

**MINUTES OF THE REGULAR MEETING OF THE
BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
FOR NOVEMBER 2, 2016**

The Regular Meeting of the Council of Commissioners was called to order Wednesday, November 2, 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>Absent</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
Colleen Safratowich, 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

Dan O’Neal, 305 W. Mercury St., Butte, Montana, stated the following:

- Regarding Communication No. 16-496, I’m asking Council to consider the bid process before concurring with change order.
- Why low bid process with bid bond if considering change orders during and after construction?
- No reason to submit a bond except for bankruptcy. Asking for legal clarification before Council authorizes change. Sletten Construction gave next low bid.
- The County just signed a blank check for the parking garage.
- Regarding Communication No. 16-486, Metals Abatement – I signed up online to be notified of RFP. I am certified for this. Never got anything. Until just recently. Signed up to be involved and completed course, but have not seen anything about it.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OCTOBER 19, 2016

It was moved by Cindi Shaw, seconded by John Morgan, and passed by a unanimous verbal vote of 10 yea and 0 nay, to approve the minutes of the Regular meeting of October 19, 2016.



ITEMS NOT ADDRESSED ON THE AGENDA

None.

CHIEF EXECUTIVE'S REPORT

- Tuesday is Election Day and holiday. Except we are running buses. Clerk and Recorders office open for drop off ballots in Room 203.
- Friday is Veteran's Day. Ceremony at Stodden Park at 10 am.
- Deadline for Communications for Council's November 16th meeting is Thursday, November 10 at 3 p.m.
- Tomorrow, Thursday, November 3 is busy day:
 - At 1 p.m. at the old public pool building there will be a donor commemoration. We'll also be discussing next steps for the new pool. Fire Department will utilize demolition for training purposes.
 - 4-7 p.m. open house at Butte High School auditorium.
 - 2 p.m. at Archives, Restore Our Creek presenting draft plan, conceptual plan. EPA's Shaun McGrath will be present, as well as representatives from the State, British Petroleum, and Butte-Silver Bow personnel.
 - 5 p.m. Headwaters RC&D annual awards and fundraising dinner at the Silver Bow Center, 2nd floor ballroom. Tickets \$35.
 - Business Card Social hosted by Chamber of Commerce at St. James at 5:30 p.m.
 - 6 p.m. Marine Corp Ball at Front Street Station.
- We had a ceremony earlier today recognizing Local 14-48 Veterans of Foreign Wars – on behalf of all veterans – awarded 2016 Outstanding Community Service Award. That is a national award. Big deal.
- They are at all our Veterans ceremonies, 911 ceremony, they do flag etiquette training, they put flags on graves on Memorial Day, the list never ends. Every veteran's funeral that has honor guard requested, as well. This last calendar year was estimated over 20,000 volunteer hours! They continue to serve. Award/sign is in Court House rotunda. Congratulate those fine veterans.
- Next Thursday, BLDC holding Butte Elevated Awards at Fairmont Hot Springs at 6 p.m.
- Next Friday, Veterans Day at Stodden Park. No School due to parent teacher day. Bring kids and say thanks. [Chief Executive Vincent later recanted this last statement, as the parent teacher day is *this* Friday.]

SECTION 1 CONSENT AGENDA

- A.
 1. COMMITTEE OF THE WHOLE MEETING REPORT
 2. FINANCE & BUDGET COMMITTEE MEETING REPORT
 3. PUBLIC WORKS COMMITTEE MEETING REPORT
 4. 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 Morgan segregated #2, Communication No. 16-488.

Commissioner Shaw segregated #10, Communication No. 16-496 and #17, Communication No. 16-503.

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 4, and Section B, Items 1 through 17, with exception to nos. 2, 10 and 17.

Segregation – #2, Communication No. [16-488](#)

Commissioner Morgan stated the following:

- I spoke with Leslie Clark, and I believe this should be referred to the Personnel Committee.

It was moved by Commissioner Morgan, seconded by Commissioner Fisher, and passed by a unanimous verbal vote, to Refer Communication No. 16-488 to the Personnel Committee.

Segregation – #10, Communication No. [16-496](#)

Commissioner Shaw stated the following:

- I segregated this so David Schultz could tell us more about it.

David Schultz, Director, Butte-Silver Bow Public Works Department, stated the following:

- We opened bids for water plant two years ago. It has progressed. This is the first and probably only change order we'll bring before you.
- Total for change order is \$57,754, about 3/8th of 1%.
- There were some errors in dimensions on a floor drain. Change order amount \$3,909. We paid our contractor, Swank. But HDR, our consulting engineers, will reimburse us.
- There is a pipe adjacent to the plant. Decided it needed more coverage/dirt to protect from freezing. \$5,029.
- HDR had Swank grind some welds very smooth so they would take paint well, but they ground too much. \$1,970. HDR will pay.
- Large room heaters – the design called for certain make and model of unit heater. But there was another model that fit into the system better and was more efficient. \$27,965.
- Stairway outside. Decided needed to enclose. \$16,368.
- Taller door in membrane room, \$2,513.



It was moved by Commissioner Shaw, seconded by Commissioner Morgan, and passed by a unanimous verbal vote, to keep the current Recommendation to Concur with Communication No. 16-496 and Place on File.

Segregation – #17, Communication No. [16-503](#)

Commissioner Shaw stated the following:

- I segregated this so Ellen Crain could tell us more about it.

Ellen Crain, Director, Butte-Silver Bow Public Archives, stated the following:

- Friends of Butte Archives accepted donation of \$125,000 for purchase of photo collection. It will require a great deal of care.
- They have also hired an Intellectual Property Attorney. This is a complex arena we've entered with this copyright agreement. Feel it is necessary to protect the asset. Government will pay no money for that collection to the Friends.
- Costs of conserving collection we feel we can cover all through grants. We've already received a couple of grants, and last Friday night we raised our match through an event. Still have three more grants to continue the conservation and protection of that collection.

Commissioner Morgan stated the following:

- Thank you Ms. Crain, and Friends of Butte Archives, Mr. O'Brien and Mr. McCarthy. You guys did a great thing for the City of Butte.

Commissioner McDonough stated the following:

- I, too, would like to say thanks. This is the most personal and monumental asset acquisition Butte-Silver Bow has made. Super important. Thanks for taking the initiative.

Commissioner Perdue-Dolan stated the following:

- Thank you all. I received a number of texts from folks wanting to make sure if we're to vote regarding this particular collection, to vote in the affirmative and how important this collection is to Butte-Silver Bow. Congratulations. Photographs are priceless.

It was moved by Commissioner Morgan, seconded by Commissioner Walker, and passed by a unanimous verbal vote, to keep the current Recommendation to Concur with Communication No. 16-503 and Place on File.



**SECTION 2 ORDINANCES AND RESOLUTIONS
REFERRED TO JUDICIARY**

1. COUNCIL RESOLUTION NO. [16-65](#)

A RESOLUTION VACATING, CLOSING, DISCONTINUING AND ABANDONING AN ALLEY LOCATED IN BLOCK 37 OF THE BUTTE TOWNSITE ADDITION IN THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, MORE PARTICULARLY DESCRIBED IN EXHIBIT “A” ATTACHED HERETO AND INCORPORATED HEREIN, FINDING THE NECESSARY FACTS HEREIN AND PRESCRIBING THE EFFECTIVE DATE OF THIS RESOLUTION.

2. COUNCIL RESOLUTION NO. [16-66](#)

A RESOLUTION VACATING, CLOSING, DISCONTINUING AND ABANDONING A PORTION OF WAUKESHA STREET LOCATED IN THE OPEN TREASURE AND EMPIRE ADDITION IN THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, MORE PARTICULARLY DESCRIBED IN EXHIBIT “A” ATTACHED HERETO AND INCORPORATED HEREIN, FINDING THE NECESSARY FACTS HEREIN AND PRESCRIBING THE EFFECTIVE DATE OF THIS RESOLUTION.

3. COUNCIL RESOLUTION NO. [16-67](#)

A RESOLUTION SETTING THE 2017 FISCAL YEAR 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.

**SECTION 3 ORDINANCES AND RESOLUTIONS
FINAL READING**

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.

It was moved by Commissioner Shaw and seconded by Commissioner Morgan that Council Resolution No. 16-64 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

R. Ed Banderob, 2601 Grand Ave., Butte, Montana, stated the following:

- Training session for the business people to deal with panhandlers was on the news this evening. I did not make the session, but what the news comments were, it seems experts promoting same ol' same ol'. Don't give them money. Give them card that lists entitlement services available.
- This is good for those truly destitute and homeless. But word from street is this approach does not address the real problem. Addicted repeat offenders not going to be taken care of with that approach. Need holistic approach. A work program. A rehabilitation program. And an isolation from society program, if nothing else works.
- We have no adult community service programs in Butte-Silver Bow. None to isolate or remove from street if repeat offenders, other than jail. But jails are already overcrowded.
- Want to be sure you saw article in paper regarding the [Farm in the Dell](#). Over 90 acres offered. Proven the program works. Opening two more farms. Experts should stop making stupid remarks about debtors' prison eliminated years ago, do you want to bring back the chain gang? Maybe we ought to take realistic look at what is legally possible to establish holistic approach.

Commissioner Perdue-Dolan stated the following:

- I would just like to add congratulations to students at Butte High School inducted into the National Honor Society this evening.

Commissioner Ralph stated the following:

- Every October there is a railcar salesman who comes to town and he stops to have lunch with us. He doesn't know I'm a commissioner. So I'm having lunch with him and he says, "I've been coming here for six years, and I cannot believe the changes in Butte. Your streets are better, your sidewalks are better, I'm seeing new buildings, I see new windows in old buildings, I see new paint ... You guys really deserve a hand."
- I wanted to share that, because it's not often we get a truly objective view from someone who has absolutely no agenda.

Chief Executive Vincent stated the following:

- NOT next Friday that the kids get off, it's THIS Friday.

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 8:10 p.m.



MATT VINCENT
CHIEF EXECUTIVE

ATTEST:

CLERK & RECORDER