

MINUTES OF THE REGULAR MEETING OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

FOR OCTOBER 6, 2009

The **Regular Meeting** of the Council of Commissioners was called to order Wednesday, **October 6, 2009**, in the Council Chambers, Third Floor, Room 312, Courthouse Building, 155 West Granite Street, Butte, Montana by the Chief Executive, Paul Babb.

ROLL CALL

11 present, 1 absent, Commissioner Frasz was excused.

PRAYER

Commissioner Hall led the Commissioners in prayer.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF SEPTEMBER 16, 2009 AND THE SPECIAL MEETING OF SEPTEMBER 28, 2009

It was moved by Commissioner Palmer and seconded by Commissioner Lee to approve the minutes of the Regular Meeting of September 16, 2009 and the Special Meeting of September 28, 2009. The motion carried with a unanimous verbal vote.

ITEMS NOT ADDRESSED ON THE AGENDA

None.

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA

None.

CHIEF EXECUTIVE'S REPORT

Chief Executive Babb reported the following:

- Will be attending Montana League of Cities and Towns Conference where he will make a presentation Thursday afternoon regarding the fire at Whalen Tire.
- Will also give a presentation to the League of Cities and Towns to have the conference in Butte next year at the Civic Center.
- Putting together a presentation for the selection committee as to why Butte should be selected for the new Veteran's Retirement Home.
- Testified last week in Helena before the Judiciary Subcommittee on Animal Hoarding and spoke in regards to the cost of Camp Husky.
- Meetings with Department of Revenue once a week in an effort to understand the reappraisal process and its effect on Butte-Silver Bow and its ability to run local government over the next six years.

SECTION I CONSENT AGENDA

- A.** 1. COMMITTEE OF THE WHOLE MEETING REPORT
 2. FINANCE AND BUDGET COMMITTEE MEETING REPORT
 3. JUDICIARY COMMITTEE MEETING REPORT
 4. PUBLIC WORKS COMMITTEE MEETING REPORT

B. COMMUNICATIONS

Before entertaining a motion for approval of the consent agenda Chief Executive Babb called for any friendly amendments or segregations.

- Commissioner Moodry segregated Communication 09-658, Section I-B, Item 20.
- Commissioner Foley segregated Communication 09-663, Section I-B, Item 25.

It was moved by Commissioner Palmer, seconded by Commissioner Lee and carried by a unanimous verbal vote to approve the Consent Agenda, Section A, Items 1-4, and Section B, 1-26, exclusive of No. 20 and 25.

Segregation of Communication No. 09-658

Commissioner Moodry asked Jeff Miller, Butte-Silver Bow Director of Fire Services, to clarify the code revision being requested and if all Fire Department personnel will be required to be emergency medical technicians (EMT's).

Jeff Miller replied he was asking for the code to be revised to require all new applicants to be registered EMT's. He explained there is currently only one member within the Fire Department who is not an EMT.

Commissioner Moodry asked County Attorney, Eileen Joyce, if it is standard practice to change the requirement for new applicants to be registered EMT's.

County Attorney, Eileen Joyce replied Mr. Miller has checked with other Fire Departments throughout the State, and it is a requirement with the major fire departments within the State. She further explained there was no legal requirement to amend the ordinance as long as the requirement was applied to all applicants.

It was moved by Commissioner Moodry and seconded by Commissioner Morgan to approve Communication No. 09-658 and place on file.

Commissioner Moodry withdrew his motion and moved to concur with the original recommendation to refer to Judiciary Committee.

Commissioner Lee asked Jeff Miller how long it takes a new fireman to become a certified EMT. Jeff Miller replied it takes approximately one year and the cost of this training is one of the reasons for the request to revise the code.

Commissioner Lee asked Jeff Miller if there is a large cost to the County to train an individual in the department to become an EMT

Jeff Miller replied there is a cost and this revision will avoid that cost up front. Mr. Miller also stated Butte-Silver Bow is the only department of the Montana Firefighters Testing Consortium which does not require applicants to be nationally registered EMT at time of application.

Commissioner Lee asked Mr. Miller if he knew the percentage of the fire calls that are medical emergency calls.

Jeff Miller replied he did not know the exact number, but felt it was over 80% of all calls.

The motion passed with a unanimous verbal vote.

Segregation of Communication No. 09-663

Commissioner Foley made the following statements regarding his concerns to the contract settlement with the Butte Police Protective Association:

- Does not feel Butte-Silver Bow can afford the pay increase.
- Questioned how many people in the community are receiving these types of raises.
- Does not question if the police officers deserve the raises, but feels it is a matter of being able to afford them.
- Feels the labor market is being artificially influenced in terms of wages.
- Cost of living in Butte is not the same as in other communities.
- Concerned about cost to the taxpayer and cost to overall operation of our government.
- Questioned the fairness of the contract for dispatchers and jailers. The dispatchers will receive 2.5 % cost of living adjustment, and the jailers are receiving a 2.5% base wage.
- Realizes the police officers have a difficult job, but feels our community is struggling financially and cannot afford these raises.
- Wants to register his opposition to the philosophy being seen in this contract.

Commissioner Schultz asked what the base salary for a new Officer is and what the increased amount being received for insurance is.

Chief Executive Babb gave an overview of the negotiation process:

- Set out to bring employees up to mid-point of market.
- Used same philosophy as was used for Fox Lawson.
- Gave the unions the opportunity to use interest based bargaining.
- Police Protective Association went through the interest based bargaining training.
- Two, nine-hour sessions were spent with a mediator.
- In State market data was used.
- Dispatchers and Jailers only received a 2.5 % increase because they were already at mid-market.
- Employees will be at mid-market by the end of two years.
- Amount for the Police Protective Association is built into this year's budget.

Commissioner Schultz asked Lindsey Ide, Personnel Director, what the beginning salary for a new Police Officer is and what is the additional amount for insurance.

- Asked if other candidates had turned down the offer of the job.

Chief Executive Babb replied two candidates in the first go around earlier in the year declined the position because the salary was too low. A four person Search Committee was formed and went through all the applications in the second go around. Five candidates were interviewed, and asked to do a power point presentation on their goals and objectives for the Personnel Director. A series of twelve questions were given to each candidate. He stated Ms. Ide is very knowledgeable of cost of living adjustments as well as spreadsheets. She is very tuned with labor negotiations and has held the department together since the last Personnel Director left. Chief Executive Babb further stated Ms. Ide was the top candidate and he feels she is the correct person for the job.

The motion passed with a verbal vote of 10 yeas and 1 nay by Commissioner Foley.

SECTION III

SUSPENSION OF THE RULES FOR FINAL PASSAGE

It was moved by Commissioner Palmer, seconded by Commissioner Lee and carried by a roll call vote of 11 yeas and 0 nays to suspend the rules for the purpose of passing Council Resolutions No. 09-72, 09-73, 09-74, 09-75, 09-76, 09-77, and 09-78 by waiving Subsection 7 of Rule XXXVI of the Rules and Order of Business of the Council of Commissioners, thereby having them considered for advanced passage without reference to the Judiciary Committee.

1. COUNCIL RESOLUTION NO. 09-72

A RESOLUTION FIXING THE MANDATORY TAX LEVY FOR VARIOUS COUNTY WIDE FUNDS OF THE SCHOOL DISTRICTS WITHIN THE CITY AND COUNTY OF BUTTE-SILVER BOW AT A RATE WHICH WILL RAISE THE AMOUNT SET OUT IN THE FINAL BUDGET AS THE AMOUNT NECESSARY TO BE RAISED BY TAX LEVY FOR EACH FUND FOR FISCAL YEAR 2009-2010 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. It was moved by Commissioner Palmer and seconded by Commissioner Lee that Council Resolution No. 09-72, be placed on final reading and passed having been deemed read at length. The motion carried with a roll call vote of 11 yeas, 0 nays.

2. COUNCIL RESOLUTION NO. 09-73

A RESOLUTION FIXING THE TAX LEVY FOR THE VARIOUS FUNDS OF BUTTE (COUNTY) HIGH SCHOOL DISTRICT NO. 1 AT A RATE WHICH WILL RAISE THE AMOUNT SET OUT IN THE FINAL BUDGET AS THE AMOUNT NECESSARY TO BE RAISED BY TAX LEVY FOR EACH FUND FOR FISCAL YEAR 2009-2010 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. It was moved by Commissioner Palmer and seconded by Commissioner Lee that Council Resolution No. 09-73, be placed on final reading and passed having been deemed read at length. The motion carried with a roll call vote of 11 yeas, 0 nays.

3. **COUNCIL RESOLUTION NO. 09-74**

ELEMENTARY SCHOOL DISTRICT NO. 1 AT A RATE WHICH WILL RAISE THE AMOUNT SET OUT IN THE FINAL BUDGET AS THE AMOUNT NECESSARY TO BE RAISED A RESOLUTION FIXING THE TAX LEVY FOR THE VARIOUS FUNDS OF BUTTE BY TAX LEVY FOR EACH FUND FOR FISCAL YEAR 2009-2010 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner Palmer and seconded by Commissioner Lee that Council Resolution No. 09-74, be placed on final reading and passed having been deemed read at length. The motion carried with a roll call vote of 11 yeas, 0 nays.**

4. **COUNCIL RESOLUTION NO. 09-75**

A RESOLUTION FIXING THE TAX LEVY FOR THE VARIOUS FUNDS OF THE JOINT HIGH SCHOOL DISTRICT AND THE JOINT ELEMENTARY DISTRICTS NO. 1-4 AT A RATE WHICH WILL RAISE THE AMOUNT SET OUT IN THE FINAL BUDGET AS THE AMOUNT NECESSARY TO BE RAISED BY TAX LEVY FOR EACH FUND FOR FISCAL YEAR 2009-2010 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner Palmer and seconded by Commissioner Lee that Council Resolution No. 09-75, be placed on final reading and passed having been deemed read at length. The motion carried with a roll call vote of 11 yeas, 0 nays.**

5. **COUNCIL RESOLUTION NO. 09-76**

A RESOLUTION FIXING THE TAX LEVY FOR THE VARIOUS FUNDS OF RAMSAY ELEMENTARY SCHOOL DISTRICT NO. 3 AT A RATE WHICH WILL RAISE THE AMOUNT SET OUT IN THE FINAL BUDGET AS THE AMOUNT NECESSARY TO BE RAISED BY TAX LEVY FOR EACH FUND FOR FISCAL YEAR 2009-2010 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner Palmer and seconded by Commissioner Lee that Council Resolution No. 09-76, be placed on final reading and passed having been deemed read at length. The motion carried with a roll call vote of 11 yeas, 0 nays.**

6. **COUNCIL RESOLUTION NO. 09-77**

A RESOLUTION FIXING THE TAX LEVY FOR THE VARIOUS FUNDS OF DIVIDE ELEMENTARY SCHOOL DISTRICT NO. 4 AT A RATE WHICH WILL RAISE THE AMOUNT SET OUT IN THE FINAL BUDGET AS THE AMOUNT NECESSARY TO BE RAISED BY TAX LEVY FOR EACH FUND FOR FISCAL YEAR 2009-2010 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner Palmer and seconded by Commissioner Lee that Council Resolution No. 09-77, be placed on final reading and passed having been deemed read at length. The motion carried with a roll call vote of 11 yeas, 0 nays.**

7.

COUNCIL RESOLUTION NO. 09-78

A RESOLUTION FIXING THE TAX LEVY FOR THE VARIOUS FUNDS OF MELROSE ELEMENTARY SCHOOL DISTRICT NO. 5 AT A RATE WHICH WILL RAISE THE AMOUNT SET OUT IN THE FINAL BUDGET AS THE AMOUNT NECESSARY TO BE RAISED BY TAX LEVY FOR EACH FUND FOR FISCAL YEAR 2009-2010 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner Palmer and seconded by Commissioner Lee that Council Resolution No. 09-78, be placed on final reading and passed having been deemed read at length. The motion carried with a roll call vote of 11 yeas, 0 nays.**

SECTION IV

**ORDINANCES AND RESOLUTIONS –
REFERRED TO JUDICIARY**

**COUNCIL BILL NO. 09-8
ORDINANCE NO. 09-8**

1. AN ORDINANCE AMENDING CHAPTER 2.20 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “LAW ENFORCEMENT DEPARTMENT”; AMENDING SECTION 2.20.085, B-SB MC SUBSECTIONS A THROUGH C AND E THROUGH H, ENTITLED “FEES OF SHERIFF”; ADDING NEW SUBSECTIONS TO BE NUMBERED X AND Y; INCREASING VARIOUS FEES CHARGED BY THE SHERIFF AND PROVIDING FOR THE DEPOSIT OF SUCH INCREASES INTO THE LAW ENFORCEMENT PATROL VEHICLE REPLACEMENT AND EQUIPMENT FUND; ADDING A NEW CHARGE FOR SERVING ALL CIVIL PROCESS PAPERS OR DOCUMENTS THAT NEED TO BE NOTARIZED; ADDING A NEW CHARGE FOR SERVING CHILD SUPPORT DOCUMENTS FOR THE STATE OF MONTANA; PROVIDING FOR THE DEPOSIT OF THE NEW CHARGES TO BE PLACED IN THE LAW ENFORCEMENT PATROL VEHICLE REPLACEMENT AND EQUIPMENT FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2.

**COUNCIL BILL NO. 09-09
ORDINANCE NO. 09-09**

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); ADJUSTING 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.

SECTION V

**ORDINANCES AND RESOLUTIONS
SECOND READING**

**COUNCIL BILL NO. 09-7
ORDINANCE NO. 09-7**

1. AN ORDINANCE AMENDING BUTTE-SILVER BOW ORDINANCE NO. 360 AND CHAPTER 8.06 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (BS-B MC) ENTITLED "COMMUNITY DECAY", AMENDING SECTIONS 8.06.020 AND 8.06.030, B-SB MC; ADDING A DEFINITION TO BE ENTITLED "JURISDICTIONAL AREA"; INCLUDING THE TOWN OF WALKERVILLE IN THE JURISDICTIONAL AREA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner Palmer and seconded by Commissioner Lee Ordinance No. 09-07 be placed on second reading and passed having been deemed read at length. The motion carried with a unanimous roll call vote.**

SECTION VI

**ORDINANCES AND RESOLUTIONS-
FINAL READING**

3. **COUNCIL RESOLUTION NO. 09-58**

A RESOLUTION ACCEPTING THE DONATION OF LOTS 11 AND 12 OF THE MOONLIGHT LODGE, AN UNFILED PLAT, MINERAL SURVEY NO. 800, LOCATED IN SECTION 13, TOWNSHIP 3 NORTH, RANGE 8 WEST, P.M.M., OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner Palmer and seconded by Commissioner Lee that Council Resolution No. 09-58, be placed on final reading and passed having been deemed read at length. The motion carried with a roll call vote of 11 yeas, 0 nays.**

4. **COUNCIL RESOLUTION NO. 09-59**

A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION WITH THE DEPARTMENT OF COMMERCE OF THE STATE OF MONTANA, FOR A MONTANA NEIGHBORHOOD STABILIZATION PROGRAM GRANT UNDER THE TERMS OF THE COMMUNITY DEVELOPMENT ACT OF 1974 (42 USC 5301) AS AMENDED. **It was moved by Commissioner Palmer and seconded by Commissioner Lee that Council Resolution No. 09-59, be placed on final reading and passed having been deemed read at length. The motion carried with a roll call vote of 11 yeas, 0 nays.**

Chief Executive Babb announced Jeff Amerman's Father had a heart attack last evening and asked for everyone to keep Jeff and his family in their thoughts.

ADJOURN

It was moved by Commissioner Palmer, seconded by Commissioner Lee and carried with a unanimous verbal vote to Rise to the Call of the Chair.

The meeting adjourned at 8:30 pm.

CHIEF EXECUTIVE

ATTEST:

CLERK AND RECORDER