

**MINUTES OF THE REGULAR MEETING OF
THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
FOR FEBRUARY 15, 2017**

The Regular Meeting of the Council of Commissioners was called to order February 15, 2017 in the Council Chambers, Third Floor, Room 312, Courthouse Building, 155 West Granite Street, Butte, Montana, by the Chief Executive Dave Palmer.

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 Walker	<i>Present</i>	Commissioner Fisher	<i>Absent</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

Chris Harris, 820 W. Galena, Butte, Montana:

- Speaking in support of Communication No. 17-63 and the shooting range.
- Based on newspaper article, excellent plan and good use.

Rick Douglas, 611 Chrystal, Butte, Montana:

- Also support rifle range proposal. Ex-professor so going to bore you for a minute.
- My wife, a botanist, spear-headed open space out there. She put together committee. The way that plan worked out, the northwest corner of Big Butte would be set aside for shooting, which it has been used for.
- J.P.'s [Gallagher] proposal makes absolute sense.
- Skyline Sportsmen volunteered to keep track of it.



- Fence on Tech's property can be used.
- Lead contamination? This isolates it.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING FEBRUARY 1, 2017

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 February 1, 2017.

ITEMS NOT ADDRESSED ON THE AGENDA

Emergency Suspension of the Rules to allow Resolution No. 17-8 to be added to the agenda.

It was moved by Commissioner Morgan, seconded by Commissioner Shaw, and passed by a roll call vote of 10 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 Resolution No. 17-8 to be added to the Agenda of the February 15, 2017 Regular Meeting of the Council.

Resolution 17-8 Suspension of the Rules to Add to Agenda

CHIEF EXECUTIVE'S REPORT

Chief Executive Palmer:

- Been receiving phone calls and texts regarding the Rescue Mission. Fire Marshall inspected and they have serious violations. We've been meeting with them. Looked at several buildings around town. Only one is property on N. Main owned by Action Inc.
- County does not really have say in it. But they are still going back and forth. Really have no say. As of today, Action Inc. does not think board will approve sale.
- Butte Rescue Mission is trying to come up with plan B. Time is of the essence. Please contact me if you have any ideas.

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

County Attorney Joyce reported there is Proof of Publication which appears to be in order for Bid Opening, Communication No. 17-21 and Public Hearing, Communication No. 17-33.



1. BID OPENING, COMMUNICATION NO. 17-21

David Schultz, Director, Butte-Silver Bow Public Works Department, requesting Council of Commissioners authorize a Bid Opening on February 15, 2017 in response to the Butte-Silver Bow Invitation to Bid for a Landfill Compactor.

17-21.pdf

Director Schultz:

- Bid Opening is for 80,000 pound compactor. This is the machine that once we dump the garbage at the landfill, it crunches it down and makes the best use of our landfill space.

County Attorney Joyce confirmed Bid Bonds in the amount of 10% from Licensed Surety Companies appeared to be in order for each of the following bids.

Company	Bid Amount	Trade In Value	Net Amount
Western States 3760 N. Reserve St., Missoula, MT 59808	\$710,096	\$100,000	\$610,096
Titan Machinery 7580 Hwy. 10 West, Missoula, MT 59808	\$552,000	\$100,000	\$452,000
Humdinger Equipment 3202 Clovis Rd., Lubbock, TX 79415	\$595,000	\$110,000	\$485,000

Commissioner Morgan:

- What was the estimate on this?

Director Schultz:

- Budget amount was \$600,000. We anticipated a trade-in value of \$50,000, so we thought the bids would be around \$550,000.

It was moved by Commissioner Morgan, seconded by Commissioner Shaw, and passed by a unanimous verbal vote, to refer the bids to the Public Works Department and have them come back to Council with their recommendation.

On the Question:

Commissioner Walker:

- Are these all the same brand of compactor?



Director Schultz:

- The Western States is a Caterpillar, the Titan is a Bulmag, and Humdinger's is a Tana.

2. PUBLIC HEARING, COMMUNICATION NO. 17-33

Gary Keeler, Manager, Butte-Silver Bow Transit Director, requesting Council of Commissioners authorize a Public Hearing on February 1, 2017 regarding an annual update to the Butte-Silver Bow Para-Transit Plan for disabled transportation.

[17-33.pdf](#)

[17-33 Notice of Public Hearing Feb 15 2017.pdf](#)

Gary Keeler:

- Butte-Silver Bow receives Federal funds to operate our transit system, and we're required to update the Council every year on the status of our para-transit operations.
- Things have been going really well, very few complaints. Shout out to our drivers – they do a tremendous job.
- We have been in compliance since 1995.
- Currently 87 people registered for the service. In 2016 we gave a total of 10,013 rides to medical appointments, the beauty salon, a wide range of rides. Not just for medical, but for people's well-being.
- 2% decrease over last year.
- Additionally, we outreach to social service agencies, St. James Community Hospital, Belmont Senior Center, and other health care providers.

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.

SECTION 2 CONSENT AGENDA

A. COMMITTEE REPORTS

1. COMMITTEE OF THE WHOLE MEETING REPORT
2. PERSONNEL COMMITTEE MEETING REPORT
3. ECONOMIC DEVELOPMENT COMMITTEE MEETING REPORT
4. FINANCE & BUDGET COMMITTEE MEETING REPORT
5. PUBLIC WORKS COMMITTEE MEETING REPORT
6. 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 Andersen segregated from the Personnel Committee Report, Section 1, Communication No. 17-36.
- Commissioner Morgan segregated #27, Communication No. 17-89 and #30, Communication No. 17-92.
- Commissioner Shaw segregated #1, Communication No. 17-63 and from the Public Works Committee Report, Section 2, Communication No. 17-41.

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 6, with exception to, from the Personnel Committee Report, Section 1 and from the Public Works Committee Report, Section 2; and Section B, Items 1 through 38, with exception to #1, #27 and #30.

Segregation – Personnel Committee Report, Section 1, Communication No. 17-36

PERSONNEL COMMITTEE MEETING REPORT

SECTION 1 COMMUNICATION NO. 17-36

Leslie Clark, Director, Butte-Silver Bow Human Resources Department, requesting Council of Commissioners authorize the Chief Executive to sign a Letter of Agreement between Butte-Silver Bow and the Montana Nurses Association.

[17-36.pdf](#)

[17-36 Letter of Agreement.pdf](#)

Commissioner Andersen:

- I was originally going to segregate this because I thought it would set an incredibly dangerous precedent.
- I have since learned the communication has been withdrawn.

It was moved by Commissioner Andersen, seconded by Commissioner Morgan, and passed by a unanimous verbal vote to Note Communication No. 17-36 and Place on File.



PUBLIC WORKS COMMITTEE MEETING REPORT

SECTION 2 COMMUNICATION NO. 17-41

J.P. Gallagher, Director of Butte-Silver Bow Parks & Recreation Department, requesting Council of Commissioners to authorize creation of a fee structure for the rental of Butte-Silver Bow owned and operated Shelters and Pavilions.

[17-41.pdf](#)

[17-41 Fee Proposal.pdf](#)

[17-41 Surrounding Cities Park Reservations.pdf](#)

Commissioner Shaw:

- I'd like to call on J.P. [Gallagher] to answer any questions.

Director Gallagher:

- This is the proposal we put forward regarding a fee structure for shelters and pavilions. With approval we will create final documentation and bring forward to you.
- Talked in Public Works Committee about how 501C3 would waive fees, but also some form for requests to have fee waived if problem paying.
- A lot of miscommunication. Every shelter will not cost a fee – only if reserved.
- There are 17 different pavilions and shelters. 500 reservations last year – only about five a day during the summer.
- People will be able to see online what's reserved. Must be reserved 24 hours in advance.

Commissioner Shaw:

- How will they pay?

Director Gallagher:

- That's another issue that is being brought up tonight. So I can talk about that when the agenda item comes up later.

It was moved by Commissioner Shaw, seconded by Commissioner Morgan, and passed by a verbal vote of 9 yea, 1 nay to keep the original recommendation to Concur with Communication No. 17-41 and Place on File. Commissioner Perdue-Dolan voted nay.



Segregation – #1, Communication No. 17-63

1. COMMUNICATION NO. 17-63

J.P. Gallagher, Director of Butte-Silver Bow Parks & Recreation Department, requesting Council of Commissioners authorize application for a Fish, Wildlife & Parks Shooting Range Grant to establish a (free to the public) shooting range behind Big Butte.

[17-63.pdf](#)

[17-63 Grant Application.pdf](#)

Commissioner Shaw:

- I've had several calls, some good, some not so good.
- Wanted to give J.P. [Gallagher] opportunity to answer questions.

Commissioner Sorich:

- Only cost is in-kind cost. No hard funds?

Director Gallagher:

- Grant requires matching. We do have materials. Have fencing from Rick Douglas which is more than our match. We'll have labor. But really no upfront cost where we'll have to put up money.

Commissioner McDonough:

- Call from property owners around range, and they have concerns. Would like Director Gallagher to talk to them.

Director Gallagher:

- Mark Fisher reached out to owner directly behind, but yes, please pass along to me and we can hold off on this recommendation.
- Right now just asking to apply for grant.
- Even if we get the funds, but this does not pass – we don't have to build this. We'd just have to turn back the funds.



Commissioner Callahan:

- Great idea, but have to deal with issues. Landowner has parcels for sale out there. Don't want to stop you from applying for grant, but that location may be a hurdle.

Director Gallagher:

- That is Butte-Silver Bow property. We're not looking to go onto private property.

Commissioner Callahan:

- No, but there are better locations. Residential area is right in that area.

Director Gallagher:

- Right now it's designated as an open shooting area. We're trying to contain it. Trying to create safer area with berms.
- We had to be specific for grant as to location of shooting range.

Commissioner Shaw:

- Cart before the horse. Put off couple of weeks?
- I agree, the way it is now is not good – it has to change.

Director Gallagher:

- Again, just asking you to allow us to apply for grant. If wait, will have to wait until next year. Can't do it without the grant. This is a preliminary plan.

Commissioner Shaw:

- Timeline?

Director Gallagher:

- There is a grant process, window of the grant, and we already have extension. Was February 1st and they gave me an extension.
- It's more than a shooting range, it's to clean up that area. Environmental issues with the garbage.



Commissioner Ralph:

- As I understand, we can approve tonight for grant application or wait a year. This is a tentative location that can be changed. And if we don't find a place at all, we can refuse the grant if we get it.

It was moved by Commissioner Ralph, seconded by Commissioner Andersen, and passed by a unanimous verbal vote to keep the original recommendation to Concur with Communication No. 17-63 and Place on File.

On the Question:

Commissioner Morgan:

- Is this only for handguns and rifles? Will they allow bows?

Director Gallagher:

- Not anticipating that. It's going to be 25, 50 and 100 yard targets with berms.

Commissioner Perdue-Dolan:

- Liability?

Director Gallagher:

- Currently allowed, so no further liability.

Commissioner Perdue-Dolan:

- Compete with private ranges?

Director Gallagher:

- Not our intent. I've used area since I was 12 years old.
- People that shoot all the time will go to Rocker Range.
- More to restrict access and to make people take better care of the area.



Commissioner Sorich:

- Agree we need to clean up and control access. But people are concerned about costs. What about maintenance costs down the road? It's going to be similar to a park.

Director Gallagher:

- Will be maintenance costs, but anticipate they'll be less than they are now. We will have to replace targets.
- Skyline has volunteered. They've wanted for quite a while. Will now be able to put garbage cans out.

Commissioner Callahan:

- Tough sell to neighbors up there. Check before you apply.

Director Gallagher:

- Would like permission to file for this grant, but have to submit plan. More than happy to meet with landowners. Berms will contain the shooting.

Segregation – #27, Communication No. 17-89

27. COMMUNICATION NO. 17-89

J.P. Gallagher, Director of Butte-Silver Bow Parks & Recreation Department, requesting Council of Commissioners authorize the Chief Executive to sign an Agreement with CivicPlus for recreation software and Point of Sale service for facilities within Butte-Silver Bow Parks & Recreation and the Butte Civic Center.

[17-89.pdf](#)

[17-89 Agreement.pdf](#)

[17-89 Statement of Work.pdf](#)

Commissioner Morgan:

- J.P. Gallagher would like an opportunity to speak.



Director Gallagher:

- Want Commissioners to be informed as to what we're asking for here. As you know, water park is coming online, golf course, and the reservations to schedule are some of the things that have come forward to you.
- Been looking at software to accommodate and integrate.
- In last month, CivicPlus acquired ReqOne, which allows for online reservations and payment. Will allow for Point of Sale (POS) at different facilities we have.
- 1% POS is what it will cost. No other costs. Some upfront costs with hardware, cash registers and different things like that. And there is a \$2,500 integration fee.
- Will send sales and reports directly to our Budget Office. Has all the tools we were looking for.

Commissioner Morgan:

- Credit card charge with the taxes – there was an issue where we couldn't charge for the fees? Will we have to charge people more if they use credit cards?

Director Gleason:

- There is a 3% credit card transaction fee every time a debit card or credit card is used. Similar to Civic Center now. County eating cost for the convenience of having that system. Much different than approach we're taking in other areas where fees are much more significant.

Commissioner Morgan:

- So the profit margin comes down but is countered by the number of people who'll use it?

Director Gleason:

- True.

Director Gallagher:

- Fee could be built into the system. That's what other municipalities have done.

Director Gleason:

- Possibly. We do not say that as a local government, that we add credit card fees to our charges. Violation of law. Look at best possible means to serve the public and recoup



those costs however we can. Not allowed to assess an additional fee. Unless do a separate transaction, like in the Treasurer's Office.

Director Gallagher:

- It is our understanding that fee could be added. We'll make sure. We'll double check.

It was moved by Commissioner Morgan, seconded by Commissioner Shaw, and passed by a unanimous verbal vote to keep the original recommendation to Concur with Communication No. 17-89 and Place on File.

On the Question:

Commissioner McDonough:

- The communication includes the Civic Center. Can you clarify?

Director Gallagher:

- Working with Bill Melvin. Wants to do trial with POS system to do credit card transactions. Won't replace right now, but maybe in future.

Segregation –#30, Communication No. 17-92

30. COMMUNICATION NO. 17-92

Chief Executive Dave Palmer, requesting Council of Commissioners authorize the Chief Executive to sign a Commercial Account Right of Entry Agreement between Bresnan Communications, LLC and the Belmont Headframe.

[17-92.pdf](#)
[17-92 Agreement.pdf](#)

Commissioner Morgan:

- We don't own Belmont Headframe. The communication was mistyped – it's the Belmont Senior Citizen Center.

It was moved by Commissioner Morgan, seconded by Commissioner Shaw, and passed by a unanimous verbal vote to Concur with Communication No. 17-92, as amended, and Place on File.



SECTION 3 ORDINANCES AND RESOLUTIONS REFERRED TO JUDICIARY

1. COUNCIL RESOLUTION NO. 17-5

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 FACILITIES KELLEY WAREHOUSE FUND FOR THE RELOCATION COSTS OF THE SUPERFUND PROGRAMS BASED UPON THE LEASE AGREEMENT ENTERED ON JULY 25, 2016 BETWEEN THE CITY-COUNTY OF BUTTE-SILVER BOW AND HEADFRAME DISTILLERY MANUFACTURING AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

[Resolution 17-5.pdf](#)

2. COUNCIL RESOLUTION NO. 17-7

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A CERTAIN PARCEL OF REAL PROPERTY KNOWN AS TRACT NG, BUTTE, MONTANA, AND MORE PARTICULARLY DESCRIBED AS THE NE ¼ AND THE SE ¼ OF SECTION 25, T3N, R9W, IN ACCORDANCE WITH THE PROCEDURES OF BUTTE-SILVER BOW MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

[Resolution 17-7.pdf](#)

Commissioner Morgan:

- Resolution No. 17-7, Referred to Judiciary. We will send it to them and they will Place on File, as it has been replaced by Resolution No. 17-8.

SECTION 4 ORDINANCES AND RESOLUTIONS, SUSPENSION OF THE RULES FOR FINAL PASSAGE

It was moved by Commissioner Morgan, seconded by Commissioner Shaw, and passed by a roll call vote of 10 yea and 0 nay to suspend the rules for the purpose of passing Council Resolutions No. 17-6 and No. 17-8 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. 17-6

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.

Resolution 17-6

It was moved by Commissioner Morgan and seconded by Commissioner Shaw that Council Resolution No. 17-6 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. 17-8

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A CERTAIN PARCEL OF REAL PROPERTY KNOWN AS TRACT NG, BUTTE, MONTANA, AND MORE PARTICULARLY DESCRIBED AS THE NE ¼ AND THE SE ¼ OF SECTION 25, T3N, R9W, IN ACCORDANCE WITH THE PROCEDURES OF BUTTE-SILVER BOW MUNICIPAL CODE AND FOR CORRESPONDING BOUNDARY ADJUSTMENTS AND EASEMENTS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

Resolution 17-8

It was moved by Commissioner Morgan and seconded by Commissioner Shaw that Council Resolution No. 17-8 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.

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA

None.

ADJOURN

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

The meeting adjourned at 8:30 p.m.



DAVE PALMER
CHIEF EXECUTIVE

ATTEST:

CLERK & RECORDER