

MINUTES OF THE REGULAR MEETING OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS FOR FEBRUARY 19, 2014

The Regular Meeting of the Council of Commissioners was called to order Wednesday, February 19, 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, *present*

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
Kareniesa Kohn, Council Secretary

PRAYER

Commissioner Henderson said the prayer.

PUBLIC COMMENT ON ANY ITEMS ON THE CONSENT AGENDA

John Cummings, 1828 Whitman Avenue, Butte, MT., stated the following:

- ❖ Wanted to thank everyone for choosing to eliminate oppression.
- ❖ Thanked everyone for the public process.
- ❖ All is invited to a potluck on Sunday as an effort to build bridges.

Faith DeWay, 1028 S. Dakota Street, Butte, MT., stated the following:

- ❖ Frustrated this law will pass.
- ❖ Feels Council is taking sides on this issue and it is not fair to everyone.
- ❖ There is a group of people who follow the bible and feel this lifestyle is wrong.
- ❖ Please vote against this passage.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF FEBRUARY 5, 2014.

It was moved by Commissioner Shaw, seconded by Commissioner Morgan and passed by a unanimous verbal vote to approve the minutes of the Regular meeting of February 5, 2014.

ITEMS NOT ADDRESSED ON THE AGENDA

Emergency Suspension of the Rules to allow Communication No. 14-79 to be added to the agenda.

It was moved by Commissioner Shaw, seconded by Commissioner Morgan and passed by a roll call vote of 12 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 Communication No. 14-79 to be added to the Agenda of the February 19, 2014 Regular Meeting of the Council.

CHIEF EXECUTIVE REPORT

Chief Executive Vincent stated Communication Nos. 14-73, 14-74, and 14-76 would be held in abeyance to the next meeting because of the absence of Finance and Budget Director Jeff Amerman.

SECTION 1 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, Chief Executive Vincent called for any friendly amendments or segregations.

Commissioner Shaw made a friendly amendment to #12, Communication No. 14-71. The start of this policy will be July 1, 2014.

Commissioner Shaw segregated #14, #15, and The Committee of the Whole Report, Section 7.

Commissioner Morgan segregated The Committee of the Whole Report, Section 6.

It was then moved by Commissioner Shaw, seconded by Commissioner Morgan and passed with a unanimous verbal vote to approve the Consent Agenda, Section A, Items 1 through 5, with exception to Item 1, Sections 6 and 7, and Section B, Items 1 through 18, with exception to nos. 14 and 15.

Segregation - Committee of the Whole Report, Section 7

E. Jay Ellington, Parks and Recreation Director, City and County of Butte-Silver Bow, requesting Council's authorization for the Chief Executive to sign an amended agreement with Butte School District No. 1.

Commissioner Shaw segregated this communication to change the recommendation.

It was moved by Commissioner Shaw, seconded by Commissioner Morgan and passed by a unanimous verbal vote to concur with Communication No. 14-42 and place it on file.

Segregation - #14, Communication No. 14-73

Jeff Amerman, Director, Butte-Silver Bow Finance and Budget Department, updating Council on transition plans regarding the Finance & Budget Director position.

It was moved by Commissioner Shaw, seconded by Commissioner Morgan and passed by a unanimous verbal vote to refer Communication No. 14-73 to the Committee of the Whole.

Segregation - #15, Communication No. 14-74

Jeff Amerman, Director, Butte-Silver Bow Finance and Budget Department, requesting Council's authorization for the Chief Executive to sign an agreement with MDG Consulting.

It was moved by Commissioner Shaw, seconded by Commissioner Morgan and passed by a unanimous verbal vote to refer Communication No. 14-74 to the Committee of the Whole.

Segregation - Committee of the Whole Report, Section 6

Matthew Boyle, SHGF Productions, requesting Council's authorization to hold The Original Festival at the Original Mineyard September 11-14, 2014.

Commissioner Morgan segregated this communication because there were concerns that needed to be worked through. He stated after attending a meeting and working through issues that were present last year, Mr. Boyle has agreed to the changes recommended.

It was moved by Commissioner Morgan, seconded by Commissioner McDonough and passed by a unanimous verbal vote to approve Communication No. 14-40 and place it on file.

SECTION 2 COMMUNICATIONS TO BE READ AND ACTED UPON

14-64 Jack L. White, 624 S. Dakota Street, Butte, MT, appealing Notice of Community Decay and Order to Abate Property regarding the property located at 624 S. Dakota Street, Butte, MT.

Jack L. White asked to show pictures of the vehicle in question and asked to address the notice left on it. He stated he considers it to not be a junk vehicle as it is in good shape and is running. He stated there is a relative in Wyoming that is planning to retrieve it in the spring.

Ed Randall, Community Enrichment/ Animal Service Department, stated the following:

- ❖ A letter was sent by a process server after many phone conversations regarding the property.
- ❖ Property has debris, component parts, a bus and a trailer.
- ❖ The bus and trailer are completely filled with items.
- ❖ There are junk vehicles on the property including the truck.
- ❖ He has had very limited success in discussing this issue with Mr. White.
- ❖ He is asking Council's concurrence that the letter sent to Mr. White is correct and the property can be abated in 10 days.

Commissioner Henderson asked if the trailer was inhabited and zoned correctly. Mr. Randall stated Mr. White lives on the property next to it but not in the trailer.

Commissioner Henderson asked if the trailer is not the problem, is it the bus and the debris. Mr. Randall stated yes but Mr. White is appealing the letter sent to him.

Commissioner Moodry stated the truck appears to be fine from the pictures passed around. He asked if Mr. White was contending the rest of the items are not community decay. Mr. Randall stated that Mr. White only wants to discuss the truck and that he is willing to wait on the truck but everything else needs to go.

Commissioner McDonough congratulated Mr. Randall and Gary Corbin on their work and stated this issue is long overdue.

A motion was made by Commissioner McDonough and seconded by Commissioner Foley to concur with Ed Randall's request for Mr. White to provide a 10-day abatement plan.

Commissioner Palmer asked if the motion does allow him to keep the truck for a family member in Wyoming or does it include everything. Commissioner McDonough stated the motion includes everything.

Commissioner Morgan asked if the vehicle is unlicensed and parked in the lot. Mr. Randall answered yes.

Commissioner Moodry asked Mr. White if he understood what is being asked of him to abate the property. Mr. White answered no.

Commissioner Moody told Mr. White there is a motion to allow the truck to stay but the rest of the items needed to be cleaned off the property. He asked Mr. White if he understood that. Mr. White asked if he could appeal that. Mr. White stated there are two other vehicles on the property with insurance and permanent plates and are drivable.

Chief Executive Vincent asked Mr. Randall to work with Mr. White on the abatement.

Mr. Randall stated they would start the next day.

Commissioner Andersen stated he was with Mr. White a couple of months ago regarding a different issue. He stated the bus and the trailer did look to be full of items. He stated he did not see any problems with vehicles on the property if they are running.

Commissioner Foley stated the following:

- ❖ This is his district.
- ❖ He disagrees with Commissioner Andersen.
- ❖ Are we to allow unlicensed vehicles to sit on empty lots?
- ❖ Council is going to have to be harsh to enforce the ordinances.
- ❖ Mr. White, along with others, need to follow the ordinances.
- ❖ Commended Community Enrichment for working with Mr. White.

Commissioner Fisher stated he agreed with Commissioner Palmer and felt the issue with the truck was not major. He stated he agreed with letting the truck stay on the property for 6 months and begin the 10-day abatement plan.

A substitute motion was made by Commissioner Palmer, seconded by Commissioner Shaw and passed by a vote of 11 yea and 1 nay to concur with the request to have Mr. White have a plan of abatement within 10 days but to allow for him to keep the truck on the lot for up to 6 months until the family member from Wyoming picks it up and to place Communication No. 14-64 on file. Commissioner Morgan voted nay.

14-69 Dave Schultz, Director, Butte-Silver Bow Public Works Department, requesting Council's concurrence to utilize an outside contractor for crane service to complete the demolition of the Brinks and Deluxe Buildings.

Mr. Schultz stated, in October of 2013, Council directed the demolition of the Brincks and Deluxe buildings to be completed using Butte-Silver Bow resources. He stated it has been concluded a crane will be needed to complete the demolition.

Commissioner Shaw commented that when they spoke of using Butte-Silver Bow equipment, there was the possibility of a berm of dirt being built to accommodate the demolition of the buildings.

Mr. Schultz stated that idea was looked at and the volume of dirt needed for the berm exceeded what would be needed for future backfill of the property. He stated the berm idea became a more expensive option than the crane.

Commissioner Andersen asked what kind of time frame were they looking at and what were the time and money differences to hire someone to complete the demolition versus having Butte-Silver Bow complete the demolition.

Mr. Schultz stated he did not solicit quotes for the demolition of the buildings because he was instructed by Council to use Butte-Silver Bow resources and therefore he does not have numbers to present to Council on the differences.

It was moved by Commissioner Morgan, seconded by Commissioner Henderson and passed by a vote of 11 yea and 1 nay to concur with Communication No. 14-69 and place it on file. Commissioner Andersen voted nay.

14-76 **Jeff Amerman, Director, Butte-Silver Bow Finance and Budget Department, requesting time to discuss specific budget and operational issues regarding the upcoming fiscal years.**

It was moved by Commissioner Shaw, seconded by Commissioner Morgan and passed by a unanimous verbal vote to move Communication No. 14-76 to the Committee of the Whole.

Emergency Suspension of the Rules

Communication No. 14-79

It was moved by Commissioner Shaw, seconded by Commissioner Moodry and passed by a unanimous verbal vote to concur with Communication No. 14-79 and place it on file.

SECTION 3 ORDINANCES AND RESOLUTIONS REFERRED TO JUDICIARY

1. RESOLUTION NO. 14-5

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 PLANNING DEPARTMENT FROM THE NEIGHBORHOOD STABILIZATION PROGRAM III GRANT AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2. COUNCIL BILL NO. 14-3 ORDINANCE NO. 14-3

AN ORDINANCE AMENDING BUTTE-SILVER BOW ORDINANCE NO. 47 SECTION 6, AND TITLE 6.12 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "CARE, KEEPING AND SALE OF ANIMALS AND DOMESTIC FOWL", SPECIFICALLY AMENDING SECTION 6.12.060 ENTITLED "RAISING MICE OR RATS"; AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**3. COUNCIL BILL NO. 14-4
ORDINANCE NO. 14-4**

AN ORDINANCE REPEALING CHAPTER 2.38 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "ANIMAL SHELTER BOARD" AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**4. COUNCIL BILL NO. 14-5
ORDINANCE NO. 14-5**

AN ORDINANCE AMENDING ORDINANCE NO. 09-14 AND TITLE 2, CHAPTER 2.88 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "ANIMAL SERVICES BOARD" AND SPECIFICALLY AMENDING SECTION 2.88.040 ENTITLED "FUNCTIONS POWERS AND DUTIES" AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**SECTION 4 ORDINANCES AND RESOLUTIONS
FINAL READING**

**1. COUNCIL BILL NO. 13-17
ORDINANCE NO. 13-17**

AN ORDINANCE TO ENTITLED "ILLEGAL DISCRIMINATION" AND TO BE NUMBERED CHAPTER 5.68 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC); PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTIES; AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

It was moved by Commissioner Shaw and seconded by Commissioner Morgan that Council Bill No. 13-17, Ordinance No. 13-17 be placed on final reading and be passed, having been deemed read at length. The motion passed by a roll call vote of 10 yea and 2 nay. Commissioners Henderson and Sorich voted nay.

2. RESOLUTION NO. 14-4

A RESOLUTION CALLING FOR A SPECIAL ELECTION ON THE QUESTION OF CONDUCTING A LOCAL GOVERNMENT REVIEW AND ESTABLISHING A STUDY COMMISSION FOR THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR SUCH ELECTION TO BE HELD ON THE DATE OF THE PRIMARY ELECTION IN 2014; PROVIDING FOR THE NUMBER OF POSITIONS ON THE STUDY COMMISSION AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

It was moved by Commissioner Shaw and seconded by Commissioner Morgan that Resolution No. 14-4 be placed on final reading and be passed, having been deemed read at length. The motion passed by a roll call vote of 10 yea and 2 nay. Commissioners Fisher and Moodry voted nay.

**SECTION 5 SUSPENSION OF THE RULES
FOR FINAL PASSAGE**

It was moved by Commissioner Shaw, seconded by Commissioner Morgan and passed by a roll call vote of 12 yea and 0 nay to suspend the rules for the purpose of passing Council Resolution No. 14-3 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. 14-3

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.

It was moved by Commissioner Shaw and seconded by Commissioner Morgan that Resolution No. 14-3 be placed on final reading and be passed, having been deemed 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

None.

ADJOURN

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

The meeting adjourned at 8:40 p.m.

**MATT VINCENT
CHIEF EXECUTIVE**

ATTEST:

CLERK & RECORDER