

**MINUTES OF THE REGULAR MEETING OF
THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
FOR JANUARY 4, 2017**

ROLL CALL

Commissioner Morgan	<i>Present</i>	Commissioner Shaw	<i>Present</i>
Commissioner Callahan	<i>Present</i>	Commissioner McDonough	<i>Present</i>
Commissioner Andersen	<i>Present</i>	Commissioner Henderson	<i>Present</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:

Mollie Maffei, Butte-Silver Bow Deputy County Attorney
Colleen Safratowich, Deputy Clerk & Recorder
Tracy Watt, Council Secretary

PRAYER

Commissioner Henderson said the prayer.

PUBLIC COMMENT ON ANY ITEMS ON THE CONSENT AGENDA

None.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING DECEMBER 21, 2016

It was moved by Commissioner Morgan, seconded by Commissioner Shaw, and passed by a unanimous verbal vote, to approve the minutes of the Regular meeting of December 21, 2016.

ITEMS NOT ADDRESSED ON THE AGENDA

None.



CHIEF EXECUTIVE'S REPORT

Chief Executive Palmer:

- I am glad to be here. Look forward to working with commissioners and staff and general public. We can do some great things.
- There is a public meeting next Tuesday at 6:30 p.m. at Ramsay School regarding Love's Truck Stop. This company just wants to have a discussion with the public. Butte-Silver Bow not involved yet. Two parcels - one zoned commercial, the other residential. May need zoning variance.

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

Deputy County Attorney Maffei reported there is Proof of Publication which appears to be in order for each of the following Public Hearing agenda items.

1. PUBLIC HEARING, COMMUNICATION NO. 16-542

Nikole Evankovich, Assistant Director, Butte-Silver Bow Public Archives, requesting Council of Commissioners authorize a Public Hearing on January 4, 2017 to amend the Archives 2016-2017 fiscal budget, and accept unexpected grant revenue from the National Historical Publications & Records Commission.

[16-542.pdf](#)

Ellen Crain, Director, Butte-Silver Bow Public Archives:

- Two pieces of unanticipated revenue.
- Friends of the Archives \$15,000 grant match for the SARTA grant. That grant match came through the Friends from a fund raiser called the Night of Black & White.
- I'd like to introduce Aubrey Jaap. She wrote grant from National Archives and was awarded the grant.

Aubrey Jaap, Administrative Assistant at Archives:

- Just received a grant from the National Archives in the amount of \$67,480 to catalog and stabilize the Smithers collection. Matching funds \$171,480. Total \$238,960.
- Very competitive grants. Prestigious grant. Thumbs up for us.

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



2. PUBLIC HEARING, COMMUNICATION NO. 16-548

Karen Sullivan, Health Officer, Butte-Silver Bow Health Department, requesting Council of Commissioners authorize a Public Hearing on January 4, 2017 to amend the Fiscal Year 2017 budget to allow for unanticipated revenue from the Montana Dept. of Public Health and Human Services.

[16-548.pdf](#)

Tina Randall, Butte-Silver Bow Community Health Division Director:

- Accept \$20,000 unanticipated revenue to implement electronic health record system for Family Planning Clinic.
- State awarded funds to five different health departments.

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

3. PUBLIC HEARING, PETITION NO. 16-7

Michael A. Nasheim, Building Official, Butte-Silver Bow Building Code Department, requesting Council of Commissioners authorize a petition to close and vacate Bluebird Street, also known as Bobcat Trail – Spier and Bauer Placer, Block Four (4) and the Rocker Townsite on the Cleveland Lode, Block Five (5), an undedicated Plat.

[Petition 16-7 Communication.pdf](#)

[Petition 16-7.pdf](#)

[Petition 16-7 Map.pdf](#)

[Petition 16-7 Legal Description.pdf](#)

[Petition 16-7 Comments.pdf](#)

[Petition 16-7 NOTICE OF PUBLIC HEARING one page.pdf](#)

Michael A. Nasheim, Building Official, Butte-Silver Bow Building Code Department:

- This is an undeveloped tract of land that the petitioners have historically used as part of their yards.
- No comments received.

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



4. PRESENTATION, COMMUNICATION NO. 16-543

Mike McKillips, Manager, Butte-Silver Bow Information Technology Department, requesting Council of Commissioners authorize Presentation on January 4, 2017 regarding status of completed, current, on-going and future Information Technology projects.

[16-543.pdf](#)

[16-543 Presentation.pdf](#)

Mike McKillip, Manager, Butte-Silver Bow Information Technology Dept.:

[16-543 Presentation - revised](#)

- Thank Nate Watson for his help on Council Chamber updates.
- Look for an e-mail on security training. It will take about one hour to complete.
- Goal is to bring Butte up to current times.

Commissioner Shaw:

- Thank you. We have come a long way. This has been seamless. Really quite simple. Worth every penny.

Mr. McKillip:

- Thank you for your confidence. End result, better stewards of data for Butte-Silver Bow citizens.

Commissioner Morgan:

- In the last year, there's been a lot of enhancements done to the network - security, hardware, software, all of that stuff. The system at courthouse is now more secure than in the past. Has a lot to do with servers and wiring. A lot of work has gone into IT. Nate Watson has done a great job.
- Still some bugs, but we're making headway. Worth it. Thank you guys.

Mr. McKillip:

- It's been years that things were not addressed, and we are trying to pull off in three years. Trying to make as painless as possible.

SECTION 2 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 Palmer called for any friendly amendments or segregations.

Commissioner Morgan segregated #1, Communication No. 17-1.

Commissioner Fisher segregated #2, Communication No. 17-2.

It was then moved by Commissioner Morgan, seconded by Commissioner Shaw, and passed with a unanimous verbal vote to approve the Consent Agenda, Section A, Items 1 through 4 and Section B, Items 1 through 8, with exception to #1 and #2.

Segregation #1, Communication No. 17-1

1. COMMUNICATION NO. 17-1

Nicole Prather, 3317 Kennedy Ave., Butte, MT, requesting Council of Commissioners authorize a change to Ordinance 6.16, Livestock and Domesticated Hoofed Animals, to allow for mini pigs within City limits.

17-1.pdf

It was moved by Commissioner Morgan, seconded by Commissioner Shaw, and passed by a unanimous verbal vote to Refer Communication No. 17-1 to Animal Services and Hold in the Committee of the Whole.

Commissioner Fisher:

- This address is in my district, and I visited with Ms. Prather a few times.
- Read the letter she sent, and you will find Ordinance may be outdated. Pigs are very residential-oriented animals. Hope everyone keeps an open mind.



Segregation #2, Communication No. 17-2

2. COMMUNICATION NO. 17-2

Nick Sandford, Road Operations Manager, Butte-Silver Bow Public Works Department, requesting Council of Commissioners authorize the Chief Executive to sign a Right-of-Way Agreement for the MDT Construction Project at Holmes and Hill/Warren Ave.

[17-2.pdf](#)

[17-2 Agreement.pdf](#)

Commissioner Fisher:

- Dave Schultz and I spoke about this and hoping can find funding to make intersection 100 yards each side so don't have to dig it up again.

It was moved by Commissioner Fisher, seconded by Commissioner Henderson, and passed by a unanimous verbal vote to keep the original recommendation to Concur with Communication No. 17-2 and Place on File.

SECTION 3 COMMUNICATIONS TO BE READ AND ACTED UPON

1. COMMUNICATION NO. 17-10

Chief Executive Dave Palmer, advising Council of Commissioners regarding appointment of administrative aide and requesting authorization for the Chief Executive to sign employment contract with Kareniesa Kohn.

[17-10.pdf](#)

Chief Executive Palmer:

[17-10 Employment Contract](#)

- I have a copy of contract here tonight. It is the same dollar amount and everything that Cory had when he was working here.
- Any questions or discussion on this?

Commissioner Fisher:

- Great choice with Kareniesa.
- My comments have to do with when Matt appointed Cory - it was an appointment. Now these people can bid for in-house jobs. I don't know how it works. Probably a question for County Attorney or Personnel Dept.



- Cory was allowed to bid on in-house position. Four years ago, I wasn't certain that's how supposed to work. Not saying it's wrong, but are we setting a precedence here? Is it proper to have appointed person able to bid on in-house positions? Your appointment could bid for an in-house job in a month or two.
- Question is, are these appointments allowed to bid on in-house positions?

Chief Executive Palmer:

- That position became open and he [Cory] filled out an application, went through the interview process, and he was deemed the best applicant for job.
- And even though Kareniesa will have a contract, I guess she is free to apply for another job.
- He [Cory] was deemed the best for that position. It wasn't like we found a place for him.

Deputy County Attorney Maffei:

- Don't have anything to add.
- Contract person meant to be renewed yearly for Chief Executive.
- Nothing that would not allow them to apply for other positions.
- Short and simple contract.

Commissioner Morgan:

- All that was done by previous administration.
- Is person considered internal candidate?

Deputy County Attorney Maffei:

- I don't know. May or may not. Could look into that.

Chief Executive Palmer:

- Can refer to HR.
- Difference between regular contract employee. In this case, county pays Workers Compensation, etc.

Deputy County Attorney Maffei:

- This contract is hybrid. They're subject to our internal personnel procedures. That's why not easy question.



It was moved by Commissioner Morgan, seconded by Commissioner Shaw, and passed by a unanimous verbal vote to Concur with Communication No. 17-10 and Place on File.

2. COMMUNICATION 17-6

J.P. Gallagher, Director of Butte-Silver Bow Parks & Recreation Department, requesting Council of Commissioners authorize a presentation on January 4, 2017 regarding the Butte-Silver Bow Community Pool design and development.

[17-6.pdf](#)
[Presentation](#)

J.P. Gallagher, Director of Butte-Silver Bow Parks & Recreation Department:

- Introductions and presentation.
- SMA Architects: Jason Davis, Principal Architect; Ali Martin, Project Manager; Becky Lawson, Project Architect.

Mr. Davis:

- Original idea of building didn't work, so we looked at site around the building.
- Partee drawing. Circles are where people arrive at spot. View corridor.
- Metal roof, red brick, tied in to carousel building.
- Cross program functions.

Ms. Martin:

- See how building lays out.
- Green spaces are family restrooms.
- Big mechanical room.
- Interior, light and open.
- Nice, but durable materials.

Commissioner Walker:

- I see there are two windows for the concession stands. Is that only accessible by paid people going inside the gate?



Director Gallagher:

- Absolutely. Working closely with the carousel.
- Want to make sure we only sell concessions within pool facility. Encourage others to use carousel concessions.

Commissioner Walker:

- When we were talking to others about their local pools, some said concessions were so good that John Q. Public was patronizing them, and they were doing very well.
- We're going to need every dime to keep this thing floating.

Director Gallagher:

- I agree with you. We want to have product that sells. Working with carousel to make sure equally priced and good variety.

Commissioner Shaw:

- Thank you. Project has come a long way. Looks great.
- Have to keep remembering that this money getting from foundation for the CFP, the piece in the middle, has nothing to do with the pool or the carousel. It's completely separate.
- Whatever you guys are doing with the designing is with the money through the bond. But I do know there's got to be some overlap.

Director Gallagher:

- Will be overlap. Three projects. Carousel, pool and central park improvement plan.
- SMA working with WET (geological). Takes a lot of coordination. But these are passionate people with ties to Butte.

Commissioner Perdue-Dolan:

- Can you tell us about entry fees?

Director Gallagher:

- We will keep them as low as possibly can. We'll also have scholarships.
- Locker rentals have not been developed yet.



- Thought will be given. Realize low income area. Don't want to turn anyone away. Emphasis as we develop price structure.

Commissioner Perdue-Dolan:

- Can you give us a range? Other water parks are in the red.
- Even with \$350,000 for maintenance, how can we keep doors open and not turn kids away?

Director Gallagher:

- Feel comfortable. Operating expenses, \$400,000, bringing in \$50,000 revenue, even with scholarships, reduced pricing, etc.
- Most facilities around state operate close to breaking even.
- Believe we'll be able to offset and not have to ask for the entire \$350,000 from taxpayers.

Commissioner Fisher:

- The efficiency is ahead of the game as far as design, etc. I've sat in meetings.
- JP's team - can't say enough about input and people's thoughts. Jason, Ali and Becky stepped forward. Thank you!

Commissioner Ralph:

- Want to clarify - fees we charge will come through this body as part of budget. We are not just opening up the checkbook.

Commissioner Sorich:

- Hot topic about bathrooms. Anything in design?

Director Gallagher:

- This was addressed. Family locker rooms for gender identity issues. Available to anyone who wants to use those.

It was moved by Commissioner Morgan, seconded by Commissioner Shaw, and passed by a unanimous verbal vote to Concur with Communication No. 17-6 and Place on File.



SECTION 4 ORDINANCES, SECOND READING

1. COUNCIL BILL NO. 16-14, ORDINANCE NO. 16-14

AN ORDINANCE AMENDING CHAPTER 2.10 ENTITLED “PERSONNEL SYSTEM”, CHAPTER 2.11 ENTITLED “FINANCE AND BUDGET SYSTEM”, AND CHAPTER 2.14 ENTITLED “LAND DIVISION”, OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC), SPECIFICALLY AMENDING SECTION 2.10.010, 2.10.030, 2.10.040, 2.10.070, 2.11.010, 2.11.060 AND 2.14.070, AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

[Ordinance 16-14.pdf](#)
[Ordinance 16-14 redline.pdf](#)

It was moved by Commissioner Morgan and seconded by Commissioner Shaw that Council Bill No. 16-14, Ordinance No. 16-14 be placed on second reading and be passed, having been deemed fully read at length. The motion passed by a roll call vote of 12 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:

- Is SARTA an official commission of this government? If so, why isn't meeting listed among meetings and other events?

CALENDAR OF OTHER MEETINGS AND EVENTS

Chief Executive Palmer:

- We will find out when the SARTA meetings are and make sure they get on our list. Evidently, it's next Tuesday.

ADJOURN

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

Commissioner Perdue-Dolan:

- Could we say pledge at our meetings?



Chief Executive Palmer:

- We went back to the way we used to do it. Prayer at regular meetings, pledge at Committee of the Whole.
- If there's a big problem with that we could change it.

Commissioner Henderson:

- Think we should have both. I don't get it.

Chief Executive Palmer:

- Point taken.

The meeting adjourned at 9:00 p.m.

DAVE PALMER
CHIEF EXECUTIVE

ATTEST:

CLERK & RECORDER