22.060, 17.22.070, 17.22.080, 17.22.090, 17.22.100, 17.22.110, 17.22.120; ADDING A NEW CHAPTER TO BE NUMBERED 17.23 ENTITLED “LOCAL COMMERCIAL ZONE”; RENUMBERING SECTIONS 17.22.010, 17.22.020, 17.22.030, 17.22.040, 17.22.050, 17.22.060, 17.22.070, 17.22.080, 17.22.090, 17.22.100, 17.22.110 AND 17.22.120 TO BE NUMBERED AS 17.23.010, 17.23.020, 17.23.030, 17.23.040, 17.23.050, 17.23.060, 17.23.070, 17.23.080, 17.23.090, 17.23.100, 17.23.110 AND 17.23.120; AMENDING CHAPTER 17.38 ENTITLED “SPECIAL PROVISIONS”; AMENDING CHAPTER 17.40 ENTITLED “OFF STREET LOADING AND PARKING” AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

It was moved by Commissioner Shaw and seconded by Commissioner Morgan that Council Bill No. 10-12, Ordinance No. 10-12 be placed on second reading and passed having been deemed read at length. The motion carried with a roll call vote of 11 yeas and 0 nays.

Acting Chief Executive Palmer announced there will be meeting next Wednesday, January 12, 2011 at 5:30 p.m. to take pictures of Council for the Butte-Silver Bow Web site.

Commissioner Foley welcomed new Council Members and advised the new members to ask questions and stand up for their views. Commissioner Foley commended the new Commissioners for running and stated they should remember serving the people is the reason they are here.

Commissioner Schultz echoed Commissioner Foley’s statements.

ADJOURN

It was moved by Commissioner Shaw, seconded by Commissioner Morgan and carried with a unanimous verbal vote to Rise to the Call of the Chair.

The meeting adjourned at 7:48 p.m.

CHIEF EXECUTIVE

ATTEST:

CLERK AND RECORDER