

**MINUTES OF THE REGULAR MEETING OF THE  
BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS  
FOR JUNE 4, 2014**

The Regular Meeting of the Council of Commissioners was called to order Wednesday, June 4, 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, *absent*

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**

None.

**APPROVAL OF THE MINUTES OF THE SPECIAL MEETING OF MAY 14, 2014  
AND THE REGULAR MEETING OF MAY 21, 2014.**

*It was moved by Commissioner Shaw, seconded by Commissioner Andersen and passed by a unanimous verbal vote to approve the minutes of the Special Meeting of May 14, 2014 and the minutes of the Regular meeting of May 21, 2014.*

**ITEMS NOT ADDRESSED ON THE AGENDA**

Emergency Suspension of the Rules to allow Communication Nos. 14-286 and 14-287 to be added to the agenda.



*It was moved by Commissioner Andersen, seconded by Commissioner Moodry 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 Communication Nos. 14-286 and 14-287 to be added to the Agenda of the June 4, 2014 Regular Meeting of the Council.*

## **CHIEF EXECUTIVE REPORT**

Chief Executive Vincent reported the following:

- ❖ Received notice we were unsuccessful in the bid for the manufacturing community designation.
- ❖ Several years ago, there was a high energy effort to land a Micron facility, and while we did not get it, it did help with getting the REC facility.
- ❖ There will be a second round we can try for.
- ❖ We put together a good effort.
- ❖ We have concluded the public budget sessions.
- ❖ Valuable information was received from the public.
- ❖ We are going to take some of the information and put together an online survey.

## **SECTION 1 CONSENT AGENDA**

- A. 1. COMMITTEE OF THE WHOLE MEETING REPORT
- 2. JUDICIARY COMMITTEE MEETING REPORT
- 3. PUBLIC WORKS COMMITTEE MEETING REPORT
- 4. FINANCE AND BUDGET 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 the Committee of the Whole Report, Section 20, and Section B, nos. 23 and 24.

Commissioner Andersen segregated the Judiciary Report, Ordinance No. 14-6.

*It was then moved by Commissioner Shaw, seconded by Commissioner Moodry and passed with a unanimous verbal vote to approve the Consent Agenda, Section A, Items 1 through 5, with exception to the Committee of the Whole Report and Judiciary Report, and Section B, Items 1 through 27, with exception to nos. 23 and 24.*



**Segregation - Committee of the Whole Report, Section 20**

Dori Skrukrud, Office of Community Development, requesting Council's authorization to hold a Public Hearing on June 11, 2014 regarding the developer's packet for property in the 400 block of E. Park Street.

Commissioner Shaw stated they did not receive any developer's packets for this property and has been asked to cancel the request for a public hearing.

*It was moved by Commissioner Shaw, seconded by Commissioner Andersen and passed by a unanimous verbal vote to Place Communication No. 14-253 on File.*

**Segregation - Judiciary Committee Report, Ordinance No. 14-6**

AN ORDINANCE AMENDING TITLE 12 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "STREETS SIDEWALKS AND PUBLIC PLACES"; AMENDING CHAPTER 12. 12 ENTITLED "SIDEWALK MAINTENANCE", AMENDING SECTION 12. 12.020; AMENDING SECTION 12.12.040; AMENDING SECTION 12.12.50; ADDING NEW SECTIONS TO BE NUMBERED 12.12.055; AMENDING SECTION 12.12.070; ADDING SECTIONS 12.12.072 AND 12.12.074; AMENDING SECTION 12.12.090 AND ADDING NEW SECTION 12.12.100, AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

Commissioner Andersen stated he wanted to stress the recommendation for this ordinance was to move to second reading as amended and there was an amended copy available to review. He stated they amended the fines and the ages.

*It was moved by Commissioner Andersen, seconded by Commissioner Moodry and passed by a unanimous verbal vote to change the recommendation as amended on Ordinance No. 14-6.*

**Segregation - no. 23, Communication No. 14-281**

Kristen Rosa, Administrator, Tax Increment Financing Industrial District (TIFID), requesting Council's authorization for the Chief Executive to sign an agreement with Derek Pruitt for photography services.

Commissioner Shaw stated this was held because the agreement was not available when the agenda was published. She stated since they have received it, she noticed there was a need for language change to reflect the non-discrimination ordinance.

*It was moved by Commissioner Shaw, seconded by Commissioner Andersen and passed by a unanimous verbal vote to Concur with Communication No. 14-281 as amended to the non-discrimination ordinance and Place it on File.*



**Segregation - no. 24, Communication No. 14-282**

**Kristen Rosa, Administrator, Tax Increment Financing Industrial District (TIFID), requesting Council's authorization for the Chief Executive to sign an agreement with Hinnick Associates.**

Commissioner Shaw stated this agreement does not reflect the non-discrimination language.

*It was moved by Commissioner Shaw, seconded by Commissioner Moodry and passed by a unanimous verbal vote to Concur with Communication No. 14-282 as amended to the non-discrimination ordinance and Place it on File.*

**SECTION 2 COMMUNICATIONS TO BE READ AND ACTED UPON**

**14-270 Terri James, President, Evel Knievel Days, Inc., requesting Council release Economic Development Mill Levy Funds previously awarded to the 2013 Evel Knievel Days Organizing Committee.**

Chief Executive Vincent called for Terri James to speak on behalf of her communication.

Ms. James stated they are requesting to use the monies for the same items the previous committee asked for.

Commissioner Henderson stated under the guidelines for submission, they really cannot say they just want the funds previously given to the other committee. He stated they cannot say we are going to do what the other group did. He also stated Council needs a request with answers to the questions that are in the guidelines.

Commissioner McDonough stated the following:

- ❖ He disagrees with Commissioner Henderson.
- ❖ The proposal was submitted and approved by the previous committee.
- ❖ The money has already been requested and allocated.
- ❖ Technically the proposal has already been submitted.
- ❖ Do they need to re-invent the wheel?
- ❖ He asked County Attorney Joyce to speak on this.

County Attorney Joyce deferred to Karen Byrnes.

Ms. Byrnes stated the following:

- ❖ The process that is followed is published with proposals called for.
- ❖ At a minimum, the new group would need to submit a proposal.
- ❖ This is not a "no".
- ❖ It would be up to Council if they would want to award those funds according to the guidelines.



Jay Ellington, Director, Parks & Recreation Department, stated he has been working with this group since their inception and they are following all the guidelines. He stated they are not doing anything out of line and Ms. James listed what she wants to use the funding for in her communication.

Commissioner Sorich stated this is not the same group as before and they need to apply and follow as all groups have done before them.

Commissioner Moodry stated the bottom line is Council does need to be provided with the appropriate proposal requirements to make this decision. He stated that having been on this committee in the past, it is not a drawn-out process and they need to have this information on file for Ms. Brynes.

Ms. Brynes stated these are Economic Development Mill Levy funds, separate from URA funds. She stated after the proposals are received, Council decides who receives the funds.

Commissioner Shaw asked if the \$10,000 was available. Ms. Brynes said they are.

Commissioner Andersen asked for clarification that if all the applicants had to submit a proposal, would it be best if the new group had a guideline on how the funds would be used. Ms. Brynes stated that is what is being asked of the group to do.

Commissioner Henderson stated he was not on the committee but there are guidelines that have to be followed. He stated \$68,000 is a lot of money and this should be done the right way. He also stated that as far as Mr. Ellington was concerned, it is good he has worked with them but there are other procedures that also need to be followed.

Commissioner Henderson stated the guidelines are for everyone to follow.

Commissioner Moodry asked on timing, how quickly could this be done. Commissioner Ralph stated they could probably have a meeting next week and she would work with Ms. James.

Commissioner McDonough stated the following:

- ❖ He was going to echo what Commissioner Moodry stated earlier.
- ❖ In favor of everyone playing by the same rules.
- ❖ It is really important that this is completed in two weeks.
- ❖ He asked if Council needed the contracts in front of them.
- ❖ He asked if this is what they are asking for.
- ❖ He asked if a new contract would be drawn.
- ❖ He asked if this was a time-sensitive issue.

Commissioner Ralph stated she believed they did not need a new contract and stated Council would not be approving the actual contract. She stated they only make the recommendation on how to allocate the funds.



Ms. Byrnes stated to clarify they do have a contract previously approved by Council and a new one could be approved by emergency.

Commissioner Sorich asked what procedure they were going to follow.

County Attorney Joyce stated the following:

- ❖ The process for the proposals was advertised.
- ❖ The group requesting the funds did not exist at the time.
- ❖ There was an advertisement.
- ❖ There was a proposal submitted for this event.
- ❖ A new proposal is needed to ensure this group meets the requirements and guidelines.

*It was moved by Commissioner Palmer, seconded by Commissioner Moodry and passed by a unanimous verbal vote to refer Communication no. 14-270 to the Economic Development Mill Levy committee and request their recommendation back to Council and Hold it in Abeyance.*

### **SECTION 3 ORDINANCES SECOND READING**

#### **1. COUNCIL BILL NO. 14-6 ORDINANCE NO. 14-6**

AN ORDINANCE AMENDING TITLE 12 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "STREETS SIDEWALKS AND PUBLIC PLACES"; AMENDING CHAPTER 12. 12 ENTITLED "SIDEWALK MAINTENANCE", AMENDING SECTION 12.12.020; AMENDING SECTION 12.12.040; AMENDING SECTION 12.12.50; ADDING NEW SECTIONS TO BE NUMBERED 12.12.055; AMENDING SECTION 12.12.070; ADDING SECTIONS 12.12.072 AND 12.12.074; AMENDING SECTION 12.12.090 AND ADDING NEW SECTION 12.12.100, AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

Commissioner Palmer commented last week in the Judiciary Committee, the economic hardship was discussed. He stated the ordinance still reads economic hardship is a factor.

Dave Schultz stated if the ordinance is not clear, he would make it clear. He stated one has to be disabled and low income or elderly and low income. He stated it was their intent that it has to be both not just an economic hardship.

Commissioner Shaw stated her biggest concern was the enforcement of this ordinance and did not feel it could be enforced.

*It was moved by Commissioner Shaw and seconded by Commissioner Andersen that Ordinance No. 14-6 be placed on second reading and be passed, having been deemed read at length. The motion passed by a roll call vote of 7 yea and 3 nay. Commissioners Ralph, Henderson, and Shaw voted nay.*



**Emergency Suspension of the Rules: Communication Nos. 14-286 and 14-287**

**Communication No. 14-286, Ed Randall, Community Enrichment/Animal Service Department, requesting Council's authorization for the Chief Executive to sign an agreement with HRC Youth Employment and Training Program.**

Chief Executive Vincent stated this is a great program and no cost to the county. He stated this agreement needs to be moved forward.

*It was moved by Commissioner Shaw, seconded by Commissioner Henderson and passed by a unanimous verbal vote to Concur with Communication No. 14-286 and Place it on File.*

**Communication No. 14-287, Jon Sesso, Director, Butte-Silver Bow Planning Board, requesting Council's authorization for the Chief Executive to sign a grant agreement with the Montana Department of Natural Resources and Conservation.**

Mr. Sesso stated the following:

- ❖ The letter is self-explanatory.
- ❖ We need to get this job done and that is the reason it is on tonight's agenda.
- ❖ A grant was written in May.
- ❖ We are asking for your concurrence for the Chief Executive to sign the agreement.

*It was moved by Commissioner Shaw, seconded by Commissioner Moodry and passed by a unanimous verbal vote to Concur with Communication No. 14-287 and Place it on File.*

**2. COUNCIL BILL NO. 14-7  
ORDINANCE NO. 14-7**

AN ORDINANCE AMENDING BUTTE-SILVER BOW ORDINANCE NOS. 479, 564, 601, 02-7, 03-6, AND 13-7 AND TITLE 3, OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "REVENUE AND FINANCE", AMENDING CHAPTER 3.12 ENTITLED "CONTRACT PURCHASES"; AMENDING SECTIONS 3.12.002 AND 3.12.015 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

*It was moved by Commissioner Shaw and seconded by Commissioner Moodry that Ordinance No. 14-7 be placed on second reading and be passed, having been deemed read at length. The motion passed by a roll call vote of 10 yea and 0 nay.*

**SECTION 4 ORDINANCES AND RESOLUTIONS  
FINAL READING**

**1. RESOLUTION NO. 14-14**

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 THE EAST 10' OF LOT 4 IN BLOCK 3 OF THE CURTIS & MAJORS ADDITION 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 Moodry that Resolution No. 14-14 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 0 nay.*

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

None.

**ADJOURN**

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

The meeting adjourned at 8:25 p.m.

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

**ATTEST:**

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**CLERK & RECORDER**

