

**MINUTES OF THE REGULAR MEETING OF THE  
BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS  
FOR JANUARY 22, 2014**

The Regular Meeting of the Council of Commissioners was called to order Wednesday, January 22, 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, *presiding*

Commissioner Palmer, *present*

Commissioner McDonough, *present*

Commissioner Andersen, *present*

Commissioner Henderson, *absent*

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 McDonough gave the prayer.

**PUBLIC COMMENT ON ANY ITEMS ON THE CONSENT AGENDA**

N. Krauss, 1838 Schley, Butte, MT, stated the following:

- ❖ This is in regards to amending the law regarding “feeders”.
- ❖ We are involved in 4-H.
- ❖ “Pocket Pets” is a project using rats.
- ❖ Children in the community use rats for their projects.

**APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF JANUARY 8, 2014.**

*It was moved by Commissioner Andersen, seconded by Commissioner Foley and passed by a unanimous verbal vote to approve the minutes of the Regular meeting of January 8, 2014.*

## ITEMS NOT ADDRESSED ON THE AGENDA

County Attorney Joyce stated the Emergency Suspension of the Rules was related to Ordinance No. 14-2. She stated it was to request the provision regarding mice and/or rats be temporarily repealed for 90 days to allow time to evaluate this particular provision.

### **Emergency Suspension of the Rules to allow Ordinance No. 14-2 to be added to the agenda.**

*It was moved by Commissioner Andersen, seconded by Commissioner McDonough 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 Ordinance No. 14-2 to be added to the Agenda of the January 22, 2014 Regular Meeting of the Council.*

## CHIEF EXECUTIVE REPORT

None. Chief Executive Vincent was not in attendance.

## COMMUNICATIONS TO BE READ AND ACTED UPON

**14-30 Chief Executive Matt Vincent, requesting Council's concurrence of the appointment of Mr. Ronald Stormer as Director of the Human Resources Department of Butte-Silver Bow.**

Commissioner Moodry stated he sat on the hiring committee for this position. He stated Penny McElroy did a wonderful job with the criteria needed for an HR Director for Butte-Silver Bow. He also stated there were interviews with 27 candidates and Mr. Stormer rose to the top of the list and was the unanimous pick.

*It was moved by Commissioner Moodry, seconded by Commissioner McDonough and passed by a unanimous verbal vote to concur with the Chief Executive's request of Communication No. 14-30 and accept his recommendation of Mr. Ronald Stormer as our Director of Human Resources for Butte-Silver Bow and place the communication on file.*

## SECTION 1 PUBLIC HEARING COMMUNICATION NO. 14-11

KAREN BYRNES, DIRECTOR, BUTTE-SILVER BOW COMMUNITY DEVELOPMENT DEPARTMENT, REQUESTING COUNCIL'S AUTHORIZATION TO HOLD A PUBLIC HEARING ON JANUARY 22, 2014 REGARDING CDBG PROGRAM FOR THE MONTANA DEPARTMENT OF COMMERCE.

Karen Byrnes, Director, Butte-Silver Bow Community Development Department, stated the following:

- ❖ This public hearing is part of the Community Development Block Grant Program.
- ❖ This allows for a chance to talk about the block grant.
- ❖ This federally funded designed to help communities with their greatest needs.
- ❖ We are a non-entitlement community.
- ❖ We have to fight for our dollars.
- ❖ All projects have to benefit at least 51% of the population.
- ❖ Economic Development projects are our focus.
- ❖ We could qualify for up to \$800,000 for our community because we are a combined government.

Commissioner Palmer stated in Centerville there is a need for raised sidewalks and retaining walls and would like that noted.

Ms. Byrnes stated that would fit under a public facility project and she would make note of it.

Commissioner McDonough stated Clark Park needed sidewalks around the facility and would like it added to the list.

Commissioner Shaw opened the Public Hearing. She called for any proponents. There were none.

Commissioner Shaw called for any opponents. There were none. Commissioner Shaw closed the Public Hearing.

## **SECTION 2 PRESENTATION COMMUNICATION NO. 14-3**

BARBARA MILLER, EXECUTIVE DIRECTOR, NATIONAL AFFORDABLE HOUSING NETWORK, REQUESTING COUNCIL'S AUTHORIZATION FOR A PRESENTATION ON JANUARY 15, 2014 FOR INFORMATION REGARDING THE NEIGHBORHOOD STABILIZATION PROGRAM 3 FOR THE PURCHASE AND REDEVELOPMENT OF VACANT OR ABANDONED PROPERTIES IN BUTTE-SILVER BOW COUNTY, MONTANA.

Barbara Miller, Executive Director, National Affordable Housing Network, stated the following:

- ❖ Thanked Council for this time to introduce all to a new program.
- ❖ This is one-time money from the federal government.
- ❖ Montana qualified for this money.
- ❖ In 2010-2011, Butte was successful in getting their grant funded for \$2.649 million dollars.
- ❖ We must acquire and inspect vacant properties.
- ❖ More than 70 properties were reviewed for potential renovation.
- ❖ The state urged for census tracks 1 and 2 in Butte.
- ❖ There are a large number of homes on the upper-west side.
- ❖ Our current historic codes make this a challenging project.
- ❖ We have the challenge of every decision having to be made in advance.
- ❖ NAHN provides free housing counseling.

- ❖ Program successes include two homes in Centerville.
- ❖ Rehab properties include exterior improvements, environmental remediation, code upgrades, energy upgrades and livability upgrades.

Commissioner Shaw thanked Ms. Miller for her presentation.

Commissioner Sorich asked if they were looking for more properties. Ms. Miller stated the next step included developing an MOU, Memorandum of Understanding, for the next stage. She also stated they buy most of the land they build on.

Commissioner Fisher stated this was very impressive.

Commissioner Palmer thanked Ms. Miller and stated the projects in Centerville have motivated the neighborhood.

Ms. Miller stated they are working on the next rounds and Centerville is an inspiring neighborhood to work with.

Commissioner Foley stated he agreed with Commissioner Palmer and he also mentioned she has contributed a great amount to the community and her work has paid off.

Commissioner Shaw stated she appreciated her energy and work.

### **SECTION 3 PRESENTATION COMMUNICATION NO. 14-8**

KAREN SULLIVAN, HEALTH OFFICER, BUTTE-SILVER BOW HEALTH DEPARTMENT, REQUESTING COUNCIL'S AUTHORIZATION TO GIVE A PRESENTATION ON JANUARY 15, 2014 REGARDING OPERATIONS AT THE BUTTE-SILVER BOW HEALTH DEPARTMENT.

Karen Sullivan, Health Officer, Butte-Silver Bow Health Department, stated the following:

- ❖ Thanked Council for their service as Council members.
- ❖ The operations of the Butte-Silver Bow Health Department are driven largely by Montana statute.
- ❖ Commissioner Shaw is Council's representative on the Health Board.
- ❖ Matt Vincent and I thought it would be good to communicate frequently with Council.
- ❖ I am 7.5 weeks into my tenure.
- ❖ Public Health services are many and varied.
- ❖ We encourage people to live healthier lifestyles.
- ❖ We are digging into the Health Department budget.
- ❖ We are reviewing the home health agency.
- ❖ I am touring the building on Front Street this week.
- ❖ In the immunization program, we are transitioning to digital payment.
- ❖ Will be working with St. James Healthcare.
- ❖ We are reviewing 2011 needs assessment.

- ❖ This month, we will begin on Communities Needs.
- ❖ We will identify and test all irrigation wells.
- ❖ A Public Hearing will soon occur on three studies.
- ❖ We are being asked by the state to compete for family planning funding.
- ❖ We are teaching students about safe sexual practices.
- ❖ Completed a new policy manual regarding HIPA.
- ❖ The Health Department is involved in reacting to suicides in our youth.
- ❖ Butte-Silver Bow is the 10<sup>th</sup> highest county in suicide rates in the state.
- ❖ I have the Health Department has many people dedicated tot heir work.
- ❖ I will undertake a strategic process defining strengths and weaknesses in the Health Department.
- ❖ I am excited about the road ahead.

Commissioner Palmer congratulated Ms. Sullivan in all she has done.

#### **SECTION 4 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
  5. PERSONNEL COMMITTEE MEETING REPORT
  
- B. COMMUNICATIONS**

**Before entertaining a motion for approval of the Consent Agenda, Commissioner Shaw called for any friendly amendments or segregations.**

Commissioner McDonough segregated #13, Communication No. 14-27.

Commissioner Palmer segregated #17, Communication No. 14-32.

*It was then moved by Commissioner Andersen, seconded by Commissioner Moodry and passed with a unanimous verbal vote to approve the Consent Agenda, Section A, Items 1 through 5, and Section B, Items 1 through 18, with exceptions to nos. 13 and 17.*

#### **Segregation - Communication No. 14-27**

**Julia Crain, 405 S. Excelsior, Butte, Montana, requesting Council's authorization to hold the third annual Outdoor Movies @ The Original in August 2014.**

Commissioner McDonough stated all the approvals had been received regarding this event.

*It was moved by Commissioner McDonough, seconded by Commissioner Moodry and passed by a unanimous verbal vote to concur with the request of Communication No. 14-27 and place it on file.*

**Segregation - Communication No. 14-32**

**Chief Executive Matt Vincent, requesting Council's concurrence in an appointment to the Butte-Silver Bow Public Library Board.**

Commissioner Palmer asked if they wanted to keep a commissioner on this board. He stated it should be possibly held in abeyance until Chief Executive Vincent returned.

Commissioner Moodry stated the boards he has been on as a commissioner he has received valuable information for budget time. He also stated it is important to have a commissioner on every board to understand what is going on, especially during budget time.

Commissioner Shaw stated she would suggest to Chief Executive Vincent to have a commissioner on the board.

Commissioner Foley stated in Finance & Budget there are always questions about what is going on in the Library. He stated this would give an opportunity to give information for this board.

Commissioner Ralph stated she would be willing to sit for the one-year term.

*It was moved by Commissioner Ralph, seconded by Commissioner Palmer and passed by a unanimous verbal vote to concur with the request of Communication No. 14-32 and place it on file.*

**SECTION 5 COMMUNICATIONS TO BE READ AND ACTED UPON**

This was moved to the beginning of the meeting.

**SECTION 6 ORDINANCES  
SECOND READING**

**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.

*It was moved by Commissioner Andersen and seconded by Commissioner Moodry that Council Bill No. 14-1, Ordinance No. 14-1 be placed on second reading and be passed, having been deemed read at length. The motion carried by a roll call vote of 9 yea and 0 nay.*

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

*It was moved by Commissioner Andersen, seconded by Commissioner Moodry and passed by a roll call vote of 9 yea and 0 nay to suspend the rules for the purpose of passing Council Resolution No. 14-2 and Council Bill No. 14-2, Ordinance No. 14-2 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. 14-2**

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF CERTAIN PARCELS OF SURPLUS PARKLAND PROPERTY OWNED BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

*It was moved by Commissioner Andersen and seconded by Commissioner Moodry that Council Resolution No. 14-2 be placed on final reading and be passed, having been deemed read at length. The motion carried by a roll call vote of 9 yea and 0 nay.*

**2. COUNCIL BILL NO. 14-2  
ORDINANCE NO. 14-2**

AN EMERGENCY ORDINANCE REPEALING SECTION 6.12.060 OF CHAPTER 6.12 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) PROHIBITING THE SALE, OFFERING FOR SALE, HARBORING, RAISING, GIVING AWAY, OR TRANSPORTING INTO BUTTE-SILVER BOW MICE OR RATS AS PETS, TOYS, PREMIUMS, NOVELTIES OR FOR ANY OTHER PURPOSE EXCEPT IN PROPER FACILITIES BY PEOPLE ENGAGED IN A LEGITIMATE SCIENTIFIC RESEARCH PROJECT, AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

*It was moved by Commissioner Andersen and seconded by Commissioner McDonough that Council Bill No. 14-2, Ordinance No. 14-2 be placed on final reading and be passed, having been deemed read at length. The motion carried by a roll call vote of 9 yea and 0 nay.*

Commissioner Fisher asked if 4-H projects were considered legitimate. County Attorney Joyce stated it is one of the things they need to look at when deciding to amend this ordinance.

Commissioner Ralph stated she appreciated Ed Randall and feels he acted properly in this situation.

Commissioner Palmer stated they needed to look hard at the ordinance. He stated there is a reason this ordinance is in place and that they needed to do their homework on this.

Commissioner Fisher stated he agrees with some restrictions but 4-H is a viable reason.

**PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA**

None.

**ADJOURN**

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

The meeting adjourned at 8:50 p.m.

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**MATT VINCENT**  
**CHIEF EXECUTIVE**

**ATTEST:**

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**CLERK & RECORDER**