

MINUTES OF THE REGULAR MEETING OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS FOR AUGUST 20, 2014

The Regular Meeting of the Council of Commissioners was called to order Wednesday, August 20, 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, *absent*

Commissioner Foley, *present*

Commissioner Ralph, *absent*

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 AUGUST 6, 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 August 6, 2014.

ITEMS NOT ADDRESSED ON THE AGENDA

None.



CHIEF EXECUTIVE REPORT

Chief Executive Vincent reported the following:

- ❖ There will be a Special Meeting on August 25, 2014 to finalize the budget.
- ❖ In regards to Mr. Lynch's building, a certified letter was sent and attempted service.
- ❖ The 30-day street closure ends at the end of this week.
- ❖ A permit extension is required.
- ❖ Mr. Lynch has many requirements to meet.
- ❖ A detailed schedule will also be needed.
- ❖ It has been 50 days since it was tagged as a dangerous building.
- ❖ Mr. Nasheim is being diligent in his efforts.
- ❖ We have hired two new Community Enrichment Officers - Travis Eccleston and Bob Lazzari.
- ❖ There were over 40 applicants for the positions.

SECTION 1 BID OPENINGS COMMUNICATION NO. 14-383

DAVE SCHULTZ, DIRECTOR, BUTTE-SILVER BOW PUBLIC WORKS DEPARTMENT, REQUESTING COUNCIL'S AUTHORIZATION TO HOLD A BID OPENING ON AUGUST 20, 2014 REGARDING THE KAW AVENUE STORM WATER RE-ROUTE PROJECT.

Dave Schultz opened the following bid:

Wasley Excavating 10% Bid Bond Total Bid \$144,617.98

Chief Executive Vincent asked what the engineer's estimate was. Mr. Schultz stated it was \$145,318.01.

Commissioner Henderson thanked the Chief Executive for asking the question. He asked Mr. Schultz why there were not more bids. Mr. Schultz stated this project required a mandatory pre-bid and there were three firms who were approved for bidding.

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 have them report back to Council with a recommendation.

SECTION 2 PUBLIC HEARING COMMUNICATION NO. 14-371

DANETTE L. GLEASON, DIRECTOR, BUTTE-SILVER BOW FINANCE & BUDGET DEPARTMENT, REQUESTING COUNCIL'S AUTHORIZATION TO HOLD A PUBLIC HEARING ON AUGUST 20, 2014 REGARDING THE FY 2014-15 BUDGET.



Ms. Gleason stated the following:

- ❖ The Finance & Budget Department, Department heads, Chief Executive Vincent, and the elected officials have worked diligently to prepare the FY 2014 -15 budget.
- ❖ She handed out additional documents, updated graphs, and addendum "A".
- ❖ Butte-Silver Bow will levy 400 mils, average tax increase of \$11.28 on a \$120,000 home.
- ❖ Addendum "A" has major components to it.
- ❖ For FY 2014, Butte-Silver Bow had an average tax bill of \$1,353.00 based on a \$117,000 value home.
- ❖ Butte-Silver Bow remains below all the major counties.
- ❖ There will be an insert in the Montana Standard describing the budget.
- ❖ Only 12% of the budget is supported by tax dollars.
- ❖ The budget is an estimate of revenues and expenses.

Chief Executive Vincent opened the public hearing. He called for any proponents.

Mike Simmons stated the following:

- ❖ He is a proponent to this budget in regards to the improvements to the Copper Mountain facility.
- ❖ This can improve what needs to be done for baseball and our community.
- ❖ We can now attract tournaments.
- ❖ If the program is done correctly, we can rebuild the facility and move forward.

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

- ❖ Proponent for the budget.
- ❖ The reserves are justifiable.
- ❖ Hopes it includes money for a new study for an aquatics facility.

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

Chief Executive Vincent stated the public hearing would remain open until Monday, August 25, 2014.

SECTION 3 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 #5.

Commissioner Morgan segregated #18.

Commissioner Foley segregated the Finance & Budget Report, Section 1, 14-344.

Commissioner Andersen segregated the Personnel Committee Report, Section 2, 14-353.

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 exceptions to items 2 and 5, and Section B, Items 1 through 20, with exceptions to nos. 5 and 18

Segregation - #5, Communication No. 14-388

Jon Sesso, Director, Butte-Silver Bow Planning Board, requesting Council's authorization for the Chief Executive to sign agreements with Electronic Data Systems and ERSI.

Commissioner Shaw segregated this communication because there is no longer a contract with Electronic Data Systems.

It was moved by Commissioner Shaw, seconded by Commissioner Morgan and passed by a unanimous verbal vote to remove Electronic Data Systems from the communication and to Concur with Communication No. 14-388 and Place it on File.

Segregation - #18, Communication No. 14-402

Dave Schultz, Director, Butte-Silver Bow Public Works Department, requesting Council's authorization for the Chief Executive to sign an agreement with John Osterman to lease the Basin Creek house.

Commissioner Morgan segregated this communication to ask how this individual was picked.

Mr. Schultz stated they had been making it known the house was available for occupancy for a few months. He stated this individual is an operating engineer at Metro Sewer.

It was moved by Commissioner Morgan, seconded by Commissioner Andersen and passed by a unanimous verbal vote to Concur with Communication No. 14-402 and Place it on File.



Segregation – Finance & Budget Committee Report, Section 1, Communication No. 14-344

Danette L. Gleason, Director, Butte-Silver Bow Finance and Budget Department, requesting Council forward the preliminary 2014 – 2015 budget to the Finance & Budget Committee for discussion.

Commissioner Foley stated to Danette Gleason, Finance and Budget Director, a couple of weeks ago she had made recommendations regarding the Arco Fund, 440, and those are not listed in the addendum.

Ms. Gleason stated that was correct.

Commissioner Foley asked if she was still making the recommendations, in particular, to allocate two police vehicles out of the fund and to continue to honor the tram project with reserves remaining.

Ms. Gleason stated the following:

- ❖ In the August 6th presentation, they had discussed the capital improvement fund 440.
- ❖ In 1998, Council committed \$2.56 million as collateral out of the 440 fund for the tram project.
- ❖ In 2010, Commissioner Palmer submitted a communication and Council reconfirmed the commitment.
- ❖ Some of the funds, since, have been depleted to \$2.1 million.

Commissioner Foley stated he had asked Commissioner Palmer if he had any comments before they move forward.

Commissioner Palmer stated the tram group and the Chief Executive are meeting to try to come up with another option as they would like to keep it as it is now.

Commissioner Foley asked if there were any other comments.

Ms. Gleason stated the funds are allocated from the fines in the general fund at approximately 21% into the capital improvement fund.

A motion was made by Commissioner Foley and seconded by Commissioner Palmer to approve Addendum “A” to the 2014 – 2015 budget.

Ms. Gleason asked if the motion would include to correct how Council would like to proceed forward with the 440, \$374,000 by allowing the vehicles to come out and how they would like to move forward with the tram project.

Commissioner Foley stated that in listening to Commissioner Palmer, the concern there is if they are taking money from that fund that it will lessen the commitment to the tram project. He asked Commissioner Palmer if that was correct.



Chief Executive Vincent stated it all comes down to a commitment Council made at the \$2.56 million and they would need to make good on it or make an additional commitment.

Commissioner Palmer recommended they back it up with funds from the hard rock funds and add to the guarantee.

Chief Executive Vincent stated he is a proponent of making good on a commitment that is already on the books.

Commissioner Foley asked if right now there is one police vehicle committed in the budget. Ms. Gleason stated they have one in the general fund. She stated they had removed a vacant position and allocated one vehicle.

It was moved by Commissioner Foley, seconded by Commissioner Shaw and passed by a unanimous verbal vote to approve Addendum "A" to preliminary budget, to allocate two police officer vehicles out of the 440 based on \$69,760 general fund revenue and continue to honor the commitment to the tram project and to also allocate another 600 from economic development hard rock fund 2895 and Place on File.

Segregation – Personnel Committee Report, Section 2, Communication No. 14-353

Ronald Stormer, Director, Butte-Silver Bow Human Resources Department, requesting Council review and establish a new Butte-Silver pay plan.

Commissioner Andersen stated he had a couple of questions for Mr. Stormer. He stated there are seven recommendations in the communication basically repealing Fox Lawson and asked how this would affect the current contracts with the unions.

Mr. Stormer stated the following:

- ❖ This will not have any immediate impact with the labor agreements.
- ❖ They supersede any policy change that occurs.
- ❖ He approached it this way to repeal Fox Lawson and the accompanying pay matrix.
- ❖ There is misrepresentation and misinterpretation of what Fox Lawson is.
- ❖ The pay matrix was misinterpreted as a contract on what the steps are.
- ❖ We will go with something that is similar to the State.
- ❖ We will have databases available to us to decide on pay scales.
- ❖ This is a guideline to get us moving forward.

Commissioner Andersen asked if the new study will have this information compiled and a new communication presented to Council. Mr. Stormer stated that is the plan.

Commissioner Andersen stated he was concerned with the misunderstanding and the threats of lawsuits with Fox Lawson. He asked if this action will put the misunderstandings to rest.



Mr. Stormer stated he could not say we would get rid of the misunderstandings or animosity. He stated while working with the state he saw how that pay structure was done and it was done professionally. He added the number of appeals were minimal.

Commissioner Morgan asked if from this day until a pay structure is developed, can there be any pay changes made. Mr. Stormer stated they can make pay changes by looking into the databases they have access to now. He stated they have put together a committee for classification reviews and it can be handled while they are building a pay philosophy.

It was moved by Commissioner McDonough and seconded by Commissioner Moodry to approve the adoption of the new policy and Place It on File.

Commissioner Morgan stated a point of clarification by stating this is not a policy they are being asked to adopt but rather allowing Mr. Stormer to look at a new policy.

Commissioner Fisher asked what about those who have benefitted from Fox Lawson and now it has to be curtailed. He asked if they were doing the right thing.

Mr. Stormer stated Fox Lawson was good work and gave them a baseline. He stated it was his feeling that it is best to move forward. He also stated there were employees that were left behind and they are his current focus.

Commissioner Sorich asked what areas would be used in the benchmarking. Mr. Stormer stated there are three databases the state uses; a Northwest database, a database strictly bordering Montana and a database that is nation-wide.

It was moved by Commissioner Morgan, seconded by Commissioner Andersen and passed by a unanimous verbal vote to Concur with Communication No. 14-353 and Place It on File.

SECTION 4 COMMUNICATIONS TO BE READ AND ACTED UPON

14-389 Mark Kambich, Chairman, Butte-Silver Bow Weed Board, requesting Council's authorization for staff salary increases for FY 2014-15.

Mark Kambich, Chairman, Weed Board stated the letter he had submitted was self-explanatory. He stated two of the board members were present; Scott Hefner and Jeanne Caddy.

Mr. Kambich also stated they really need to speak on the budget regarding this issue.

Commissioner Morgan asked if there had been any type of wage comparisons that would justify a wage increase. Mr. Kambich stated that in the packet given to Council, on the final page, there were comparisons with the counties in Southwest Montana.

Commissioner Shaw stated she would like to call on Mr. Stormer.



Mr. Stormer stated the following:

- ❖ They actually had a classification appeal from the Weed Control Department.
- ❖ At that time, they did not have enough information to act.
- ❖ This communication allowed him to research comparisons with neighboring counties.
- ❖ With exception to Gallatin County, Butte-Silver Bow's Weed Department is over the market.

John Moodry, Weed Supervisor, Weed Department, stated the following:

- ❖ He agrees with Mr. Stormer's evaluation.
- ❖ One issue being overlooked is we are a consolidated government.
- ❖ None of the others do weed control in the municipalities.
- ❖ In regards to Commissioner Morgan's question, the Weed Board came up with the wage increases by using the current Butte-Silver Bow wage scale.

Commissioner Fisher stated he noticed these are hourly rates they are being compared to and asked if they were hourly or salary.

Mr. Moodry stated they are exempt employees and therefore salary.

Commissioner Fisher asked if they were not comparing this fairly by comparing hourly and not salary.

Commissioner Henderson asked if other counties do not enforce out of control weeds and what do other cities do that is so different from our weed department.

Mr. Moodry stated the following:

- ❖ All other counties have a county weed district and only take care of the counties and not the municipalities.
- ❖ Because we are consolidated, we have to do county and municipality.

Commissioner Henderson stated Butte-Silver Bow is the smallest county and asked if there are those who get paid more because they are bigger.

Mr. Moodry stated they are actually paid on what their mill levies are. He stated Butte-Silver Bow has more highways, federal lands and private lands than any other county in Montana.

Commissioner Sorich asked if Mr. Moodry was saying the other counties don't go inside the city limits, and if not, who does. Mr. Moodry stated it varies with some counties using their Parks Departments or their Road Departments.

Commissioner Shaw stated when she spoke with Mr. Moodry he explained about special revenues and not using budget monies for the wage increases. Mr. Moodry stated he based this on their historical fund balances and what they carry over. He stated the Weed Board can carry



funds forward into sub-sequential years and they have been trying to increase salaries since 2005.

Commissioner Shaw stated she also thought the special revenues were used primarily for equipment replacement and maintenance. Mr. Moodry stated this is correct. He stated they replace their equipment through the special revenues and do not use tax dollars.

Commissioner Sorich explained he was not an HR expert and would ask Mr. Stormer what his recommendation is. Mr. Stormer stated his worry in doing this is they will skew the market base salary structure and the weed personnel are either at or above the market scale currently.

Commissioner Fisher stated he would like to comment that he does understand when you have a board made up of individuals giving their recommendation and that it should send Council a message to take heed and follow their recommendation.

Scott Hefner, Vice Chairman, Weed Board, stated they are not offering the raises because they just like them but to give it to them to retain them as employees.

He stated they have an adopted ordinance to do in-town vegetation control. He also stated if they compare with other county employees to other's salaries, then these employees should have that comparison, too. He explained some counties do not have ordinances dealing with unsightly vegetation.

Commissioner Palmer stated he had a question for Finance and Budget Director Danette Gleason. He asked if the fund can balance and carry over monies to be used for wages.

Ms. Gleason stated she would have to look into that because it has always been used for capital.

Commissioner Palmer asked if we are throwing away Fox Lawson and starting over, and we receive a recommendation from a board, could the funds be looked over and could they be used for raises.

Commissioner Morgan stated the following:

- ❖ This is a topic which is hard to talk about.
- ❖ With raises, you have to be justified to receive them.
- ❖ We have to answer to the taxpayers.
- ❖ It is good to use data with a defined answer.
- ❖ There are right ways to go about this.

Ms. Gleason stated she agreed with Commissioner Morgan and they need to rely on HR. She stated the budget prepared is based on a county-wide budget and does not segregate any department. She also stated the Weed Department does receive tax dollars and positions should be evaluated by the HR Department.



Mr. Hefner stated the other thing not addressed is their employees were getting paid these amounts before Ordinance 196 and more duties were dedicated to them without additional pay.

Commissioner Foley stated the following:

- ❖ This is a difficult situation.
- ❖ Regarding ages, it comes down to what can be afforded.
- ❖ County employees are well paid.
- ❖ The Road Department is constantly being hit with more demands, as well.
- ❖ The reality is we are a consolidated government.

Commissioner Moodry asked to abstain from the vote as his brother is John Moodry.

Commissioner Shaw stated she appreciates all the Weed Department does and she defers to the HR Department and its recommendation. She stated Council is not experts on salaries and do not generally approve increases.

Commissioner Fisher stated this request came from a unanimous board asking Council to approve this. He stated if they feel the employees deserve the raises, Council should grant them.

It was moved by Commissioner Foley, seconded by Commissioner McDonough and passed by a roll call vote of 8 yea and 1 nay to deny Communication No. 14-389 and Place it on File. Commissioner Fisher voted nay.

SECTION 5 ORDINANCES AND RESOLUTIONS REFERRED TO JUDICIARY

1. RESOLUTION NO. 14-21

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 LOT 7 IN THE BLOCK 7 OF THE NOYES AND UPTON RAILROAD NO. 2 ADDITION TO THE CITY AND COUNTY OF BUTTE-SILVER BOW MONTANA, PARCEL # 1297100 TO THE ADJOINING OWNER PURSUANT TO POLICIES ADOPTED BY THE COUNCIL OF COMMISSIONERS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION 6 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 10 yea and 0 nay to suspend the rules for the purpose of passing Council Resolution No. 14-20 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. 14-20

A RESOLUTION DIRECTING THE BUTTE-SILVER BOW LAND RECORDS DEPARTMENT TO MAIL NOTICE OF PENDING TAX DEED ISSUANCE TO ALL PERSONS CONSIDERED INTERESTED PARTIES FOR EACH PROPERTY FOR WHICH THERE HAS BEEN ISSUED A TAX CERTIFICATE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 15-18-212, MCA; FURTHER DIRECTING THE TREASURER TO ISSUE A TAX DEED FOR THOSE PARCELS OF PROPERTY WHERE THERE HAS BEEN ISSUED A TAX CERTIFICATE AND THE EXPIRATION DATE OF THE REDEMPTION PERIOD HAS EXPIRED AND THE REQUIRED PAYMENTS HAVE NOT BEEN MADE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

Commissioner Palmer asked how many of the properties that are getting notices are on the abatement properties list. Chief Executive Vincent stated he was not sure but he would find out.

It was moved by Commissioner Shaw and seconded by Commissioner Morgan that Resolution No. 14-20 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 Morgan and passed with a unanimous verbal vote to Rise to the Call of the Chair.

The meeting adjourned at 9:05 p.m.

MATT VINCENT
CHIEF EXECUTIVE

ATTEST:

CLERK & RECORDER

