

**MINUTES OF THE REGULAR MEETING OF THE
BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
FOR FEBRUARY 17, 2016**

The Regular Meeting of the Council of Commissioners was called to order Wednesday, February 17, 2016, in the Council Chambers, Third Floor, Room 312, Courthouse Building, 155 West Granite Street, Butte, Montana by the Chief Executive, Matt Vincent.

ROLL CALL

Commissioner Morgan, *absent*

Commissioner Palmer, *present*

Commissioner Andersen, *present*

Commissioner Walker, *present*

Commissioner Foley, *present*

Commissioner Ralph, *present*

Commissioner Shaw, *present*

Commissioner McDonough, *present*

Commissioner Henderson, *present*

Commissioner Fisher, *present*

Commissioner Perdue-Dolan, *present*

Commissioner Sorich, *absent*

STAFF PRESENT

Eileen Joyce, Butte-Silver Bow County Attorney

Laura Sargent, Deputy Clerk & Recorder

Tracy Watt, Council Secretary

PRAYER AND PLEDGE

Commissioner Henderson said the prayer.

PUBLIC COMMENT ON ANY ITEMS ON THE CONSENT AGENDA

Chief Executive Vincent stated the following:

- Will rearrange Agenda just a little tonight. We will be moving Section 3, Communication 16-77 with the firefighter promotion up to the beginning of the meeting, following approval of the minutes from the last Regular Meeting.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF FEBRUARY 3, 2016.

It was moved by Commissioner Shaw, seconded by Commissioner Walker and passed by a unanimous verbal vote, to approve the minutes of the Regular meeting of February 3, 2016.



ITEMS NOT ADDRESSED ON THE AGENDA

None.

SECTION 1 COMMUNICATIONS TO BE READ AND ACTED UPON

(Moved from Section 3 of the Agenda)

[16-77](#) Chief Executive, Matt Vincent, requesting Council of Commissioners concur with the appointment of Firefighter Chad Silk to the position of Captain in the Butte-Silver Bow Fire Department.

Chief Executive Vincent stated the following:

- Chief Miller is away, so in his stead will be our new Fire Marshall Brian Doherty.

Assistant Chief Butte-Silver Bow Fire Dept. Brian Doherty stated the following:

- Recently conducted an extensive promotional exam within the department to fulfill vacant Captain's position. Very competitive process.
- Firefighter Chad Silk was selected. Mr. Silk has received two letters of accommodation.
- Requested the Council of Commissioners concur with the Chief Executive's recommendation to promote Chad Silk to the rank of Captain for the Butte-Silver Bow Fire Department.

Chief Executive Vincent stated the following:

- Congratulated new Captain Chad Silk and echoed sentiments of Brian Doherty regarding the process that had Chad standing on top.
- Received a letter from Steve McArthur, Chair of the Fire Commission, regarding the amount of work and process that went into selecting the new Captain.
- Mr. Silk truly is the best that our Department has to offer for this position.
- Called on Commissioner Foley for a Motion.

It was then moved by Commissioner Foley, seconded by Commissioner Ralph, to concur with the request in Communication 16-77 and to concur with the appointment of Chad Silk as Captain in the Butte-Silver Bow Fire Department and place this communication on file. The motion passed by a roll call vote of 10 yea and 0 nay.

CHIEF EXECUTIVE REPORT

Chief Executive Vincent reported the following:

- Special Meeting scheduled for Monday, February 22, 2016, at 5:30 p.m. to appoint new Interim Treasurer.



- Joint Special Meeting / Public Hearing of Butte-Silver Bow, Anaconda-Deer Lodge, and Beaverhead Counties on the Wise River Fire Group on March 5, 2016, at the Community Center in Wise River.
- Will be participating in the Montana Tech Lecture Series sharing his perspective on the state of the Butte environment and experience with the Superfund on February 18, 2016, 4 p.m. at Montana Tech, Room 102.
- First annual Superfund Grant Process opened February 11, 2016. Deadline is March 15, 2016, and applications are available on-line or can be picked up in the Planning Department. Contact Julia Crane (Planning and Superfund Division) for more information.
- John Sesso, Superfund Coordinator, put together report regarding Consent Decree process. Catching up on two full years of Consent Decree negotiations and content. Requesting one or two Commissioners to join the Negotiations Team. Will be required to sign Confidentiality Agreement. Commissioners to decide who will participate. The Consent Decree group intends to give more regular updates.
- The Transportation Alternatives Project Group (old CTEP) was awarded \$330,000 Transportation Alternative Grant for sidewalk improvements.

SECTION 2 PUBLIC HEARING
COMMUNICATION NO. [16-60](#)
(Moved from Section 1 of the Agenda)

[16-60](#) Ellen Crain, Director, Butte-Silver Bow Public Archives, requesting Council of Commissioners authorize a Public Hearing regarding unanticipated revenue.

Eileen Joyce, Butte-Silver Bow County Attorney, reported that there is Proof of Publication and it appears to be in order.

Director Crain stated the following:

- Request Council authorize acceptance of unanticipated revenue in the amount of \$56,000 awarded through a grant from National Park Service to create an Ethnic Atlas.
- This is a Cultural Literacy project that builds on the National Historic Landmark nomination and the Archives Exhibit activity that we have been involved with over the past four or five years.
- Project will reside on the Internet.
- Grant written by Montana Preservation Alliance in conjunction with the Archives staff.
- No cash match required, just our time.
- Housing provided by Carrie Johnson, a good friend of the Archives.



Commissioner Andersen stated the following:

- In-kind match for housing is being taken care of.
- Office space will be the public area in the Archives building.

Chief Executive Vincent opened the public hearing. He called for any proponents. There were none. Chief Executive Vincent called for any opponents. There were none. Chief Executive Vincent closed the public hearing.

SECTION 3 CONSENT AGENDA

(Moved from Section 2 of the Agenda)

- A.
 - 1. COMMITTEE OF THE WHOLE MEETING REPORT
 - 2. JUDICIARY COMMITTEE MEETING REPORT
 - 3. PUBLIC WORKS COMMITTEE MEETING REPORT
 - 4. FINANCE & BUDGET COMMITTEE MEETING REPORT
 - 5. ECONOMIC DEVELOPMENT MEETING REPORT

- B. COMMUNICATIONS

Before entertaining a motion for approval of the Consent Agenda, Chief Executive Vincent called for any friendly amendments or segregations.

Commissioner Shaw made a friendly amendment on Section 2. A. The Committee of the Whole Report, Judiciary Committee Meeting Report, Public Works Committee Meeting Report, and Finance & Budget Committee Meeting Report were dated February 17, 2016, and they should have been dated February 10, 2016.

It was then moved by Commissioner Shaw, seconded by Commissioner Walker and passed with a unanimous verbal vote to approve the Consent Agenda, Section A, Items 1 through 5, with the friendly amendments made, and Section B, Items 1 through 17.

SECTION 4 ORDINANCES AND RESOLUTIONS REFERRED TO JUDICIARY

- 1. COUNCIL BILL [16-3](#)
ORDINANCE NO. [16-3](#)

AN ORDINANCE AMENDING CHAPTER 2.72 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC), ENTITLED “SMALL BUSINESS INCUBATOR BOARDS” AND REPLACING THE TITLE WITH THE NAME”BUSINESS DEVELOPMENT CENTER ADVISORY BOARD AND AMENDING SECTIONS 2.72.010 2.72.020, 2.72.030, 2.72.040, 2.72.050, 2.72.080, 2.72.110 AND DELETING 2.72.060, 2.72.070 AND 2.72.090 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. [Redline](#).



2. RESOLUTION NO. [16-8](#)

A RESOLUTION DIRECTING THE ELECTION ADMINISTRATOR TO PUT THE QUESTION OF APPROVING A GENERAL OBLIGATION BOND ISSUE NOT TO EXCEED THE AMOUNT OF \$8,700,000.00 FOR A TERM OF TWENTY YEARS FOR THE CONSTRUCTION OF THE BUTTE-SILVER BOW AQUATICS AND RECREATION COMPLEX, AND APPROVING \$350,000 TO BE LEVIED ANNUALLY FOR THE OPERATION, MANAGEMENT AND MAINTENANCE OF THE AQUATICS AND RECREATION COMPLEX, ON THE BALLOT FOR VOTER APPROVAL AT THE GENERAL BALLOT ELECTION TO BE HELD ON TUESDAY, JUNE 7, 2016 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**SECTION 5 ORDINANCES
SECOND READING**

COUNCIL BILL NO. [16-2](#)
ORDINANCE [16-2](#)

AN ORDINANCE ESTABLISHING A NEW CHAPTER OF THE BUTTE-SILVER BOW MUNICIPAL CODE (BSB-MC) TO BE NUMBERED 8.02 AND TO BE ENTITLED “VACANT BUILDINGS”, ESTABLISHING REGISTRATION PROCEDURES, ESTABLISHING PROVISIONS FOR ENFORCEMENT; PROVIDING FOR A PENALTY AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

Commissioner Shaw stated the following:

- First opportunity Council has had to look at this Ordinance.
- Asked Commissioner McDonough to state what the term “Vacant Building” means.

Commissioner McDonough stated the following:

- As the Ordinance reads, Section G, “Vacant Building” is defined as a building that is a) unoccupied and unsecured, or b) unoccupied and a dangerous structure, or c) unoccupied and posted, or d) unoccupied and has city/county code violations, or e) posted and illegally occupied.

Commissioner Shaw stated the following:

- This does not refer to *any* empty or vacant or unoccupied building.
- There are special conditions and criteria that have to be met to meet the “Vacant Building” definition.



Commissioner Fisher stated the following:

- Have concerns about work for County without much affect.
- Think Ordinance tough to enforce.
- Don't like idea of people having to register their building. Tax system already does that.
- Tough time with the wording of Ordinance. Encourages thorough reading.
- Will oppose.

Commissioner Palmer stated the following:

- A great Ordinance. A step in the right direction.
- If we can get buildings registered if they meet the criteria of this Ordinance, then at least County has right to inspect and Building Department can get after the absentee landowners.
- In the Judiciary Committee Meeting we made a motion to amend this definition changing "and" to "or."
- In support of this Ordinance.

Chief Executive Vincent stated the following:

- This is one of the recommendations we were able to move forward as part of the Community Progress Report we received a grant for a couple of years ago.
- Concurs with Commissioner Fisher, encouraging thorough reading and questions.

Commissioner Andersen stated the following:

- Good ordinance and will support.
- Opportunity to address criticism of government that we are reactive. This Ordinance will allow proactive solution.

It was moved by Commissioner Shaw and seconded by Commissioner Walker that Council Bill No. 16-2 Ordinance 16-2 be placed on second reading and be passed, having been deemed fully read at length. The motion passed by a roll call vote of 9 yea and 1 nay. Commissioner Fisher voted nay.

SECTION 6 ORDINANCES AND RESOLUTIONS FINAL READING

1. COUNCIL RESOLUTION NO. [16-3](#)

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT OF THE COPPER FOX ESTATES – AMENDING BLOCKS 1, 2, 3, AND 4 OF THE SUBURBAN TRACTS 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 Shaw and seconded by Commissioner Walker that Council Resolution No. 16-3 be placed on final reading and passed, having been deemed fully read at length. The motion passed by a roll call vote of 10 yea and 0 nay.

2. COUNCIL RESOLUTION NO. [16-5](#)

A RESOLUTION OF NECESSITY DECLARING AN INFRASTRUCTURE DEFICIENT AREA EXISTS WITHIN THE CITY AND COUNTY OF BUTTE-SILVER BOW, MONTANA IN AN AREA KNOWN AS THE SOUTH BUTTE INDUSTRIAL PARK AND THAT INVESTMENT IN INFRASTRUCTURE IN THAT AREA IS NECESSARY IN THE INTEREST OF PUBLIC HEALTH, SAFETY, OR WELFARE OF THE RESIDENTS OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

It was moved by Commissioner Shaw and seconded by Commissioner Walker that Council Resolution No. 16-5 be placed on final reading and passed, having been deemed fully read at length. The motion passed by a roll call vote of 9 yea and 1 nay. Commissioner Perdue-Dolan voted nay.

**SECTION 7 SUSPENSION OF THE RULES
FOR FINAL PASSAGE**

It was moved by Commissioner Shaw, seconded by Commissioner Walker and passed by a roll call vote of 9 yea and 1 nay, to suspend the rules for the purpose of passing Resolution No. 16-6 and Resolution No. 16-7 by waiving Subsection 7 of Rule XXXVI of the Rules and Order of Business of the Council of Commissioners, thereby having it considered for advanced passage without reference to the Judiciary Committee. Commissioner Perdue-Dolan voted nay.

1. RESOLUTION NO. [16-6](#)

A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION WITH THE DEPARTMENT OF COMMERCE OF THE STATE OF MONTANA, FOR BIG SKY ECONOMIC DEVELOPMENT TRUST FUND PROGRAM UNDER THE TERMS OF THE COMMUNITY DEVELOPMENT ACT OF 1974 (42 USC 5301) AS AMENDED.

It was moved by Commissioner Shaw and seconded by Commissioner Walker that Resolution No. 16-6 be placed on final reading and be passed, having been deemed fully read at length. The motion passed by a roll call vote of 10 yea and 0 nay.



2. RESOLUTION NO. [16-7](#)

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF CERTAIN PARCELS OF TAX DEEDED REAL PROPERTY OWNED BY THE CITY AND COUNTY OF BUTTE SILVER-BOW, STATE OF MONTANA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

It was moved by Commissioner Shaw and seconded by Commissioner Walker that Resolution No. 16-7 be placed on final reading and be passed, having been deemed fully read at length. The motion passed by a roll call vote of 10 yea and 0 nay.

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA

Larry Jewel, 1127 E. 2nd St., Butte, MT, stated the following:

- I should have made my comments earlier, but it's good to see that the Resolution on the Vacant Buildings has passed.
- Why are the fees so low? There is no motivation for people to fix things if it's only \$25 a year. To notify people that they should register those buildings is probably more than that. When you include that we are now going to have inspectors going into those buildings, there's a cost to the City and it's not being reimbursed.
- Many of the buildings in our neighborhood, down by the Mission, are in bad shape. They board them up until they completely cave in.
- Wondering why we don't have fines that actually motivate people to do something. Many of these people don't even live here. Finding out where to send notices, time to research and notify, and then send by registered mail – all that is more than \$25.
- \$500 fine for not registering doesn't seem worth the effort.
- Why don't we put fines in that are meaningful and actual penalties as opposed to just a nuisance.

Chief Executive Vincent stated the following:

- I would like to add to Calendar of Events, yesterday we had one of our finalist candidates for the IT Manager come in and give a presentation at the Butte Public Archives auditorium.
- We have another finalist coming in next Thursday, February 25th at 4:00 p.m.
- No one other than IT staff attended the first one, so this would be a good opportunity to come and see who is being considered and give your opinion.



ADJOURN

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

The meeting adjourned at 9:00 p.m.

MATT VINCENT
CHIEF EXECUTIVE

ATTEST:

CLERK & RECORDER

