

**MINUTES OF THE REGULAR MEETING OF THE
BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
FOR OCTOBER 19, 2016**

The Regular Meeting of the Council of Commissioners was called to order Wednesday, October 19, 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	<i>Present</i>	Commissioner Shaw	<i>Present</i>
Commissioner Palmer	<i>Present</i>	Commissioner McDonough	<i>Present</i>
Commissioner Andersen	<i>Present</i>	Commissioner Henderson	<i>Absent</i>
Commissioner Walker	<i>Present</i>	Commissioner Fisher	<i>Present</i>
Commissioner Foley	<i>Present</i>	Commissioner Perdue-Dolan	<i>Present</i>
Commissioner Ralph	<i>Present</i>	Commissioner Sorich	<i>Present</i>

STAFF PRESENT

Eileen Joyce, Butte-Silver Bow County Attorney
Laura Sargent, Deputy Clerk & Recorder
Tracy Watt, Council Secretary

PRAYER AND PLEDGE

Commissioner McDonough said prayer and led pledge.

PUBLIC COMMENT ON ANY ITEMS ON THE CONSENT AGENDA

None.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OCTOBER 4, 2016 AND THE SPECIAL MEETING OCTOBER 5, 2016

It was moved by Commissioner Shaw, seconded by Commissioner Morgan, and passed by a unanimous verbal vote, to approve the minutes of the Regular Meeting of October 4, 2016 and the Special Meeting of October 5, 2016.

ITEMS NOT ADDRESSED ON THE AGENDA

Emergency Suspension of the Rules to allow Communication No. 16-487 to be added to the agenda.

It was moved by Commissioner Shaw, seconded by Commissioner Morgan, and passed by a roll call vote of 11 yea and 0 nay, to suspend the rules in accordance with the provisions of Subsection 6 of Rule VI of the Rules of Business of the Council of Commissioners of the City



and County of Butte-Silver Bow, State of Montana. The Council hereby finds that an emergency condition exists which requires that the Council Rules be suspended to allow Communication No. 16-487 to be added to the Agenda of the October 19, 2016 Regular Meeting of the Council.

CHIEF EXECUTIVE'S REPORT

Chief Executive Vincent stated the following:

- I'd like to start by asking Northey Tretheway with Restore Our Creek to update us on the Coalition's recent dealings.

Northey Tretheway, Restore Oure Creek Coalition, [read a typed statement](#), to wit:

- We've been conducting a public visioning process since June 2015.
- There are hazards if waste left in place.
- Our actions have served to spark a community call to action.
- We've held education events, visioning activities.
- Our mission is to clean up the corridor to restore and create a greenway. Requires removal of tailings. Economic health tied to clean up.
- Will submit formal visioning findings.
- In June 2016, hosted meeting with EPA and local governments. In response, were encouraged to go further. Mr. McGrath promised to come back.
- We are just about ready. Very excited and pleased.

Chief Executive Vincent reported the following:

- The Vacant Building Ordinance went into effect late July. Ed Randall working with IT Dept. to make database. He and John Moodry will give full update on Nov. 9, 2016. If you want to see something in particular, let me know.
- Staff changes at Waste Water Plant and in the Water Dept. Also, Pat Riordan is interim Land Records Administrator.
- Tomorrow at 1:10 p.m., reception to welcome ambassador of Ireland to U.S. at Archives.
- Sat., Oct. 22nd, 9 a.m. to noon, finish up and have ribbon-cutting for Rocker playground.
- Medical benefit for Chamber Director Marko Lucich this Saturday.

SECTION 1 BID OPENINGS, PUBLIC HEARINGS, AND/OR PRESENTATIONS

1. BID OPENING
COMMUNICATION NO. [16-463](#)

Karen Byrnes, Director, Butte-Silver Bow Community Development Department, requesting Council of Commissioners authorize time on October 19, 2016 Agenda for the 2017 Economic Mill Levy Fund proposals to be opened.



County Attorney Joyce reported there is Proof of Publication which appears to be in order for Communication No. 16-463.

Director Byrnes opened the following proposals:

1. Urban Forestry Board	\$5,000.00
2. BLDC Butte Economic Coordinating Council	\$10,000.00
3. Main Street Uptown Butte	\$5,000.00
4. Main Street Uptown Butte	\$3,000.00
5. Main Street Uptown Butte	\$6,000.00
6. Main Street Uptown Butte	\$15,000.00
7. Main Street Uptown Butte	\$4,000.00
8. Evel Knievel Days	\$15,000.00
9. Bonanza BMX Park	\$26,589.00
10. Greeley Neighborhood Community Dev. Corp.	\$12,000.00
11. Montana Gaelic Cultural Society	\$8,000.00
12. Advantage Butte	\$23,000.00
13. No Greater Love, Headwaters	\$15,000.00
14. World Museum of Mining	\$17,000.00
15. Spirit of Columbia Gardens Carousel	\$13,584.12
16. Orphan Girl Theatre	\$15,000.00
17. Covellite Film Festival	\$20,000.00

It was moved by Commissioner Shaw, seconded by Commissioner Morgan, and passed by a unanimous verbal vote, to refer the proposals to the Economic Development Committee for review and to have them come back to Council with their recommendations.

Commissioner Perdue-Dolan stated the following:

- Might be less than \$68,000 [to be distributed] this year.

Commissioner Palmer stated the following:

- Economic Development Committee will meet next Monday and Tuesday at 5:00 p.m. to go over proposals.

2. PRESENTATION
COMMUNICATION NO. [16-468](#)

Kristen Rosa, Administrator, Tax Increment Financing Industrial District (TIFID), requesting Council of Commissioners authorize time on October 19, 2016 Agenda for a presentation regarding the Manufacturing Center of Montana (MCMT) program.

Ms. Rosa and Helen Joyce, MSE's President and CEO, [gave a presentation](#).



SECTION 2 CONSENT AGENDA

- A.
 - 1. COMMITTEE OF THE WHOLE MEETING REPORT
 - 2. PERSONNEL COMMITTEE MEETING REPORT
 - 3. FINANCE & BUDGET COMMITTEE MEETING REPORT
 - 4. PUBLIC WORKS COMMITTEE MEETING REPORT
 - 5. JUDICIARY COMMITTEE 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 Perdue-Dolan segregated #3, Communication No. 16-475.

It was then moved by Commissioner Shaw, seconded by Commissioner Morgan, and passed with a unanimous verbal vote, to approve the Consent Agenda, Section A, Items 1 through 5, and Section B, Items 1 through 13, with the exception of Item #3, Communication No. 16-475.

Segregation – #3, Communication No. 16-475

Commissioner Perdue-Dolan stated the following:

- Did not see salary – just said monthly payments, but no figures.

Chief Executive Vincent stated the following:

- Don't know what to tell you.
- If you'd like to hold it in abeyance, we can ask Ellen [Crain] next week.

It was moved by Commissioner Perdue-Dolan, seconded by Commissioner Shaw, and passed by a unanimous verbal vote, to Hold Communication No. 16-475 in Abeyance.

Emergency Suspension of the Rules to allow Communication No. 16-487 to be added to the agenda.

COMMUNICATION NO. [16-487](#)

Danette L. Gleason, Director, Butte-Silver Bow Finance and Budget Department, requesting Council of Commissioners allow suspension of the rules to place Communication No. 16-487 on the Council's Regular Meeting Agenda of October 19, 2016, allow a presentation related to how the taxing jurisdictions of the City and County of Butte-Silver Bow will be impacted by the settlement agreement NorthWestern Energy reached with the Montana Dept. of Revenue, and make a recommendation. [Suspension of the Rules](#). [Handout/Presentation](#).



Director Gleason gave [presentation](#), and stated, in part:

- Whole state will be affected.
- Some of spreadsheets don't take in our two URAs.
- Have three different kinds of jurisdictions.
- Our largest general fund is approximately \$219,000, but we don't have fully certified values so far.
- Impacts to URA districts, \$241,000 hit.
- On final page, if levy funds through tax increases – do not recommend.
- For us to re-certify – 7 mills we don't want to lose. May have to update resolutions.

Recommendation: Use current reserves and work with departments. We should have sufficient funds on hand. Re-certification process is long process if we change our mills. But don't recommend we re-do budget. Takes at least a month to generate tax bills. Very complicated. Right now we're already a week late. Have to extend the deadline. Further we go out, more impact on cash flow. Don't want to have to make debt service payments. We've notified school districts.

Commissioner Shaw stated the following:

- Option to levy mills or re-certify?

Director Gleason stated the following:

- We can re-certify. Doesn't mean have to re-levy the mills.

Commissioner Shaw stated the following:

- Timeline?

Director Gleason stated the following:

- Dept. of Revenue anticipates delays if re-certifying. State requires we give 30 days to pay.

Commissioner McDonough stated the following:

- What's the process?

Director Gleason stated the following:

- To re-certify, we just need a motion on the floor tonight.
- If looking at adjusting the mills and re-doing budget, may have to re-do the whole resolution or go through public hearing process.



Commissioner Fisher stated the following:

- Decrease in revenue is \$241,354.66 annual, correct?

Director Gleason stated the following:

- Value will never go back up.
- One-time hit for us now.

Commissioner Fisher stated the following:

- Over four years, \$1 million?
- What I'm referring to is when we get into the long-term increment of the tax district. Then with the parking garage we're talking about a ten year plan.

Director Gleason stated the following:

- Every year, they're centrally assessed. In January value could change again.
- To say forever we'll lose this, I can't say.

Commissioner Fisher stated the following:

- What's your assessment for the increment?
- We've approved the Parking Garage and money we've agreed to spend.
- Now hit for this amount of money. How do we project the future?

Director Gleason stated the following:

- To the point when we're issuing bonds, calculate where we are today, where anticipate being. Very conservative. Not new.
- This is an anomaly.
- We're well over 200% in coverage ratio. Won't affect URA bonds.

Commissioner Palmer stated the following:

- If school districts vote to change mill levy, are we in same boat?
- Are we better off if everyone votes the same?

Director Gleason stated the following:

- Council will be last to decide. Has ultimate deciding factor whether to change mill levy and go through whole process. Better if we're all on same page.

Commissioner Palmer stated the following:

- School boards meeting soon, after their decision, special meeting?



Director Gleason stated the following:

- Tonight we have to make the decision of re-certification, because we have to turn in the form by 5:00 p.m. tomorrow night.
- Doesn't necessarily mean we want to move our mills, we just have to sign off that, yes, we want re-certification.

Commissioner Ralph stated the following:

- Floating mills, how do we go forward? Special resolution? How would that work?

Director Gleason stated the following:

- No, I don't believe it would take any formal action.
- Once decide to re-certify, it's the normal process.

Commissioner Sorich stated the following:

- Frustrated so late in the game.

It was moved by Commissioner Andersen to use monies in reserves to cover these losses.

Chief Executive Vincent stated the following:

- I don't believe that's the proper motion. We need to re-certify the mill values.

It was moved by Commissioner McDonough, seconded by Commissioner Shaw, and passed by a unanimous verbal vote, to re-certify values and refer to the Budget & Finance Office. Commissioner Andersen withdrew his previous motion.

SECTION 3 ORDINANCES AND RESOLUTIONS REFERRED TO JUDICIARY

1. COUNCIL RESOLUTION NO. [16-64](#)

A RESOLUTION APPROVING AND ACCEPTING THE DONATION OF CERTAIN PARCELS OF REAL PROPERTY LOCATED IN BUTTE-SILVER BOW, MONTANA, MORE PARTICULARLY DESCRIBED IN EXHIBIT "1" ATTACHED HERETO AND INCORPORATED HEREIN FROM MARY ANN KENNEALLY FOR THE BENEFIT OF THE PUBLIC RELATED TO THE RESTORATION OF THE CORRIDOR BETWEEN KAW AVENUE AND MONTANA STREET AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.



**SECTION 4 ORDINANCES AND RESOLUTIONS
FINAL READING**

1. COUNCIL BILL NO. [16-12](#)
ORDINANCE NO. [16-12](#)

AN ORDINANCE AMENDING ORDINANCE 204, Section 4 and CHAPTER 10.24, ENTITLED “TRAFFIC CONTROL DEVICES” AND CHAPTER 10.32 ENTITLED “STOP SIGNS”, OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) SPECIFICALLY AMENDING SECTIONS 10.24.160, 10.32.010 AND 10.32.020 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. [Redline](#).

It was moved by Commissioner Shaw and seconded by Commissioner Morgan that Council Bill No. 16-12, Ordinance No. 16-12 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 1 nay. Commissioner Fisher voted nay.

2. COUNCIL BILL NO. [16-13](#)
ORDINANCE NO. [16-13](#)

AN ORDINANCE AMENDING SECTION 2 OF BUTTE-SILVER BOW ORDINANCE NO. 134 AND SECTION 2.04.010 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC); REGARDING THE ANNUAL SALARIES OF THE CHIEF EXECUTIVE, COUNTY ATTORNEY, SHERIFF, CLERK AND RECORDER, TREASURER, ASSESSOR, CITY JUDGE, JUSTICE OF THE PEACE, AUDITOR, SUPERINTENDENT OF SCHOOLS, CLERK OF THE DISTRICT COURT, CORONER AND MEMBERS OF THE COUNCIL OF COMMISSIONERS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. [Redline](#).

It was moved by Commissioner Shaw and seconded by Commissioner Morgan that Council Bill No. 16-13, Ordinance No. 16-13 be placed on final reading and be passed, having been deemed fully read at length.

On the question:

Commissioner Palmer stated the following:

- For the County Attorney, this is to change the Ordinance so that we set the salaries by Resolution rather than by Ordinance. Does the Charter say that they’ll be set by Ordinance, or not?

County Attorney Joyce stated the following:

- I don’t think so, but I’ll have to check.
- I know the State law allows the salaries to be set by either Ordinance or Resolution.



Commissioner Palmer stated the following:

- I went through the Charter again the other day, and I thought it said set by Ordinance.
- Maybe hold so I can look?

After final resolution on this Agenda (#5, 16-59) was read and passed, Council returned to this Ordinance 16-13 for further discussion.

Commissioner McDonough stated the following:

- I believe under Section 2.04.020, “Salaries fixed by budget appropriation ...by state law.”
- Don’t know if that answers the question.

County Attorney Joyce stated the following:

- Charter provision indicates Ordinance, and we do still have an Ordinance in the Municipal Code. It does still designate the salaries annually.
- But instead of listing them out and changing them in the Ordinance every year – this Ordinance will still exist, but it will say “set by budget appropriation and adopted through the passage of a Resolution.”
- So we still are following the Charter, because we still have an Ordinance that sets salaries. But actual listing of salaries will be through a Resolution adopted annually.

Commissioner Palmer stated the following:

- Ok, if you’re fine with that, I am too.

The motion passed by a roll call vote of 10 yea and 1 nay. Commissioner Foley voted nay.

3. COUNCIL RESOLUTION NO. [16-39](#)

A RESOLUTION LEVYING THE AMOUNT OF THE ASSESSMENT ON THE PROPERTIES INCLUDED IN SPECIAL TOURISM BUSINESS IMPROVEMENT DISTRICT NO. 1, WHICH WAS ESTABLISHED IN 2011 FOR THE PURPOSE OF PROMOTING TOURISM, CONVENTIONS, TRADE SHOWS AND TRAVEL TO THE CITY-COUNTY OF BUTTE-SILVER BOW, MONTANA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. [Redline](#).

It was moved by Commissioner Shaw and seconded by Commissioner Morgan that Council Resolution No. 16-39 be placed on final reading and be passed, having been deemed fully read at length.

On the question:

Commissioner Fisher stated the following:

- Does this remain at \$1?



Chief Executive Vincent stated the following:

- Yes.

The motion passed by a roll call vote of 10 yea and 1 nay. Commissioner Andersen voted nay.

4. COUNCIL RESOLUTION NO. [16-57](#)

A RESOLUTION ADOPTING THE 2016 UPDATE TO THE PRE-DISASTER MITIGATION PLAN FOR 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 Morgan that Council Resolution No. 16-57 be placed on final reading and be passed, having been deemed fully read at length. The motion passed by a roll call vote of 11 yea and 0 nay.

5. COUNCIL RESOLUTION NO. [16-59](#)

A RESOLUTION VACATING, CLOSING, DISCONTINUING AND ABANDONING BEATTIE AVENUE AND TWO ALLEYS LOCATED IN BLOCKS 2 AND 3 OF THE CENTRAL ADDITION IN THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, MORE PARTICULARLY DESCRIBED BELOW, FINDING THE NECESSARY FACTS HEREIN AND PRESCRIBING THE EFFECTIVE DATE OF THIS RESOLUTION.

It was moved by Commissioner Shaw and seconded by Commissioner Morgan that Council Resolution No. 16-59 be placed on final reading and be passed, having been deemed fully read at length. The motion passed by a roll call vote of 11 yea and 0 nay.

**SECTION 5 SUSPENSION OF THE RULES
FOR FINAL PASSAGE**

It was moved by Commissioner Shaw, seconded by Commissioner Morgan, and passed by a roll call vote of 11 yea and 0 nay, to suspend the rules for the purpose of passing Council Resolution Nos. 16-62 and 16-63 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.

1. COUNCIL RESOLUTION NO. [16-62](#)

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A CERTAIN PARCEL OF REAL PROPERTY KNOWN AS 102 E. SECOND STREET, BUTTE, MONTANA, AND MORE PARTICULARLY DESCRIBED AS THE EAST 28 FEET OF LOTS 11 AND 12, BLOCK 30, OF THE CLARKS ADDITION, SECTION 24, T3N, R8W, BUTTE-SILVER BOW, MONTANA (PARCEL NO. 0000938500) FOR THE PURPOSE OF COMMUNITY DEVELOPMENT IN ACCORDANCE WITH THE PROCEDURES OF BUTTE-SILVER BOW MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.



It was moved by Commissioner Shaw and seconded by Commissioner Morgan that Council Resolution No. 16-62 be placed on final reading and be passed, having been deemed fully read at length. The motion passed by a roll call vote of 11 yea and 0 nay.

2. COUNCIL RESOLUTION NO. [16-63](#)

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 Morgan that Council Resolution No. 16-63 be placed on final reading and be passed, having been deemed fully read at length. The motion passed by a roll call vote of 11 yea and 0 nay.

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA

None.

CALENDAR OF OTHER MEETINGS AND EVENTS

Commissioner Sorich stated the following:

- Superfund EPA meetings coming up.

Chief Executive Vincent stated the following:

- We'll make sure folks know about those.
- Pay attention to Butte-Silver Bow Web site.

ADJOURN

It was moved by Commissioner Shaw, seconded by Commissioner Morgan, 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

