

**MINUTES OF THE REGULAR MEETING OF THE
BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
FOR JANUARY 8, 2014**

The Regular Meeting of the Council of Commissioners was called to order Wednesday, January 8, 2014, 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, *absent*

Commissioner Shaw, *present*

Commissioner Palmer, *present*

Commissioner McDonough, *present*

Commissioner Andersen, *present*

Commissioner Henderson, *present*

Commissioner Walker, *present*

Commissioner Fisher, *present*

Commissioner Foley, *present*

Commissioner Moodry, *present*

Commissioner Ralph, *present*

Commissioner Sorich, *present*

STAFF PRESENT

Eileen Joyce, Butte-Silver Bow County Attorney
Colleen Safratowich, Deputy Clerk & Recorder
Kareniesa Kohn, 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 OF DECEMBER 18, 2013.

It was moved by Commissioner Shaw, seconded by Commissioner Moodry and passed by a unanimous verbal vote to approve the minutes of the Regular meeting of December 18, 2013.

ITEMS NOT ADDRESSED ON THE AGENDA

None.

CHIEF EXECUTIVE REPORT

Chief Executive Vincent reported the following:

- ❖ Will soon be considering the confirmation of the Public Works Director.
- ❖ Still working on a new HR Director.
- ❖ Parking Department Director closes on Tuesday, January 14, 2014.
- ❖ Justin Ringsak will be giving a presentation next week on the new website.
- ❖ The new website allows for more options for the citizens.
- ❖ 70% of last year's survey said they would take advantage of online payments.
- ❖ Looking at televising Council meetings live.
- ❖ Positive trip to Washington D.C. and have been maintaining good communications with people he met there.

SECTION 1 BID OPENING COMMUNICATION NO. 13-775

PAT HOLLAND, MANAGER, BUTTE-SILVER BOW GOVERNMENT BUILDINGS, REQUESTING COUNCIL'S AUTHORIZATION FOR A BID OPENING ON JANUARY 8, 2014 REGARDING THE CIVIC CENTER FIRE SYSTEM UPGRADE.

Pat Holland, Manager, Butte-Silver Bow Government Buildings, opened the following bids:

Kenco Security & Technology	Did not read – bid was incomplete
Eagle Electronic	Total Bid: \$81,850.00
Tri-County Mechanical & Electric	Total Bid: \$74,300.00
Townsend Electric, Inc	Total Bid: \$67,000.00
R&R Electric, Inc.	Did not read – bid was incomplete

It was moved by Commissioner Shaw, seconded by Commissioner Andersen and passed by a unanimous verbal vote to have the bids turned over to the Butte-Silver Bow Government Building Department for review and to wait for their selection and recommendation to Council.

SECTION 2 PUBLIC HEARING COMMUNICATION NO. 13-763

GARY KEELER, MANAGER, BUTTE-SILVER BOW TRANSIT, REQUESTING COUNCIL'S AUTHORIZATION TO HOLD A PUBLIC HEARING ON JANUARY 8, 2014 REGARDING THE UPDATE TO BUTTE-SILVER BOW'S PARA-TRANSIT PLAN FOR DISABLED TRANSPORTATION AND TO UPDATE COUNCIL ON PLANS TO OPERATE THE PARA-TRANSIT SERVICE WITH BUTTE-SILVER BOW PERSONNEL AND TO CANCEL A CONTRACT WITH AWARE.

Gary Keeler, Manager, Butte-Silver Bow Transit, stated the following:

- ❖ This public hearing is to satisfy federal requirements regarding funding.
- ❖ This is a door-to-door service.
- ❖ They are currently under contract with AWARE.
- ❖ There are 124 people registered with the service.
- ❖ This provides independence and possibilities to our most needy citizens.

Commissioner Shaw stated she has received many calls with questions. She asked if the services will go without issues if the contract is cancelled. Mr. Keeler stated they would meet all the requirements and do the same that AWARE does now.

Chief Executive Vincent opened the public hearing. He called for any proponents. There were none.

Chief Executive Vincent called for any opponents. There were none.

The Chief Executive closed the public hearing.

Mr. Keeler stated the following:

- ❖ They will serve customers with the same dedication given now.
- ❖ It is time for changes.
- ❖ There are fuel advantages.
- ❖ First year would operate with leased equipment.
- ❖ In the process of developing a transit grant.
- ❖ Will apply for a capital grant for 2 vans.
- ❖ AWARE has been operating service at a loss for several years.
- ❖ Butte-Silver Bow the only large city that contracts this service out.
- ❖ Thanked Council for their support.

Commissioner Palmer asked how many drivers would need to be hired. Mr. Keeler stated 4.5 drivers.

Commissioner Foley asked when the contract is over. Mr. Keeler stated they will be coming back to Council with their transit application and in the event of finalizing a budget with the operation of the service.

PUBLIC COMMENT ON ANY ITEMS ON THE CONSENT AGENDA

None.

SECTION 3 CONSENT AGENDA

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

There were none.

It was then moved by Commissioner Shaw, seconded by Commissioner Andersen and passed with a unanimous verbal vote to approve the Consent Agenda, Section A, Items 1 through 4, and Section B, Items 1 through 13.

SECTION 4 COMMUNICATIONS TO BE READ AND ACTED UPON

14-14 Chief Executive Matt Vincent, requesting Council's concurrence in the appointment of Mr. Dave Schultz as Director of the Butte-Silver Bow Public Works Department.

Dave Schultz stated he pledged to the city of Butte his best efforts.

It was moved by Commissioner Palmer, seconded by Commissioner McDonough and passed by a unanimous verbal vote to concur with the request of Communication No. 14-14 and appoint Mr. Dave Schultz as Director of Public Works and place the communication on file.

SECTION 5 ORDINANCES AND RESOLUTIONS REFERRED TO JUDICIARY

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

AN ORDINANCE AMENDING SECTION 4 OF ORDINANCE NO. 204 AND SECTION 10.32.010 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "STOP SIGNS"; ESTABLISHING STOP SIGNS ON THE NORTH AND SOUTH CORNERS OF SHERMAN STREET AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION 6 ORDINANCES AND RESOLUTIONS FINAL READING

1. RESOLUTION NO. 13-75

A RESOLUTION AUTHORIZING AND APPROVING THE PURCHASE OF CERTAIN PARCELS OF REAL PROPERTY OWNED BY RALPH W. STODDEN AND GERTRUDE H. STODDEN TESTAMENTARY TRUST LOCATED IN SECTION 36, T3N, R8W, BUTTE-SILVER BOW, MONTANA (PARCEL NO. 1422300) FOR THE PURPOSE OF CONSTRUCTION OF THE BASIN CREEK WATER TREATMENT PLANT IN ACCORDANCE WITH THE LAWS OF THE STATE OF MONTANA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

It was moved by Commissioner Shaw and seconded by Commissioner Andersen that Council Resolution No. 13-75 be placed on final reading and be passed, having been deemed read at length. The motion carried by a roll call vote of 11 yea and 0 nay.

2. RESOLUTION NO. 13-76

A RESOLUTION AUTHORIZING AND APPROVING THE DONATION BY THE BUTTE-SILVER BOW PARKING COMMISSION TO THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, REAL PROPERTY DESCRIBED AS ALL OF LOTS 19, 20, 21, AND 22 OF BLOCK NUMBERED 28 OF THE ORIGINAL TOWNSITE OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, DESIGNATED AS PARCEL NO. 2003150 (LOT 19) AND PARCEL NO. 2003200 (LOTS 20-22) FOR THE PURPOSE OF ALLOWING THE CITY-COUNTY TO FULFILL ITS OBLIGATION UNDER A MEMORANDUM OF UNDERSTANDING ENTERED INTO BETWEEN THE CITY-COUNTY AND NORTHWESTERN ENERGY CORPORATION CONCERNING THE ABOVE-DESCRIBED PROPERTY AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

It was moved by Commissioner Shaw and seconded by Commissioner Andersen that Council Resolution No. 13-76 be placed on final reading and be passed, having been deemed read at length. The motion carried by a roll call vote of 11 yea and 0 nay.

**SECTION 7 SUSPENSION OF THE RULES
FOR FINAL PASSAGE**

It was moved by Commissioner Shaw, seconded by Commissioner Andersen and passed by a roll call vote of 11 yea and 0 nay to suspend the rules for the purpose of passing Council Resolution No. 14-1 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. RESOLUTION NO. 14-1

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF REAL PROPERTY OWNED BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, DESCRIBED AS PARCEL 1A AS SHOWN ON CERTIFICATE OF SURVEY #991A-RB, LOCATED IN THE SOUTHEAST ¼ OF SECTION 12, T 3N, R8W, PARCEL #390240 TO THE ADJOINING OWNER PURSUANT TO POLICIES ADOPTED BY THE COUNCIL OF COMMISSIONERS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

It was moved by Commissioner Shaw and seconded by Commissioner Andersen that Council Resolution No. 14-1 be placed on final reading and be passed, having been deemed read at length. The motion carried by a roll call vote of 11 yea and 0 nay.

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA

R. Edward Banderob, 2601 Grand Avenue, Butte, Montana, stated the following:

- ❖ Experts say clinical depression is not caused by the community or society.
- ❖ If I were a teenager today, I would be depressed by all the “anti this and that” in our society.
- ❖ We are working on putting together a celebration of harmony in our community and asked for Council’s support when the time comes.

ADJOURN

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

The meeting adjourned at 8:06 p.m.

MATT VINCENT
CHIEF EXECUTIVE

ATTEST:

CLERK & RECORDER