

MINUTES OF THE REGULAR MEETING OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS FOR MARCH 5, 2014

The Regular Meeting of the Council of Commissioners was called to order Wednesday, March 5, 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 Palmer, *present*

Commissioner Andersen, *present*

Commissioner Walker, *present*

Commissioner Foley, *present*

Commissioner Ralph, *present*

Commissioner Shaw, *present*

Commissioner McDonough, *present*

Commissioner Henderson, *present*

Commissioner Fisher, *present*

Commissioner Moodry, *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

None.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF FEBRUARY 19, 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 19, 2014.

ITEMS NOT ADDRESSED ON THE AGENDA

None.



CHIEF EXECUTIVE REPORT

Chief Executive Vincent reported the following:

- ❖ Former Finance & Budget Director Jeff Amerman gave some final thoughts to think about.
- ❖ Miral Gamradt is here tonight and feels it will be beneficial to have a meeting with all the department heads and Council.
- ❖ An economic development ad-hoc committee was formed to help cooperate and coordinate to excel in our community.
- ❖ Will be reporting back to Council with information from the committee meetings in early May.
- ❖ There has been coverage in the newspaper on vacant building inventory.
- ❖ At this point, Historic Preservation Officer Jim Jarvis and Ed Randall are going through the report.
- ❖ Ed Randall will have a communication for the next meeting regarding the report.
- ❖ There is activity on Broadway Street with a sewer issue.
- ❖ Excellent work by Dave Schultz and Public Works on snow routes with the record snow falls and low temperatures.

SECTION 1 BID OPENING COMMUNICATION NO. 14-66

DAVE SCHULTZ, DIRECTOR, BUTTE-SILVER BOW PUBLIC WORKS DEPARTMENT, REQUESTING COUNCIL'S AUTHORIZATION TO HAVE A BID OPENING ON MARCH 5, 2014 REGARDING THE SUPPLYING OF CHEMICALS FOR THE WATER TREATMENT PLANTS.

Dave Schultz, Director, Butte-Silver Bow Public Works Department, opened the following bid:

Thatcher Company	10% Bid Bond	Section D - \$36,920.00
		Section E - \$39,682.88
		Section H - \$78,761.14

Commissioner Walker asked Mr. Schultz to repeat the name of the company who placed the bid. Mr. Schultz stated it was Thatcher Company.

It was moved by Commissioner Shaw, seconded by Commissioner Morgan and passed by a unanimous verbal vote to refer the bid to the Public Works Department and to report to Council with their recommendation.



**SECTION 2 BID OPENING
COMMUNICATION NO. 14-67**

DAVE SCHULTZ, DIRECTOR, BUTTE-SILVER BOW PUBLIC WORKS DEPARTMENT, REQUESTING COUNCIL'S AUTHORIZATION TO HAVE A BID OPENING ON MARCH 5, 2014 REGARDING THE MATERIALS FOR THE WATER METER UPGRADE PROGRAM.

Dave Schultz, Director, Butte-Silver Bow Public Works Department, opened the following bid:

Northwest Pipe Fittings, Inc. 10% Bid Bond Bid - \$482,753.98

Commissioner Henderson asked what the engineering cost was for the project. Mr. Schultz stated \$524,512.00 was the estimate.

It was moved by Commissioner Shaw, seconded by Commissioner Morgan and passed by a unanimous verbal vote to refer the single bid to the Public Works Department and to report to Council with their recommendation.

**SECTION 3 BID OPENING
COMMUNICATION NO. 14-68**

PATSY COATES, PROPERTY SPECIALIST, BUTTE-SILVER BOW LAND OFFICE, REQUESTING COUNCIL'S AUTHORIZATION TO HAVE A BID OPENING AND TO AWARD THE BID FOR REQUEST OF PROPOSALS AND TAX LIEN SEARCHES FOR THE 2014 COUNTY TAX DEED PROCESS.

Patsy Coates, Property Specialist, Butte-Silver Bow Land Office, opened the following bid:

Summit Valley Title Co. \$75.00 per parcel researched

Commissioner Henderson asked if this is a rotation. Ms. Coates stated it is not. She also stated she did not know why Montana Abstract did not put in for this.

Commissioner Morgan asked the County Attorney of the process to approve now.

County Attorney Joyce stated this is the only communication before Council for this and both requests were made in the same communication.

It was moved by Commissioner Shaw, seconded by Commissioner Ralph and passed by a unanimous verbal vote to accept the singular bid received and to award the bid to the party for the tax lien searches for 2014 tax lien process.



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

Commissioner Shaw segregated #19, 14-98.

Commissioner Morgan segregated #12, 14-91.

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, and Section B, Items 1 through 23, with exception to nos. 12 and 19.

Segregation - Communication No. 14-91

Ronald Stormer, Director, Butte-Silver Bow Human Resources Department, requesting Council's authorization for the Chief Executive to sign the collective bargaining agreement with the Federation of Butte-Silver Bow Public Employees #4372.

Commissioner Morgan segregated this communication because he would like to look at the contract further and would like to speak with Mr. Stormer on the contract.

It was moved by Commissioner Morgan, seconded by Commissioner Ralph and passed by a unanimous verbal vote to hold Communication No. 14-91 in the Committee of the Whole.

Segregation - Communication No. 14-98

Karen Byrnes, Director, Butte-Silver Bow Community Development Department, recommending to Council three options for the property located at 823 - 827 E Front Street, Butte, MT.

Commissioner Shaw segregated this communication to open it up for discussion.

Chief Executive Vincent felt it should be discussed, too.



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

- ❖ A sub-committee was formed to look at the options for this property.
- ❖ The demolition went smoothly and faster than anticipated.
- ❖ The site is actually two lots, 7200 square feet total.
- ❖ Located on a busy intersection.
- ❖ Valuable piece of property at about \$50,000 if lots sold together.
- ❖ Three options being considered: auction, developer's packet, or Butte-Silver Bow retains ownership of the property to develop for the community.
- ❖ Our recommendation is to retain the property for development into a gate-way entry into Uptown Butte.
- ❖ This corner feeds into Uptown.
- ❖ Would like it to be positive and decorative.
- ❖ This opportunity is arising out of horrible circumstances by losing two buildings.
- ❖ There is a schematic in your packet with what our idea is.
- ❖ Lights and trees can be used from Heritage Park when NorthWestern building is built.
- ❖ Items salvaged from the buildings can also be used at the site.
- ❖ The timing of the all this is perfect.

Commissioner Morgan stated he was not sure how they could think of anything else. He asked what the time frame is and would it be possible to give the public the opportunity to voice their thoughts.

Ms. Byrnes stated a developer's packet would take approximately 6 weeks and there is the possibility a developer's packet would bring in better ideas. She stated this could be done immediately.

Chief Executive Vincent asked what the cost estimate is. Ms. Byrnes stated it is approximately \$127,000.00.

Chief Executive Vincent asked if a design competition was possible using the money allocated and give the public 6 weeks to submit alternative designs.

Ms. Byrnes stated the parking lot benefits the community as a whole and the businesses in the area. She stated it would encourage safe crossings across Front Street.

Commissioner Morgan stated he agrees with this but he doesn't like the misconception that a parking lot is being built for one business.

Commissioner Fisher stated he was not sold on this as less than a year ago they had a tough time coming up with the money to demolish the buildings and now knowing there is money to build a parking lot. He stated the money used to demolish should be given back by selling the property.



Commissioner Shaw asked how much was in-kind from Butte-Silver Bow. Ms. Byrnes stated this is an estimate from similar parking lots that have been developed. She stated we do not want to have a too-low estimate and that the estimate is probably higher than what it will actually cost. She also stated CTEP funds are only available for this sort of project. She commented the dollars involved are different than other funding.

Commissioner Shaw asked if the square footage takes into account the easement required. Ms. Byrnes stated it was factored in.

Commissioner Fisher stated money is money and this is a problem at budget time. He stated he was baffled at how they didn't have money to tear it down but now there is plenty of money and this is how the public sees this.

Commissioner Morgan stated they could not use the CTEP monies to tear down the buildings so that money was not available to contribute at that time.

Commissioner Sorich agreed with Commissioner Fisher. He stated they were already into this \$100,000 and the prudent thing for Council to do is to try to recoup the funds already spent.

Commissioner Moodry stated while looking at the October 2013 minutes, they state there would be the possible resale of the property to recoup costs. He stated concessions were made in October and we need to try to recoup the monies.

Commissioner Foley stated he agreed with Commissioner Moodry. He stated Council takes criticism when we tear down buildings with nothing else in mind. He stated the reality is we have to be in good faith and make an effort to sell the property. He asked why they have not done the same thing with the Greek lot.

A motion was made by Commissioner Foley and seconded by Commissioner Henderson to recommend an attempt at auctioning the property at the estimated value, second to use a developer's packet, and a thirdly to use the parking lot option.

Commissioner Andersen stated they had had this conversation before and agreed that Council was being watched on this issue. He stated they needed to take this serious and that they needed to try to recoup the money already spent.

A sub-motion was made by Commissioner Ralph, seconded by Commissioner Sorich and failed by a roll call vote of 2 yea and 10 nay to put the property up for auction at the appraised value and if not sold, then to immediately put the parking lot proposal into place. Commissioners Ralph and Palmer voted yea.

A motion to end all motions was made by Commissioner McDonough, seconded by Commissioner Morgan and failed by a roll call vote of 5 yea and 7 nay to offer it out on developer's packet with criteria and restrictions received by all Butte-Silver Bow Departments including Zoning, Planning, and Community Development and second to follow through on the parking lot option. Commissioners Walker, Morgan, Palmer, Shaw, and McDonough voted yea.



Commissioner Morgan stated he was concerned with someone purchasing the lot and leaving it vacant.

Commissioner Sorich asked if a developer's packet would be too restrictive and what if someone wanted to purchase the block as a whole.

Commissioner Shaw stated she agreed with Commissioners McDonough and Morgan and stated the developer's packet would set the criteria that would need to be followed.

Commissioner Fisher stated this was blocking economic development by putting restrictions of what could be placed on the corner and he agreed with Commissioner Foley's comments.

It was moved by Commissioner Foley, seconded by Commissioner Henderson and passed by a roll call vote of 12 yea and 0 nay to an attempt at auctioning the property at the estimated value, second to use a developer's packet, and thirdly to use the parking lot option.

SECTION 5 COMMUNICATIONS TO BE READ AND ACTED UPON

14-101 Stephanie Marshall, Parking Director, Butte-Silver Bow Parking Department, requesting Council's authorization for immediate budgetary authorization to purchase new software and equipment for the Parking Department.

Stephanie Marshall, Parking Director, Butte-Silver Bow Parking Department, stated the following:

- ❖ Asking for special funding that is not in the budget.
- ❖ Currently using a program like MS DOS that is antiquated with information and data that is corrupt.
- ❖ New software would give the Parking Department the ability to keep track of tickets and collect on tickets.
- ❖ Collection rate currently is at approximately 45%.
- ❖ This prohibits the Parking Department from operating solvent.
- ❖ MIS Department stated the current software was dated when purchased.
- ❖ Tickets are still hand-written, which is an issue.
- ❖ Only have two people able to issue tickets at the moment.
- ❖ The opportunity costs offer for this to be now and not later.
- ❖ Operating this way for another 5 to 6 months, we will continue to take a loss by hoping people will come in to pay their tickets.
- ❖ People with more than a \$500 balanced are being focused on now.
- ❖ There are two bids on the software. (Handouts given to Council)
- ❖ If purchased, there are others in the state that use these systems and their advice can be used to master the systems.

Commissioner Morgan asked if Parking was collecting fines from the court system. Ms. Marshall stated they could receive funds from the court system. Commissioner Morgan stated



and asked if the local courts would issue a fine and the fines would go to the Parking Department; is that still happening. Ms. Marshall said that was not happening now.

Commissioner Sorich stated he felt the presentation was very good. He asked if the IT Department would be able to support the software of whichever one she chose. Ms. Marshall stated she understood part of the package price was service support from the provider with MIS doing limited support.

Chief Executive stated this was in comparison with the company that did not charge for the software but Butte-Silver Bow would pay a yearly \$25,000 based on Parking's revenues. Ms. Marshall stated this was correct. They would be charged \$2 - \$2.50 fee per ticket issued. They also take half of the collection if a ticket was sent to collections.

A motion was made by Commissioner Sorich and seconded by Commissioner McDonough to approve the request of Communication No. 14-101 and place it on file.

Commissioner Henderson asked when a ticket is given and it comes to the office through this computer system, will it be billed out. Ms. Marshall stated it is a three step process that is all in house. She stated it is an automated system that receives information from the Department of Justice and the letters can be generated once the information is received by her.

Commissioner Henderson asked why the price of the tickets price wouldn't be raised if there is an added cost. Ms. Marshall stated she agreed with him and this is her first step. She felt there does need to be a deferred cost on the offenders with the revenues needing to be matched to the expenses.

Commissioner Henderson asked if other cities have higher fines. Ms. Marshall stated they are significantly higher with an average of \$25 for a two hour parking meter fine.

Commissioner Fisher stated he felt the presentation was excellent and is behind the proposal with raising the ticket prices to get on track with paying back the debt.

Commissioner Palmer asked who would collect the fines on the handheld devices that issue the tickets. Ms. Marshall stated if they write the ticket, they collect the fines. Commissioner Palmer asked in order to grant budgetary authority do they need to hold a public hearing.

County Attorney Joyce stated there does need to be a public hearing when amending the budget for unanticipated revenue or expenditure. She stated that should be looked at before moving forward.

Commissioner Foley stated in the past, anytime they have taken money out of the reserves, we have had a public hearing.

Commissioner Ralph asked if they could make a motion to hold a public hearing.

County Attorney Joyce stated it would need to be published twice with 6 days in between.



Commissioner Henderson asked if this had to go through the Parking Commission first. Chief Executive Vincent stated it already had and that is why Ms. Marshall was here tonight.

A substitute motion was made by Commissioner Morgan, seconded by Commissioner Shaw and passed by a roll call vote of 12 yea and 0 nay to schedule a public hearing authorizing up to \$40,000 to purchase the software requested in Communication No. 14-101 and to hold it in the Committee of the Whole.

**SECTION 6 ORDINANCES
SECOND READING**

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

AN ORDINANCE AMENDING BUTTE-SILVER BOW ORDINANCE NO. 47 SECTION 6, AND TITLE 6 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.

It was moved by Commissioner Shaw and seconded by Commissioner Morgan that Council Bill No. 14-3, Ordinance No. 14-3 be placed on second reading and be passed, having been deemed read at length. The motion passed by a roll call vote of 12 yea and 0 nay.

**2. 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.

It was moved by Commissioner Shaw and seconded by Commissioner Morgan that Council Bill No. 14-4, Ordinance No. 14-4 be placed on second reading and be passed, having been deemed read at length. The motion passed by a roll call vote of 11 yea and 1 nay. Commissioner Moodry voted nay.

**3. 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.



It was moved by Commissioner Shaw and seconded by Commissioner Morgan that Council Bill No. 14-5, Ordinance No. 14-5 be placed on second reading and be passed, having been deemed read at length. The motion passed by a roll call vote of 12 yea and 0 nay.

**SECTION 7 ORDINANCES AND RESOLUTIONS
FINAL READING**

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.

It was moved by Commissioner Shaw and seconded by Commissioner Morgan that Resolution No. 14-5 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.

**SECTION 8 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. 14-6 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. 14-6

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 GENERAL FUND LIBRARY DEPARTMENT FROM THE MONTANA MUNICIPAL INTERLOCAL AUTHORITY (MMIA) AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

It was moved by Commissioner Shaw and seconded by Commissioner Morgan that Resolution No. 14-6 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.



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 9:13 p.m.

MATT VINCENT
CHIEF EXECUTIVE

ATTEST:

CLERK & RECORDER