

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

The Regular Meeting of the Council of Commissioners was called to order Wednesday, November 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 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
Colleen Safratowich, Deputy Clerk & Recorder
Kareniesa Kohn, Council Secretary

PRAYER

Commissioner Henderson said the prayer.

PUBLIC COMMENT ON ANY ITEMS ON THE CONSENT AGENDA

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

- ❖ In regards to Communication No. 14-540.
- ❖ Mr. Jarvis has requested to give a presentation on national heritage areas.
- ❖ He hopes he will explain the difference between a national heritage area and a national heritage park.
- ❖ The festival goes do not stop, stay and spend in Butte.
- ❖ How to increase customer flow is the question.
- ❖ Please note 63% of out of town visitors come to see national parks.
- ❖ 65% attracted by city driving and spectacular viewing.
- ❖ Why are we not taking inventory of the assets to Butte-Silver Bow and focusing on economic development?
- ❖ Asking for Council to expedite Communication No. 14-540.



APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF NOVEMBER 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 November 5, 2014.

ITEMS NOT ADDRESSED ON THE AGENDA

None.

**SECTION 1 PUBLIC HEARING
COMMUNICATION NO. 14-506**

KAREN SULLIVAN, HEALTH OFFICER, BUTTE-SILVER BOW HEALTH DEPARTMENT, REQUESTING COUNCIL'S AUTHORIZATION TO HOLD A PUBLIC HEARING ON NOVEMBER 19, 2014 REGARDING UNANTICIPATED REVENUE IN THE FORM OF A GRANT FROM THE MONTANA DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES.

Ms. Sullivan stated the following:

- ❖ This will allow Butte-Silver Bow to hire a 1/2 time nurse.
- ❖ There is strong evidence for the use of home-based healthcare regarding asthma.
- ❖ In 2010, work was started to begin a home-visit program.
- ❖ 0-17 are eligible participants.
- ❖ All participants would receive a mattress, pillows, and a notebook to log.
- ❖ In December 2013, 53 children in Montana have completed the program.
- ❖ Participants have had fewer emergency room visits and sick days from school.
- ❖ This is evidence based and shown to work.

Chief Executive Vincent opened the public hearing. He called for any proponents. There were none.

Chief Executive Vincent called for any opponents. There were none. Chief Executive Vincent closed the public hearing.

**SECTION 2 BID OPENING
COMMUNICATION NO. 14-512**

DAVE SCHULTZ, DIRECTOR, BUTTE-SILVER BOW PUBLIC WORKS DEPARTMENT, REQUESTING COUNCIL'S AUTHORIZATION FOR A BID OPENING ON NOVEMBER 19, 2014 FOR EARTHWORK AT BASIN CREEK WATER TREATMENT PLANT.



Mr. Schultz opened the following bids:

Mungas Co., Inc.	Total Bid \$79,850.00
T&T Contracting	Total Bid \$92,580.00
Smith Contracting	Total Bid \$116,450.00
A. M. Welles	Total Bid \$74,900.00
H&H Contracting	Total Bid \$129,000.00
Pumco, Inc.	Total Bid \$113,300.00

Mr. Schultz stated the engineer's estimate was \$150,000.00

It was moved by Commissioner Shaw, seconded by Commissioner Morgan to refer the bids to the Public Works Department and await a recommendation back to Council.

SECTION 3 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

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 #21.

Commissioner Andersen segregated #6.

Commissioner Foley segregated #20.

Commissioner Henderson segregated #9.

Commissioner Fisher segregated nos. 5, 12, 23, 27, and 28.

Commissioner Morgan segregated #17.

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 4, and Section B, Items 1 through 35, with exception to nos. 5, 6, 9, 12, 17, 20, 21, 23, 27, and 28.



Segregation - #6, Communication No. 14-530

E. Jay Ellington, Director of Butte-Silver Bow Parks & Recreation Department, requesting Council's authorization for the Chief Executive to sign an operating agreement with Mainstreet Uptown Butte regarding the Montana Folk Festival.

Commissioner Andersen stated he would like the public comment regarding this communication to be called for.

Robin Jordan, 941 S. Main, Butte, stated the following:

- ❖ We need to support our Folk Festival.
- ❖ The National Festival was a success.
- ❖ The Montana Folk Festival started and it was better than the National.

Tom Staples, 951 Caledonia, Butte, stated the following:

- ❖ President of Mainstreet Uptown Butte.
- ❖ Asking for approval of the operating agreement.
- ❖ Previously agreed to and approved in the past.
- ❖ Only interested in a 3 year operating agreement.
- ❖ Appreciative and thankful for the partnership with Butte-Silver Bow.
- ❖ Urged Council's concurrence.

Courtney McKee, 2714 Edwards, Butte, stated the following:

- ❖ In support of the Montana Folk Festival and operating agreement.
- ❖ It is important to acknowledge the intangibles this creates for Butte.
- ❖ It is a shining weekend for Butte.
- ❖ It adds direct value to the community.

Ray Campeau, Bozeman, stated the following:

- ❖ This gets the best advertising in Bozeman.
- ❖ People come to Bozeman to visit and go to the Montana Folk Festival.
- ❖ He hopes this receives the support it needs to continue.

Lynn Heinz, 1010 Nevada, Butte, stated the following:

- ❖ Volunteer for the Montana Folk Festival.
- ❖ Urge Council's support on this agreement.
- ❖ This impacts more than just our community.
- ❖ International people speak of the festival.
- ❖ Butte has continued to step up to the plate regarding this festival.



Keith Siefert, 730 W Galena, Butte, stated the following:

- ❖ Encourage Council to support this agreement.
- ❖ People do stop and spend their money here.
- ❖ They plan their trip in Montana around this event.
- ❖ He grew up in Billings and Butte has a reputation.
- ❖ The Montana Folk Festival is changing that reputation around Butte.

R. Holman, 1107 W Mercury, Butte, stated the following:

- ❖ Member of the Mainstreet Board.
- ❖ Encourage Council to approve this operating agreement.
- ❖ 80% of last year's attendees stated they were coming back.

Nancy M., 924 W Quartz, Butte, stated the following:

- ❖ Lived in Missoula for 2 years.
- ❖ Only time she was in Butte before was for the Montana Folk Festival.
- ❖ This attracted her to move to Butte.

Commissioner Andersen stated the following:

- ❖ He has worked as a Montana Ambassador.
- ❖ This brings people to Butte.
- ❖ This is good for the community and the airport.
- ❖ This is changing the way Butte is viewed.
- ❖ He had a call from a constituent who said it was hard on him as an entertainer.
- ❖ He concurs with the agreement.

Commissioner Henderson stated the following:

- ❖ He is sure everyone loves the festivals.
- ❖ He has asked for the financial statements and to date has not received them.
- ❖ He asked Public Works Department months ago for a statement of in-kind dollars and has not received it yet.
- ❖ Council is held responsible for the dollars spent.
- ❖ This always gets to the point of the last minute.

Commissioner Morgan stated he had a problem with the term "mutually produced" in the operating agreement. He stated Butte-Silver Bow does not produce festivals and asked if Commissioner Andersen would agree with the change.

Commissioner Fisher stated they all support the festival but he is concerned with the language in the agreement. He stated the agreement is a 10-year agreement and he does not approve of this. He also stated the money being spent on all the festivals should be laid out in a simpler form.



Commissioner Shaw stated she agreed this is the premier event of the tourism season and there should be a boiler plate of our agreements.

Chief Executive Vincent stated the following:

- ❖ In response to Commissioners Fisher and Henderson, we have heard you.
- ❖ Mr. Ellington is working on a comprehensive analysis on the festivals.
- ❖ It will have everything being asked for.
- ❖ We cannot get a better ROI for what our community gets from this.
- ❖ In full support of financial transparency.
- ❖ Montana Folk Festival is a good marketing plan for the community right now.

Commissioner Foley stated the following:

- ❖ He sent an email to Mr. Ellington.
- ❖ There is another section in the agreement that should be altered, too.
- ❖ We need to stress what Commissioners Fisher and Henderson said.
- ❖ He disagrees with Chief Executive Vincent on the money that has been spent by Butte-Silver Bow has been documented.
- ❖ This does take a financial commitment from Butte-Silver Bow.
- ❖ We want more than festivals in regards to economic development for our community.
- ❖ He would like to stress to everyone that it will take more than festivals for economic development for Butte.

Chief Executive Vincent stated he fully supports and agrees with Commissioner Foley.

Commissioner Henderson stated they all love the festivals but he cannot vote for this if he does not know and does not have the accountability.

Commissioner Fisher asked if this was a 10 year or 3 year agreement. Chief Executive Vincent said it is a 3 year agreement.

Commissioner Fisher stated this needs approval today to allow time to solicit sponsors. If this be the case, maybe this should have been put forth sooner.

Chief Executive Vincent duly noted Commissioner Fisher's comment.

It was moved by Commissioner Andersen, seconded by Commissioner Ralph and passed by a roll call vote of 11 yea and 1 nay to change "mutually produced" to "support the Montana Folk Festival" and Concur with Communication No. 14-530 and Place it on File. Commissioner Henderson voted nay.

Segregation - #5, Communication No. 14-529

Ronald Stormer, Director, Butte-Silver Bow Human Resources Department, requesting Council's authorization for a retroactive wage increase for Marty Alexander.



Commissioner Fisher stated he had concerns with hiring an apprentice carpenter. He stated he was not sure if both requests should have been on one communication.

Chief Executive Vincent stated Commissioner Fisher's comments were duly noted and stated the communication had been referred to the Personnel Committee.

Commissioner Moodry asked County Attorney Joyce if they would like to expedite this, should this be in the form of two communications. County Attorney Joyce stated the communication had been submitted as one and the recommendation is refer it to the Personnel Committee.

Commissioner Moodry stated if they are in agreement with the age increase but not the hiring of an apprentice carpenter, they would have to deny the whole communication.

Chief Executive Vincent stated it is a valid concern and they are not committed to hiring another employee. He stated he trusted Mr. Stormer would not have done this without good reason.

Commissioner Moodry stated in the language it could be construed the only action to take would be to approve the retroactive wage increase. He stated he would look for a second communication and recommendation from Mr. Stormer.

Commissioner Ralph stated they are reading too much into this. She stated it is asking for the retroactive wage increase.

It was moved by Commissioner Ralph and seconded by Commissioner Walker to concur with the communication and place it on file.

Commissioner Morgan stated this should go to the Personnel Committee to follow the procedure. He asked if the 2.5% is awarded does that stop negotiations for 2 years.

Chief Executive Vincent stated this is the second year of a 2 year contract reached in good-faith. He stated it does not allow for negotiations.

Commissioner Morgan stated he was concerned with the possibility of more being negotiated later and this process does not seem right.

Chief Executive Vincent stated he appreciated the dialog but it should be sent to the Personnel Committee.

Commissioner Andersen stated the wage increase would be 2.5% and 2% because that was the COLA given to every employee. He stated he does not understand why this was not automatically done.

Chief Executive Vincent stated this was only a retroactive wage.



Commissioner Fisher stated he concurred with Commissioner Morgan to refer this to the Personnel Committee.

A sub-motion was made by Commissioner Morgan, seconded by Commissioner Henderson and passed by a verbal vote of 11 yea and 1 nay to refer Communication No. 14-529 to the Personnel Committee. Commissioner Andersen voted nay.

Segregation - #9, Communication No. 14-533

Karen Byrnes, Director, Butte-Silver Bow Community Development Department, requesting Council's authorization for the Chief Executive to sign an agreement with the Petunia Factory.

Commissioner Henderson stated he had a few questions. He asked if this was the same person from the past few years.

Kristen Rosa, Administrator, Tax Increment Financing Industrial District (TIFID), stated the Petunia Factory has done this before. She stated an RFQ was placed and the Petunia Factory was the only bidder.

Commissioner Henderson asked if another individual had done the watering. Ms. Rosa stated Norm Deneal did the watering.

It was moved by Commissioner Henderson, seconded by Commissioner Morgan and passed by a unanimous verbal vote to Concur with Communication No. 14-533 and Place it on File.

Segregation - #12, Communication No. 14-536

Linda Sajor, Manager, Butte-Silver Bow Information Technology and Services, requesting Council's authorization for the Chief Executive to sign an agreement with S&K Global Solutions.

Commissioner Fisher stated he was concerned with the start date and this having to do with the phone systems. He stated he wanted to make certain they are not crossing paths with the recommendations given previously.

Danette L. Gleason, Director, Butte-Silver Bow Finance and Budget Department, stated this contract is 3 weeks away but it would be several months before plans will be coming before Council. She stated this contract allows for continuity.

It was moved by Commissioner Fisher, seconded by Commissioner Shaw and passed by a unanimous verbal vote to Concur with Communication No. 14-536 and Place it on File.



Segregation - #17, Communication No. 14-541

Karen Sullivan, Health Officer, Butte-Silver Bow Health Department, requesting Council's authorization for the Chief Executive to sign an agreement with the Montana Department of Public Health regarding the Montana Asthma Home Visiting Project.

Commissioner Morgan stated the following:

- ❖ The first page says it covers July 1, 2013 through June 30, 2019.
- ❖ This contradicts the communication.
- ❖ The letter says it is effective December 1, 2014 through June 30, 2015.
- ❖ The task order number is different.
- ❖ Not sure how Council can approve this.

Ms. Sullivan asked Commissioner Morgan to read the last part again. Commissioner Morgan stated the contract has a different task order and number. He stated it says it covers July 1, 2012 through June 30, 2019 and that he is confused by this.

Commissioner Ralph stated the term of the task order is December 1, 2014 through June 30, 2015.

Ms. Sullivan stated the contract is a continuation of work dependent on grant funding. She stated it ends on June 30, 2015 and the monies are contingent on continuing funding. She also stated she will ask the State to clarify the language in the heading.

Commissioner Morgan stated that is his only concern with the contracts and that they really need to watch for this. He stated he was not sure if they could approve it in its current form.

It was moved by Commissioner Morgan, seconded by Commissioner Henderson and passed by a unanimous verbal vote to hold Communication No. 14-541 in the Committee of the Whole.

Segregation - #20, Communication No. 14-544

Danette L. Gleason, Director, Butte-Silver Bow Finance and Budget Department, requesting Council's approval and adoption of procedures, regarding services from Dorsey & Whitney, LLP, through a resolution.

Commissioner Foley stated Ms. Gleason had asked for time to explain the details to Council.

Ms. Gleason stated the following:

- ❖ This has significant importance to the Finance and Budget Department, as well as the Chief Executive's Office and the rest of the county.
- ❖ There are several procedures Council is being asked to adopt by way of a resolution.
- ❖ The Exchange Act states Butte-Silver Bow commits to providing continuing disclosure.
- ❖ Butte-Silver Bow states it will comply by dates in the resolution.



- ❖ This is critical and necessary.
- ❖ There are continuing disclosure requirements in our bonds.
- ❖ In the resolutions, there are statements regarding continuing disclosure.
- ❖ A couple of weeks ago, it was brought before Council a retainer agreement with Dorsey Whitney.
- ❖ They were to review the continuing disclosure requirements.
- ❖ November 15th is the due date for the financial statement of the Water Division Bond.
- ❖ We failed to meet the disclosure requirement on this bond and it was de-rated.
- ❖ We have not met continuing disclosure requirements for posting publicly since 2010.
- ❖ Our underwriters had to report any bond issues regarding bond disclosure requirements.
- ❖ We were notified by one underwriter that a bond had been missed and we were lucky we did not face sanctions by the SEC.
- ❖ This is serious as we need to meet our continuing disclosure requirements.
- ❖ We have some issues we need to report.
- ❖ We need to get ourselves back into compliance.
- ❖ Annual training is needed.
- ❖ The Bond Council has given us a list of procedures.
- ❖ We are addressing these issues and addressing how it will not happen again.
- ❖ The financial reporting and disclosure is serious.
- ❖ We are looking at possible higher interest rates.
- ❖ In 2011, we were notified we had not met our requirements.
- ❖ Does not know how this will affect us in the future.
- ❖ This needed to be brought to Council's attention.

Commissioner Shaw asked how this will affect our rating. Ms. Gleason stated it already has. She stated the Water Company bonds have a different rate on them and the Bond Council is looking through it now.

Chief Executive Vincent stated he could not thank Ms. Gleason enough for discovering this.

Commissioner McDonough asked Ms. Gleason if she could clarify for the record what year Butte-Silver Bow fell out of compliance.

Ms. Gleason stated the following:

- ❖ Audits between 2007-2013 were not completed on time.
- ❖ The most significant in the "EMMA" site.
- ❖ Butte-Silver Bow was only current for 2010 on a couple of bonds.
- ❖ Each individual statement has to be uploaded to the site.
- ❖ Some information from 2007-2010 is missing.
- ❖ It is currently being reviewed and updated.

Commissioner McDonough asked if Butte-Silver Bow's bond rating has been affected, has there been an approximation in how much this is costing in interest rates to Butte-Silver Bow.



Ms. Gleason stated it impacts our future ratings and future bond issues.

Commissioner McDonough asked what position is responsible for these oversights. Ms. Gleason stated that as of today, as Finance and Budget Director, she is responsible, according to Butte-Silver Bow procedures.

Commissioner McDonough stated the following:

- ❖ Ms. Gleason is working hard to clean this up.
- ❖ This should have been the responsibility of the former Finance and Budget Director.
- ❖ This should be on the record that this has not been done accurately or correctly.
- ❖ This reflects poorly.

Chief Executive Vincent called a point of order on Commissioner McDonough. He stated he appreciated what he was saying and he appreciates Ms. Gleason for bringing this to their attention.

Ms. Gleason stated the procedures before them should be noted as important and that it is important to meet continuing disclosure.

Commissioner Andersen asked if the Water Bond due on November 15th was corrected. Ms. Gleason stated the Water Company financial statements were completed and filed on November 14th.

Commissioner Andersen asked with the budget cycle, could they work with bond companies on the dates to push them further back. Ms. Gleason stated the water bond is more of a legacy from 1992 or 1993. She stated the current refunding issue does push the date out.

Commissioner Foley thanked Ms. Gleason on behalf of the Council.

It was moved by Commissioner Foley, seconded by Commissioner Morgan and passed by a unanimous verbal vote to Concur with Communication No. 14-544 and Place it on File.

Segregation - #21, Communication No. 14-545

Chief Executive Matt Vincent, requesting Council's concurrence of a Memorandum of Understanding with Montana Resources, LLP in establishing funding for a wood stove change-out program.

Commissioner Shaw stated they have heard quite a bit on this and has invited Paul Riley to answer any questions Council may have.

Mr. Riley stated this is a progressive step for the community and it would give better evaluation and enhance the air quality.



Commissioner Shaw asked how they would know who to approach. Mr. Riley stated they have studied the last two burning seasons. He stated the Greely area has the highest values with East Middle School and Clarks Park with the second highest.

Commissioner Shaw asked if a commissioner had a concern in a specific area, could they call him. Mr. Riley answered yes. He stated the program was in its infancy stage and any input from the commissioners would be helpful.

Commissioner Sorich asked if Mr. Riley saw fruition in this program this winter. Mr. Riley stated no and they are looking at actually changing out stoves in a year.

Commissioner Palmer asked if there was the possibility of an incentive to get rid of your woodstove and then to have help with the utility bill. Mr. Riley stated that is a great idea and they have had discussions that would involve NorthWestern Energy. He stated they are trying to make it a group effort.

Commissioner Morgan asked if this would be a contract employee. Chief Executive Vincent stated the best way to disclose this is a 2-year period position. He stated Mr. Riley has been working hard to get them to understand the wood smoke issues and MRI has stepped up to be a generous partner in this program.

Tim with Montana Resources stated the following:

- ❖ On behalf of MRI, they are excited about the program.
- ❖ They hope their contribution will help to get the right person for this program.

Commissioner Andersen stated the following:

- ❖ This will definitely benefit the community.
- ❖ He has had lung issues recently and this will help.
- ❖ He would like to mention previous commissioner Terry Schultz on the endeavor of this program.

It was moved by Commissioner Shaw, seconded by Commissioner Moodry and passed by a unanimous verbal vote to Concur with Communication No. 14-545 and Place it on File.

Segregation - #23, Communication No. 14-547

R. Edward Banderob, 2601 Grand Ave, Butte, MT., suggesting an amendment be added to proposed Ordinance No. 14-8.

Commissioner Fisher stated the following:

- ❖ This has become out of hand.
- ❖ He thought they were on track in the beginning.
- ❖ Now they have people from Great Falls here and having extensive meetings.
- ❖ He would like to see this go back to where they started.



Commissioner Moodry stated the following:

- ❖ He concurs with Commissioner Fisher.
- ❖ They are trying to re-invent the wheel with this.
- ❖ He does not understand the red-line and it seems convoluted.
- ❖ This is a great idea in general.
- ❖ It does not need all the guidelines.

Commissioner Shaw stated the following:

- ❖ She went to the presentation with the Great Falls group.
- ❖ It reconfirmed for her that Butte-Silver Bow is a much smaller community.
- ❖ She went to a 5-man town hall meeting tonight.
- ❖ They did not have to go through this process to have a meeting.

Commissioner Palmer stated he agreed with all the comments and the original proposal for this was simple and what the Great Falls people suggested would not work for this community.

Commissioner Sorich stated Commissioner Shaw is correct. He stated the communication was for an amendment only and asked the County Attorney if they were out of line to be debating this at this time.

County Attorney Joyce stated the communication is requesting an amendment to the ordinance in the Judiciary Committee. She stated it is okay to speak on it because it is on the agenda. She also stated that to deny this communication does not affect the Judiciary Committee.

Commissioner Andersen stated he would like to call on Mr. Banderob to speak.

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

- ❖ The 15 page redline is not his proposal.
- ❖ It came from the Community Development Officer.
- ❖ It had nothing to do with what was determined at the listening sessions.
- ❖ There were 3 listening sessions.
- ❖ All they have asked for is a procedure to get to the final redline.
- ❖ This amendment is directed at the original draft.

Commissioner Shaw called for a point of order. She stated they needed to get back on track and the communication needed to address not the history of the situation.

A motion was made by Commissioner Fisher and seconded by Commissioner Morgan to Deny Communication No. 14-547 and Place it on File.

A sub-motion was made by Commissioner Andersen, seconded by Commissioner Ralph and failed by a roll call vote of 5 yea and 7 nay to refer Communication No. 14-547 to the Judiciary Committee. Commissioners Ralph, Andersen, Walker, Palmer, and Foley voted yea.



A motion was made by Commissioner Fisher, seconded by Commissioner Morgan and passed by a roll call vote of 7 yea and 5 nay to Deny Communication No. 14-547 and Place it on File. Commissioners Sorich, Moodry, Fisher, Henderson, McDonough, Shaw, and Morgan voted yea.

Segregation - #27, Communication No. 14-551

Dave Schultz, Director, Butte-Silver Bow Public Works Department, requesting Council's authorization to sign an amendment to an agreement with AWARE, Inc.

Commissioner Fisher stated he did not feel the recycling department was AWARE'S biggest asset and was not sure if they could handle this.

Chief Executive Vincent stated Dave Schultz might be able to explain what this is about.

Mr. Schultz stated the following:

- ❖ This is a pilot program.
- ❖ AWARE is in the process of becoming a regional recycling program.
- ❖ Pickup would be weekly.
- ❖ 800 homes would be part of the pilot program.
- ❖ Upon approval, this will begin in July 2015.

Terry Harrington, 1911 Farragut, stated the following:

- ❖ This program is a pilot program for feasibility.
- ❖ About 5 tons can be processed currently per day.
- ❖ Over the next 6 months, we will be looking at the volumes.
- ❖ This program is something they feel they can do.

Commissioner Morgan stated he has been called about the bins at Hillcrest and has received comments the area is not kept clean.

Mr. Harrington stated that is a different process for that site and two others. He stated it is a success where it is overused and they are trying to keep up. He also stated this pilot program would have McGree picking up the recyclables.

Commissioner Morgan stated this sheds light on the community's perception of recycling.

Mr. Harrington stated they are getting better at working together and their focus is on getting everything picked up.

Commissioner Moodry stated the following:

- ❖ Having been a neighbor on Arizona Street, he is concerned with the facility being able to handle this pilot program.
- ❖ The community is watching this.
- ❖ It cannot encumber the neighbors on that street.



Commissioner Fisher stated the following:

- ❖ He concurs with Commissioner Moodry.
- ❖ It is a blighted neighborhood already.
- ❖ He is not certain the facility can handle this.
- ❖ It might be better to start a pilot program in the summer.

Commissioner Henderson asked Mr. Schultz if they would pay lower than \$6.50 per month for this service or will it hold steady and he is hearing they should not be rocking the boat.

Mr. Schultz stated the following:

- ❖ The short answer is no, prices will not stay the same.
- ❖ \$6.50 per month is below the cost of what is in the agreement with McGree.
- ❖ It should be \$8.50-\$9 per month.
- ❖ Costs will go up.
- ❖ He suspects there will be savings with standardized containers.
- ❖ They will save money with a collection contract.
- ❖ The pilot program will need to be complete for the final costs to be determined.
- ❖ This will provide them with a cleaner community.
- ❖ They will save space in the landfill.

Giao Hoang, Public Works Department, stated the following:

- ❖ They have two issues – solid waste and recycling.
- ❖ They are not breaking even at the landfill.
- ❖ Out of county people are using the landfill because it is cheaper.
- ❖ She would recommend Council to visit the AWARE facility.
- ❖ The system is efficient.
- ❖ AWARE can handle 18 tons per week.

Mr. Schultz added they are in the process of handling the complaints regarding the recycling at NCAT and they are looking at installing a fence around the area.

Commissioner Sorich stated he had concerns about the volume and asked how they would know if the program was a success or failure. Mr. Schultz stated they would collect data and that would allow them to determine the cost of a city wide program and they would implement the program only if the data says they can handle this.

Commissioner Fisher asked if they were subsidizing the garbage contract. Mr. Schultz said there were two components that form the landfill which are the solid fees and the collection fees. He stated the collection revenue does not cover the costs.

Commissioner Fisher said they were now mixing apples and oranges. He asked if this was another study because the word “data” makes it sound like it is.



Mr. Schultz stated it was not another study but a program where they are collecting garbage and recyclables to determine if this will work.

Chief Executive Vincent stated they are measuring twice and cutting once.

Commissioner McDonough asked if there was a way to lease 40 yard dumpsters for the sites at Platinum and Excelsior.

Chief Executive Vincent told Commissioner McDonough he was out of order and his question is duly noted. He stated they needed to address the issues and that they are speaking on the pilot program. He also stated they needed to move this along.

Commissioner Foley stated the following:

- ❖ He has similar concerns as those of Commissioner McDonough.
- ❖ It goes to education of the community of this program.
- ❖ This is 2014 and they are talking like they live in the 1950's.
- ❖ The reality is, life needs to change and it is a pilot program.

It was moved by Commissioner Foley, seconded by Commissioner Andersen, and passed by a vote of 10 yea and 2 nay to Concur with Communication No. 14-551 and Place it on File Contingent to Communication No. 14-552 passing. Commissioners Henderson and Fisher voted nay.

Segregation - #28, Communication No. 14-552

Dave Schultz, Director, Butte-Silver Bow Public Works Department, requesting Council's authorization to sign an amendment to an agreement with McGree Corporation.

Commissioner Fisher stated they have excellent garbage service and fees and people should only recycle if they choose to.

Mr. Schultz stated the following:

- ❖ This agreement creates the framework for the pilot program.
- ❖ The amendment provides for the purchase of the needed equipment.
- ❖ \$89,900 is the total cost with \$47,000 being for the carts.
- ❖ This will result in 800 homes being equipped.
- ❖ They will position their carts for garbage and recycling pickup.

Commissioner Fisher stated to Council they heard him say it is almost \$90,000 for 800 homes. He asked them to do the math if you have 12,000 homes and that would make it more than \$6 per month.



Commissioner Shaw asked if the costs would be absorbed as it is already in the budget for the landfill. Mr. Schultz stated this was correct and they might end up with less personnel in the end.

Commissioner Henderson asked if McGree's was going to lose an employee. Mr. Schultz stated the McGree's could better address the question.

Representative of McGree (name was not given at meeting) stated the following:

- ❖ There would be half the amount of employees needed.
- ❖ The other half would be used elsewhere.
- ❖ They might lose a job or two because of the efficiency of the automated system.

Commissioner Ralph asked if people did not want to participate would they be forced to. Mr. Schultz stated it was a completely volunteer program.

Commissioner Fisher stated he realized it is a volunteer program but the garbage does require the container, too and they are buying both regardless.

It was moved by Commissioner Palmer, seconded by Commissioner Andersen and passed by a vote of 10 yea and 2 nay to Concur with Communication No. 14-552 and Place it on File. Commissioners Henderson and Fisher voted nay.

SECTION 4 ORDINANCES AND RESOLUTIONS REFERRED TO JUDICIARY

1. COUNCIL BILL NO. 14-15 ORDINANCE NO. 14-15

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"; AND SECTION 10.32.010 A. URBAN AREA (a) (11); ESTABLISHING STOP SIGNS ON THE NORTH AND SOUTH CORNERS OF ALBANY AVENUE AT THE INTERSECTION OF ALBANY AVENUE AND EAST LAKE DRIVE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2. COUNCIL BILL NO. 14-16 ORDINANCE NO. 14-16

AN ORDINANCE AMENDING CHAPTER 10.24 OF SECTION 4 OF THE BUTTE-SILVER BOW ORDINANCE NO. 204, ENTITLED "TRAFFIC CONTROL DEVICES" AND SPECIFICALLY REPEALING SECTION 10.24.160 SUBSECTION 39 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "TRAFFIC CONTROL SIGNALS - LOCATION"; BY DELETING THE TRAFFIC CONTROL SIGNAL LOCATED AT THE INTERSECTION OF PLATINUM STREET AND EXCELSIOR AVENUE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.



3. RESOLUTION NO. 14-47

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 LOT ADJACENT AND WEST OF LOT ONE (1), BLOCK 26 OF THE GRAND AVENUE ADDITION (20 X 116.05) TO THE ADJOINING OWNER ON THE CONDITION THAT CHRIST CHURCH ANGLICAN DEED TO THE CITY-COUNTY THE PORTION OF TEXAS AVENUE DESCRIBED AS THE TEXAS AVENUE TRACT AS SHOWN ON CERTIFICATE OF SURVEY #1008A-RW CITY OF BUTTE, COUNTY OF SILVER BOW, STATE OF MONTANA PURSUANT TO POLICIES ADOPTED BY THE COUNCIL OF COMMISSIONERS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

4. RESOLUTION NO. 14-49

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; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW LAW ENFORCEMENT BUDGET FROM THE UNITED STATES DEPARTMENT OF JUSTICE TO BE EXPENDED ON COPS HIRING PROGRAM PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**SECTION 5 ORDINANCES
SECOND READING**

**1. COUNCIL BILL NO. 14-11
ORDINANCE NO. 14-11**

AN ORDINANCE REPEALING CHAPTER 2 OF TITLE 64 OF THE BUTTE-SILVER BOW MUNICIPAL CODE ENTITLED "BUTTE-SILVER BOW HISTORIC PRESERVATION COMMISSION" AND REPLACING IT WITH A NEW CHAPTER 64 TO BE ENTITLED "BUTTE-SILVER BOW HISTORIC PRESERVATION PROGRAM", ESTABLISHING THE PRESERVATION, PROTECTION, AND PROMOTION OF HISTORIC PROPERTIES, ESTABLISHING THE APPOINTMENT, QUALIFICATION, DUTIES AND RESPONSIBILITIES OF MEMBERS OF HISTORIC PRESERVATION COMMISSION, ESTABLISHING THE DUTIES OF THE LOCAL HISTORIC PRESERVATION OFFICER; CREATION OF A LOCAL REGISTER PROGRAM; CREATION OF DESIGN REVIEW CERTIFICATE OF APPROPRIATENESS (COA) PROGRAM; CREATION OF DEMOLITION REQUEST REVIEW PROGRAM; DEVELOPMENT OF PROCESS REGARDING REVIEW OF GOVERNMENTAL UNDERTAKINGS; APPEALS PROCESS; ENFORCEMENT OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

It was moved by Commissioner Shaw and seconded by Commissioner Morgan that Council Bill No. 14-11, Ordinance No. 14-11 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 2 nay. Commissioners Fisher and Henderson voted nay.



**2. COUNCIL BILL NO. 14-12
ORDINANCE NO. 14-12**

AN ORDINANCE AMENDING SECTION 4 OF ORDINANCE NO. 204 AND SECTION 10.40.050 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "SPEED LIMIT"; ESTABLISHING A 35 MPH SPEED LIMIT BEGINNING AT THE INTERSECTION OF U.S. INTERSTATE 15 AND BUXTON ROAD AND THEN PROCEEDING WESTWARD TO THE WYE INTERSECTION OF BUXTON ROAD WITH NORTH AND SOUTH BUXTON ROAD AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

It was moved by Commissioner Shaw and seconded by Commissioner Morgan that Council Bill No. 14-12, Ordinance No. 14-12 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.

**3. COUNCIL BILL NO. 14-13
ORDINANCE NO. 14-13**

AN ORDINANCE AMENDING TITLE 10, OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "VEHICLES AND TRAFFIC"; AMENDING CHAPTER 10.52 ENTITLED "PARKING", AMENDING SECTIONS 10.52.070, 10.52.090, 10.52.190, 10.52.200, 10.52.210, 10.52.240, 10.52.350, 10.52.370, 10.52.390, 10.52.400, 10.52.430, 10.52.450, 10.52.460, 10.52.470, 10.52.480, 10.52.490, 10.52.500, 10.52.510, 10.52.520, 10.52.540, 10.52.650, 10.52.720, 10.52.740, 10.52.790, 10.52.855, 10.52.870, 10.52.970, 10.52.990, 10.52.1035, 10.52.1037; REPEALING SECTIONS 10.52.220, 10.52.230, 10.52.250, 10.52.260, 10.52.270, 10.52.280, 10.52.290, 10.52.300, 10.52.310, 10.52.320, 10.52.330, 10.52.340, 10.52.920, AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

It was moved by Commissioner Shaw and seconded by Commissioner Morgan that Council Bill No. 14-13, Ordinance No. 14-13 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.

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

AN ORDINANCE CREATING A NEW CHAPTER IN THE BUTTE-SILVER BOW MUNICIPAL CODE TO BE NUMBERED CHAPTER 2.94 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) AND ENTITLED "SUPERFUND ADVISORY AND REDEVELOPMENT TRUST AUTHORITY"; PROVIDING FOR APPOINTMENT OF AND QUALIFICATION OF MEMBERS; PROVIDING FOR DUTIES AND RESPONSIBILITIES OF THE SUPERFUND ADVISORY AND REDEVELOPMENT TRUST AUTHORITY; PROVIDING FOR A MEANS OF FINANCING THE REDEVELOPMENT TRUST FUND; AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

It was moved by Commissioner Shaw and seconded by Commissioner Morgan that Council Bill No. 14-14, Ordinance No. 14-14 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 6 ORDINANCES AND RESOLUTIONS
FINAL READING**

1. RESOLUTION NO. 14-42

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF CERTAIN PARCELS OF LOCAL GOVERNMENT OWNED REAL PROPERTY LOCATED IN THE 400 BLOCK OF EAST PARK STREET, LEGALLY DESCRIBED AS LOTS 5-9 OF THE LIZZIE LODGE, M.S. 795, SECTION 18, TOWNSHIP 3 NORTH, RANGE 7 WEST (PARCEL NO. 0001906925) AND LOTS 10 AND 11 OF THE LIZZIE LODGE, M.S. 795, SECTION 18, TOWNSHIP 3 NORTH, RANGE 7 WEST, BUTTE-SILVER BOW, MONTANA (PARCEL NO. 0000711300) FOR THE PURPOSE OF COMMUNITY DEVELOPMENT IN ACCORDANCE WITH THE PROCEDURES OF BUTTE-SILVER BOW MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

It was moved by Commissioner Shaw and seconded by Commissioner Morgan that Resolution No. 14-42 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.

2. RESOLUTION NO. 14-44

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE AMENDED PLAT OF LOT 126-A1 OF THE ZEMLJAK MINOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

It was moved by Commissioner Shaw and seconded by Commissioner Morgan that Resolution No. 14-44 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.

3. RESOLUTION NO. 14-46

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 TRANSIT FUND FROM THE STATE OF MONTANA, DEPARTMENT OF TRANSPORTATION JOB ACCESS AND REVERSE COMMUTE (JARC) 5316 GRANT FUNDS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

It was moved by Commissioner Shaw and seconded by Commissioner Morgan that Resolution No. 14-46 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 7 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. 14-48 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. 14-48

RESOLUTION APPROVING PROCEDURES REGARDING MUNICIPAL SECURITIES
DISCLOSURE.

It was moved by Commissioner Shaw and seconded by Commissioner Morgan that Resolution No. 14-48 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.

CHIEF EXECUTIVE REPORT

Chief Executive Vincent reported the following:

- ❖ Several Commissioners attended the Silver Bow Creek/Metro Storm Drain Channel presentation.
- ❖ The State has been conducting public meetings.
- ❖ Butte-Silver Bow has been going through the plan.
- ❖ There are copies in the Planning Department and the Chief Executive's Office.
- ❖ The Butte-Silver Bow executive branch has prepared comments regarding the plan.
- ❖ Final written comments on the restoration plan are due on Wednesday of next week.
- ❖ He would like to give the governing body the opportunity to review the comments.
- ❖ Council should read the plan.
- ❖ The plan is broken into three areas: The Parrott Tailings, The Diggings East and Northside Tailings, and at the Metro Storm Drain at the historic Silver Bow Creek.
- ❖ He favors a comprehensive solution.
- ❖ They did make comments on costs associated with the plan.
- ❖ They took a conservative approach on the costs.
- ❖ There are many factors in the costs.
- ❖ Butte-Silver Bow owns the majority of the property within this reach as well as the water rights.
- ❖ There are concerns at the Parrott Tailings area.
- ❖ They are looking at a proposal at leaving it as a parking area after the wastes are removed.
- ❖ They are adamant the taxpayers will not bear the costs.
- ❖ There is also a large open space slated for the area.



- ❖ The Diggings East area gives options for stream restoration.
- ❖ There is a lot of acreage in the area.
- ❖ It is a storm drain right now.
- ❖ There are two options: Leave it as a storm drain or filling it in and abandon the surface water and build a new water feature.
- ❖ They are proposing a hybrid of the two options.
- ❖ In the wetlands at the Chamber of Commerce, there is an option to remove the berm.
- ❖ They are not at a point yet to know what they will do.

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA

R. Edward Banderob, 2601 Grand Ave., Butte, Mt., stated the following:

- ❖ Thanked MRI regarding the wood smoke contaminants.
- ❖ Asked that the contaminants be addressed at the Department of Health Public Listening session a year ago.

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 10:36 p.m.

MATT VINCENT
CHIEF EXECUTIVE

ATTEST:

CLERK & RECORDER