

MINUTES OF THE REGULAR MEETING OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS FOR FEBRUARY 3, 2016

The Regular Meeting of the Council of Commissioners was called to order Wednesday, February 3, 2016, 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 Perdue-Dolan, *present*

Commissioner Sorich, *present*

STAFF PRESENT

Eileen Joyce, Butte-Silver Bow County Attorney

Laura Sargent, Deputy Clerk & Recorder

Colleen Safratowich, Deputy Clerk & Recorder

PRAYER

Commissioner Henderson said the prayer.

PUBLIC COMMENT ON ANY ITEMS ON THE CONSENT AGENDA

William Ferko, 4815 South Wyoming Street, Butte, Montana stated the following:

- ❖ Comments regarding the relocation of the County Shops.
- ❖ Has listen to the presentations given to Council by Butte Silver Bow staff and subcontractor.
- ❖ Both sites serve the best interest of some and neither serve best interest of community as a whole.
- ❖ His family has been in Butte for a long time.
- ❖ We as a community have sacrificed our environment, our personal health and basic quality of life just for jobs.
- ❖ We do not have to do that anymore.
- ❖ If we are to maintain our economy and grow, we have to do the opposite.
- ❖ We must reclaim the mess of the past and preserve and improve on the good we have.
- ❖ Placing the County Shops and soon to be followed Hot Plant in the middle of town is not doing that.
- ❖ This is not preserving and nor is it building the good that we have.



- ❖ The Montana Pole Plant is the recommended number one site.
- ❖ The Montana Pole Plant located right next to Butte's long standing close net neighborhoods.
- ❖ People take care of their homes and they are proud to claim they are from the Boulevard area.
- ❖ This kind of neighborhood is attractive to new comers to Butte and should be improved upon and preserved.
- ❖ There may be outside interest in giving us the Montana Pole Plant free we should remember that there is no such thing as a free lunch.
- ❖ Something does not smell right at the Montana Pole Plant.
- ❖ The second choice is the Centennial property.
- ❖ Near the area is the Hamblin Heights referred to as an "enclave".
- ❖ This is home to many people there and they should be given consideration.
- ❖ His grandmother lived there for several years before she passed on.
- ❖ Also consider that Butte's largest grade school is right in the area.
- ❖ The west side neighborhoods as well as the Greenway project, Silver Bow Creek, where millions of dollars were spent to make the area nice.
- ❖ Has seen the area before when was a "moon scape" and now the area is beautiful.
- ❖ He and his wife now walk the area to Rocker where before they could not.
- ❖ All of these things are blocks away from the Centennial site.
- ❖ With so many other options, makes no sense to place another industrial facility at this location.
- ❖ Another issue is safety.
- ❖ With the use of heavy industrial vehicles utilizing roadways that have no sidewalks and is so close to the grade school, this is enough to eliminate this from consideration.
- ❖ He is a parent and his children have grown now.
- ❖ He was too overprotective of his children and does not regret it.
- ❖ The Centennial site is not the option for him because it is too close to the school and the other considerations he stated.
- ❖ Traffic is another consideration for both locations.
- ❖ First the location Montana Pole Plant, we have the 4-way – 5-way stop light at bottom of Montana Street.
- ❖ If we have traffic from proposed County Shops coming from the Montana Pole Plant, this will back up vehicles to Dewey Boulevard.
- ❖ He travels this area daily around 5:00 pm, and traffic is jammed.
- ❖ Adding more traffic to this area is going to confuse it even more.
- ❖ If you select the Centennial property, the intersection on Montana and Front Streets which is already over traveled.
- ❖ This will cause traffic not to want travel in the area and go around in front of the school.
- ❖ Again this is a safety concern.
- ❖ Each site is clearly visible from Interstate 90.
- ❖ When drive by Interstate 90, this would want the first impression any one of us would want to give visitors coming into Butte.
- ❖ We do not want them to see one more eye sore or industrial facility.
- ❖ The area should be nice so people get a good feeling about Butte.
- ❖ Asks Council to consider his comments in making their decision tonight.
- ❖ Further, asks Council to faithfully consider all of their fellow citizens and the impact of their vote will have on the citizens lives.



Helen O'Connor Joyce, 3520 Whiteway, Butte, Montana stated the following:

- ❖ She is the President of MSE, Inc.
- ❖ Here tonight to talk about the relocation of the County Shops.
- ❖ The Mike Mansfield Technology Center is owned by MSE, Inc., is one of the sites being considered.
- ❖ Before Council makes the decision, wants to get MSE, Inc., perspective on the record.
- ❖ Discuss an alternative option that may make the Mike Mansfield Center more attractive for the relocation of the County Shops.
- ❖ To date, the Mike Mansfield Center has only be considered as an all or nothing proposition.
- ❖ As such it has been characterized as too big.
- ❖ MSE Inc., proposes to simply have the County purchase the land.
- ❖ The land is located on the west end of the facility and could be used for County Shops.
- ❖ There is up to 22 acres available.
- ❖ This land could be purchased by Butte-Silver Bow.
- ❖ Using the estimated capital costs from the previous study done for buildings, structures, professional services and 15% contingency, this option would be more than \$2 million less than the cheapest option.
- ❖ The cheapest option presented is the Montana Pole Plant.
- ❖ Heard rumors that this may not be the highest and best use for our facility.
- ❖ MSE, Inc., has been marketing property the property for over a year,
- ❖ Have been giving tours but have not found a buyer to date.
- ❖ Our philosophy is to pursue all potential buyers including Butte-Silver Bow tirelessly and relentlessly until we feel there is no hope.
- ❖ This is the reason for the latest proposal and her presence here tonight.
- ❖ When you look at the County Shop site and Mike Mansfield Center they are much the same.
- ❖ The Mike Mansfield site is larger and would be a good fit there.
- ❖ Locating the County Shops in the center of town is a mistake.
- ❖ She has been actively speaking full utilization of the Mike Mansfield Center for three years.
- ❖ Butte-Silver Bow has certainly helped us in this process and we appreciate it.
- ❖ Even with all of our efforts the facility is only about 30% utilized.
- ❖ If the Mike Mansfield Center is not selected for the County Shops, hope that we can work together to find a solution to this problem.
- ❖ We owe it to Mike Mansfield to think creatively and realize full utilization of Butte's secret weapon for economic development.
- ❖ We are grateful to be included in the selection process to this point.
- ❖ We hope our latest proposal will be given serious consideration during deliberations tonight.
- ❖ Asks Council to give Butte Silver Bow staff to work with MSE, Inc., to fully vet this option.
- ❖ Thanks Council for the opportunity of MSE, Inc., position on the record.

Carl Hafer, 6050 Porter, Butte, Montana stated the following:

- ❖ He has lived in Butte for a long time.
- ❖ He has worked for a lot of different people.
- ❖ Attended the last Council meeting and also at the meeting on Wynne Street.
- ❖ He made a comment at the meeting that there had not been enough public input into where we need to put the County Shops.
- ❖ We are somewhat remiss in figuring out way to address this in a more logical manner.



- ❖ Is familiar with the Montana Pole Plant.
- ❖ He worked out of there for years when Rosa owned it.
- ❖ He knows of a couple of people who died of cancer from things they received while working at the Montana Pole Plant.
- ❖ Does not believe that we would ever get a clean bill of health for the Montana Pole Plant.
- ❖ Mentioned that he thought the Gilman site was a great site.
- ❖ He listen to what Mr. Ferko stated and it all made sense.
- ❖ Asks Council to think about this project.
- ❖ States that they need to have broader input from the general citizens of Butte.

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

- ❖ Comments on Communication No. 16-53 and Communication No. 16-21.
- ❖ Commends the Butte Silver Bow Planning staff for their due diligence in holding listening sessions with the neighbors on various perspective sites of the County Shops.
- ❖ He cannot say the same for this body.
- ❖ States the Council has done their due diligence by calling a community council to hold listening sessions in the Butte Silver Bow Community.
- ❖ This community council would report back to Council their consensual advisory recommendation.
- ❖ In taking the final vote sounds pretty final to him.
- ❖ He questions the legality of such a procedure the Council is using to determine this major strategically significant public policy.
- ❖ The Butte Silver Bow Charter stipulates this Council shall determine policy.
- ❖ States the Charter mandates this Council shall authorize community councils to advise this Council.
- ❖ States any consideration and deliberation made by this Council relative to determine policy is probably not legal until the provision of community council has been fulfilled.
- ❖ There is no comma between the word power and the word and “power and duties” of the Council of Commissioners in Section 3.03 of the Butte Silver Bow Charter.
- ❖ As implied by the Butte Silver Bow County Attorney in Communication No. 15-143, on April 28, 2015, “This Council has the responsibility to determine the rules and procedures of which the Council will authorize community councils”.
- ❖ States the Council has not done this to date.
- ❖ States the Butte Silver Bow County Attorney states, “This provision does not state the Council does not the power, ability, duty and responsibility to rate or establish community councils”.
- ❖ Neither does it stipulate or prohibit this Council from creating and/or establishing such community councils to advise this Council.
- ❖ If this Council persists in ignoring the Butte-Silver Bow Charter Law, this issue will have to be resolved by someone filing an injunction against a policy decision and/or sending a complaint to the Montana Department of Justice to be determined by a third party.

Boy Scout Troop No. 1678, they are here to do Citizenship in the Community Merit Badge as well as finish our Communication Merit Badge which are both required for Eagle. One of the requirements is to attend a Council Meeting.



APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF JANUARY 20, 2016.

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 January 20, 2016.

ITEMS NOT ADDRESSED ON THE AGENDA

None.

CHIEF EXECUTIVE REPORT

Chief Executive Vincent reported the following:

- ❖ He sent an email earlier to Butte Silver Bow employees and there are members of the public here and the radio station regarding the bomb threats.
- ❖ The recent bomb threats have been consistent last few weeks
- ❖ Has forced us to gather our internal troops and update and evaluate our evacuation procedures.
- ❖ We have a major court trial case starting next week.
- ❖ There will be additional security measures that will be put into place for the trial which begins on Monday, February 8, 2016.
- ❖ We will be advising the public of the restrictions in the newspaper and the Butte Silver Bow website.
- ❖ The Commissioners and other County Employees coming into the Courthouse, will be asked to have their county issued identification card and enter the back entrance of the Courthouse.
- ❖ Employees will be screened by our local law enforcement officers.
- ❖ These measurers will be in place throughout the course of the trial.
- ❖ Once the trial is concluded, we will release the updated protocol for our evacuation procedures at the Courthouse.
- ❖ Dan Dennehy, Sheriff Ed Lester, Director Fire Services, Jeff Miller, Chief Executive, Vincent and his office and the IT Department are looking at procedures in our other buildings.
- ❖ We are doing the best to get the information out.
- ❖ We had a press conference after the 2nd call came into the Courthouse.
- ❖ The email sent today and the new protocol at the Courthouse during the trial ask for patience as we figure this matter out.
- ❖ Everyone is confident in safety and will stay at the top priority in keeping the public safe, including our elected officials and employees here at the Courthouse.
- ❖ If any questions regarding the email or the court order, please direct them to his office.
- ❖ There has been 3 resignations from Commissioners on the Fire Advisory Board.
- ❖ Needs 3 Commissioners to serve on the Fire Advisory Board and let him know if they are interested in servicing on this board before they can hold the next meeting.
- ❖ Thanks Commissioners Sorich, Morgan and Foley, the Chairman, for their service in this capacity.



**SECTION 1 PRESENTATION
COMMUNICATION NO. 16-14**

**ED RANDALL, DIRECTOR, COMMUNITY ENRICHMENT DEPARTMENT,
REQUESTING COUNCIL'S AUTHORIZATION TO GIVE AN UPDATE ON THE
BUTTE-SILVER BOW COMMUNITY ENRICHMENT DEPARTMENT ON REGULAR
MEETING AGENDA ON FEBRUARY 3, 2016.**



**Butte Silver Bow
Program Report...**

Mr. Randall stated the following:

- ❖ A few times a year we want to let the Council and citizens know what is going on and what is new in our department.
- ❖ The Animal Services/Shelter has come a long way in the few years.
- ❖ From July 1, 2015 through December 31, 2015, we have brought in 500 into the shelter.
- ❖ Have adopted 209; Reclaimed 244; Sent 11 to rescue.
- ❖ The animals that have died in our shelter is 50.
- ❖ Right now we have 14 dogs and 52 cats.
- ❖ When we started we had over 200 animals in the shelter.
- ❖ For the size of the community and spoke to the Chief Executive, that we can handle between 55 and 65 animals.
- ❖ We think it is fair number so the people have a choice and be responsible.
- ❖ Right now we have 66 animals.
- ❖ We have 1,793 calls to our Animal Shelter and 1,681 complaints to Animal Control.
- ❖ We have brought in almost \$42,000 in the first portion of the year.
- ❖ We have had 26 animal bites, 16 animals had current rabies vaccinations, 5 were stray cats and the rest had rabies vaccinations that had been expired.
- ❖ This is a high number for our community.
- ❖ We have sold 326 animal licenses in first portion of year and now 3,237 active licenses in Butte Silver Bow.
- ❖ Last year, the Animal Shelter won the Animal Rescue Site Shelter of the year award for Montana.
- ❖ Last two years, Jackie Casagranda, the Manager of the Animal Shelter, has been given a scholarship from HHUS.
- ❖ This scholarship will allow her to attend the National Animal Care Expo, one year in Nashville and the next year in New Orleans.
- ❖ The opening of the Skyline Park has been a huge success and is wonderful addition to Butte Silver Bow.
- ❖ We partner with other shelters now.
- ❖ When we have animals that are not adopted or we cannot have them in our area, we send them other communities.
- ❖ Missoula or Bozeman they are happy to take the animals.
- ❖ We have cut down our food costs in half by using the shelter program from Missoula and going to a different vendor locally here in Butte.



- ❖ We collaborate daily with our Health Department.
- ❖ We are in communication with them about dog bites or diseases.
- ❖ They notify us when the CDC makes any changes in the rules or laws or health concern and we appreciate this information.
- ❖ We have a great relationship with the Spay and Neuter Task Force here in Butte.
- ❖ Also we have a great relationship with our Parks and Recreation Department working on our animal parks.
- ❖ We want to develop another animal park uptown and we are working with Parks and Recreation.
- ❖ In the Skyline Park, we are working to develop another off leash area.
- ❖ This will be in the lower part of the park for those who do not want to walk the distance of the park.
- ❖ They can park their car and go left end of the park and enjoy their animal in a safe environment.
- ❖ We are very appreciative the departments have been combined at new budget year and has made a world of difference.
- ❖ We have created a new Community Enrichment Department which has the Animal Services/Shelter; Community Enrichment and Weed Control all in one Department.
- ❖ When this was done in July, 2015, we have saved Butte Silver Bow \$57,243.52 by combining these departments.
- ❖ We have improved our coordination with other departments.
- ❖ We have little or no duplication right now in our services.
- ❖ Working with the County Attorney about the new community enrichment ordinances which will be soon and the vacant building ordinance which is on the agenda.
- ❖ Work closely with the Urban Forestry Board in tree projects including labor.
- ❖ We work closely with our Parks and Recreation Department, J.P. Gallagher was hired recently.
- ❖ Mr. Gallagher is a joy to work with, is very professional and is incredibly hard worker and very appreciative of him.
- ❖ He has met with our staff regarding a plan to spray the fields.
- ❖ Have dates and ready to go as soon as the weather cooperates.
- ❖ Have a strong working relationship with our Historic Preservation Officer and different groups.
- ❖ On our own time, we teamed with CPR, other Butte Silver Bow Employees, to paint a house on Alabama Street for a lady who needed her house painted.
- ❖ Our staff was there helping to paint the house and it was a great project and hope to do more of the same in the future.
- ❖ Town Pump Corporation has donated \$5,000 to invest in central Butte this spring/summer to help paint many homes.
- ❖ The \$5,000 will go a long way to paint a lot of homes in the area and we will have a process in place for this.
- ❖ We are proud of met or exceeded our work load indicators for our performance budget already.
- ❖ A lot of departments cannot say this at this point but we have.
- ❖ Next year, we may have to stretch to make it more difficult but last year we doubled almost everything and almost met the indicators.
- ❖ The Pigeon Study that was done very well by Montana Tech.



- ❖ The study helped us a lot as we took the information and in working with other departments.
- ❖ Working with Public Works, Parks and Recreation, the Health Department and other agencies we have to take care of what we can before we could do anything.
- ❖ We are not going to euthanize the animals.
- ❖ There is always going to be pigeons in Butte.
- ❖ We are not going to sterilize them at this time or put spikes on roofs.
- ❖ The study indicated that we have to take care of the garbage cans, dumpsters and eaves in our area.
- ❖ Need to be very specific and strong in our community enrichment and we have staff who can do this.
- ❖ Have met with the Chief Executive and Dave Schultz on the report.
- ❖ One of the big things we did is we have a new garbage system will do wonders with the pigeons and garbage issues in Butte Silver Bow.
- ❖ We are working with McGree Trucking and he is repairing his dumpsters and everyone he orders has a lid system.
- ❖ We are very proud of this and McGree is supporting us with and really investing in Butte Silver Bow.
- ❖ Have a case about pigeons and eaves.
- ❖ We also have another case going to court about pigeons.
- ❖ People are very emotional about birds here in Butte.
- ❖ Staff we have now are doing a great job and are second to none.
- ❖ The Animal Shelter is amazing.
- ❖ Animal control officers are as good.
- ❖ We have 4 community enrichment officers out in the field and it has tripled their work load.

John Moodry, 3005 Richardson, Butte, Montana stated the following:

- ❖ He is the Assistant Director Community Enrichment/Weed Supervisor.
- ❖ Thanks Chief Executive for the fore site of combining these departments.
- ❖ Combination of these departments was not to save money.
- ❖ The combining of these departments was to reduce workloads and to reduce duplication in everything they are doing.
- ❖ The combination of these departments has been in process for six months.
- ❖ We have developed working relationships with all of the departments we deal with.
- ❖ We are very proud to work with Planning and Zoning Departments for our 4 code enforcement officers to be the front line.
- ❖ When we run into a planning, zoning or building code issue, his personnel are the contact people.
- ❖ In the process we work directly with Planning Department making sure we are all on the same page to identify the problems and work towards an end.
- ❖ The constituent will have one person to come to which is our code enforcement officers.
- ❖ We do not have to relay this off to any other department.
- ❖ Other departments that we work with is the Health Department under the junk motor vehicles and the sanitization.
- ❖ We work very closely with the Sheriff's Department on abandoned vehicles.
- ❖ Work with the Parking Commission on abandoned vehicles and junk motor vehicles.
- ❖ As Mr. Randal stated, we work very closely with Historic Preservation.



- ❖ Work with the Land Sales Committee.
- ❖ At this point, our code enforcement officers are responsible for securing any property that Butte Silver Bow has it is possession through tax deed or any other means.
- ❖ We are securing the properties and we are posting them immediately after Butte Silver Bow has taken possession of the properties.
- ❖ This seems to work really well for us now at this point.
- ❖ We are not allowing indigent people into those buildings.
- ❖ We are identifying directly to the Sheriff's Department the properties that Butte Silver Bow owns and we are getting additional patrols on these buildings.
- ❖ We are work very closely with the County Attorney's office in rewriting and reviewing municipal code.
- ❖ Want to get to the point our code is enforceable, reasonable and we can relay to the public what we need to do.
- ❖ We work with City Court as it is where all of our citations go to.
- ❖ Currently, we are working with the Landfill Department on solid waste disposal which is mostly vehicles.
- ❖ This Friday, doing a test on a junk vehicle we have taken possession and it is a motorhome.
- ❖ In the past, we have not been able to do anything with motorhomes because they are very hard to dispose of because basically a building on top of a vehicle.
- ❖ On Friday we are going to test to see we can remove the top of the vehicle and salvage the rest of the vehicle.
- ❖ We have not done this before and we are working closely with the private sector and the Landfill to get this accomplished.
- ❖ Hopefully in the future we will be able to dispose of motorhomes.
- ❖ Work closely with the Public Works Department.
- ❖ Had 4 sets of eyes out there every day as they are increasing everything they do on a daily basis.
- ❖ They are looking and notifying Public Works Department.
- ❖ If they see any garbage issues, we are working very closely with Public Works as Mr. Randall stated it is the number one problems that we have seen with the pigeon study.
- ❖ Identifying any signs that are missing.
- ❖ Helping with the snow removal and volunteering under the program.
- ❖ His staff has 4 properties they volunteer for snow removal.
- ❖ He calls a program called "A good guy process", which identifies properties where the sidewalks are not being shoveled.
- ❖ We knock on the door being the nice people informing the resident that it has to be done without using the big hammer.
- ❖ The private sector we are working with trash removal, towing companies, construction companies.
- ❖ Trying to develop relationships so we are not duplicating our efforts.
- ❖ We do not want to be the heavy hammer of the law getting people to do what is right.
- ❖ He states economic development through our program in bettering Butte, by bettering your property and your neighbors builds property values of property in Butte Silver Bow.
- ❖ Have expanded our field of our work.
- ❖ As a Community Enrichment we did leave Butte and so the outlying communities did not have support.
- ❖ Now we have 4 code enforcement officers we are moving outside.
- ❖ Dealing with issues in Melrose, Divide, Ramsay and Rocker.



- ❖ They are different issues in those areas because lawn art is different in those areas than we have in Butte.
- ❖ Have same types of issues.
- ❖ People are living in trailers on streets in these small communities.
- ❖ In working with the Sheriff's Department, the Health Department, the Sanitarian we can get these people to move along.
- ❖ We are working trash and junk motor vehicles in these areas.
- ❖ Thanks the Chief Executive, Mr. Randall and all the other departments they work with on a daily basis for making this process work as it is working.
- ❖ We started this process in July, 2015, had two separate departments running basically from July through September, 2015 waiting for the budget to be finalized.
- ❖ The number of contacts my staff makes is tremendous.
- ❖ Made over 2,000 contacts by telephone or in person to violators in Butte Silver Bow.
- ❖ This is 2,000 individuals or properties that we have either spoke to over the telephone or in person.
- ❖ He and his staff have improved and December was tremendous.
- ❖ Made 366 personal contacts.
- ❖ For the first 6 months, we have moved 102 junk vehicles.
- ❖ Provided to the public in some situations 24 dumpsters.
- ❖ We as a Community Enrichment Department have provided those dumpster to get trash moved.
- ❖ From July through August, 2015, our summer crews collected 3.06 tons of trash hauled to the landfill from Butte Silver Bow properties.
- ❖ Including helping the 85 year old lady remove a washer and dryer.
- ❖ When he and Mr. Randall brought in the 4 code enforcement officers in October, 2015, two were spraying weeds and two were doing their code enforcement.
- ❖ We brought all 4 code enforcement officers in and at time we started to generate a lot of properties that needed to be cleaned up.
- ❖ Butte-Silver Bow properties as well as other properties needed to be cleaned up.
- ❖ Hank Hockaday, an employee of the Weed Department, normally gets laid off when done with spraying weeds in October.
- ❖ We employed Mr. Hockaday under the Community Enrichment Department for 2 ½ months.
- ❖ Mr. Hockaday hauled to the landfill 7 tons of trash on his own.
- ❖ Mr. Hockaday used a pickup and he had help from our 4 code enforcement officers.
- ❖ He moved 7 tons of trash, garbage, big screen TV's and couches.
- ❖ This is a true example of combining these two departments will benefit Butte Silver Bow in the long run.
- ❖ This is economic development at its finest and smallest levels.
- ❖ The better we make this town look we all take advantage of it.

Mr. Randall stated the following,

- ❖ Who would have thought 5 or 6 years ago we would not see animals running all over town or we would not have over 200 dog bites or we would be painting a house with CPR on Alabama Street.
- ❖ We have come a long way in a short time and we are very proud of that.
- ❖ We are making Butte better which is what we do 12 hours a day.



Chief Executive Vincent thank Mr. Randall and Mr. Moodry and stated new ideas and changes are only good if they work and both of you have done a great job in making them work.

Commissioner Henderson stated he was driving yesterday down Continental Drive over Texas Avenue Bridge and there were 9 deer on the railroad tracks. He asked Mr. Randall if they received a telephone call regarding the deer and wondered what happened to the deer.

Mr. Randall stated they receive calls on deer a couple times a day a day. In that area, they had to contact the law enforcement or the Fish Wildlife Parks and in the last month had to shoot 5 deer who were hit by cars and still alive. The area is an issue.

Commissioner Henderson asked with the new trash system in place, is there was any consideration of starting the Alley Rally earlier this year and extending it later in the fall?

Mr. Randall stated we think the Alley Rally is one of the best things we offer the Butte people. We are in discussions about this matter with the Chief Executive and Public Works Director, Dave Schultz perhaps extend it a week on each end as it is a wonderful program.

Commissioner Sorich stated the following:

- ❖ Mr. Moodry hit on the point of economic development and how community decay really plays a part on it and he is absolutely right.
- ❖ People in neighborhood state they are keeping their homes nice and there are junk cars across the street and feel no one will buy their house.
- ❖ They have a valid point.
- ❖ The department had a 120 junk vehicles this year, does your budget cover this or do we need to reevaluate this next year?

Mr. Randall stated the following:

- ❖ They are funded by the DEQ in the amount of \$44,000 a year to remove junk vehicles.
- ❖ We are funded appropriately.
- ❖ We are going to continue to do more.
- ❖ Used to do more but times are tough and people are keeping their vehicles.
- ❖ Want the vehicles to be licensed.
- ❖ Require the vehicles to be moved daily we do not want them to be sitting.
- ❖ Staff has done an incredible job with this.
- ❖ Receive calls 10 times a day on junk vehicles.
- ❖ Junk vehicles are a safety issue.

Commissioner Shaw stated the following:

- ❖ She thanks Mr. Randall and Mr. Moodry and their staff for doing a great job.
- ❖ Remembers when they had 120 cats at the Animal Shelter when first started.
- ❖ Receives a monthly report of the animals at the Animal Shelter.
- ❖ Aware that we have a no kill policy but we do the best we can to keep it down.
- ❖ The animals are not out there.
- ❖ People are using leases.



- ❖ Has been here 18 years and had stray cats and loose dogs in neighborhood.
- ❖ Now it is so much better and makes our town more desirable.
- ❖ She spoke to Butch Harrington about a vehicle parked in her neighborhood for over 3 months.
- ❖ Vehicle was covered in snow and it looked like a snow sculpture.
- ❖ Vehicle was finally moved.
- ❖ Asked Mr. Randall to talk about impound laws in Butte Silver Bow.

Mr. Randall stated the following:

- ❖ Abandoned vehicles are tough especially in this town.
- ❖ Sheriff Lester and the law enforcement officers do a great job regarding this matter.
- ❖ We are starting to get involved and support them.
- ❖ Again, a duplication of services.
- ❖ We have parking police officers who are very busy.
- ❖ Sometimes when we go to a vehicle there are 4 to 5 different tags on the vehicle from 4 to 5 other departments.
- ❖ Working on a process to transition and smooth this out soon.
- ❖ If not, it will be improved as we are still working together now.
- ❖ Have been meeting with Undersheriff Skuletich regarding this matter.

Commissioner Perdue-Dolan stated the following:

- ❖ Thanks Mr. Randall and Mr. Moodry for their presentation and their work.
- ❖ Animal Shelter is wonderful organization and the work they do is incredible.
- ❖ She has adopted a dog from the Animal Shelter in the past.
- ❖ The people of Butte are always looking out for their pets.
- ❖ Commends Mr. Randall and staff for their quick action when she and others called them regarding an issue.
- ❖ Echoes Mr. Randall sentiments regarding Alley Rally stating it is one of the best programs.
- ❖ She echoes statements Commissioner Sorich mention.
- ❖ Folks like the idea of not having to travel to the landfill.
- ❖ Asked where the Alley Rally would be located now with the cleanup of the Parrot Tailings and the relocation of the County Shops?

Mr. Randall stated the following:

- ❖ They are in discussion of the Alley Rally.
- ❖ We are going to have the Alley Rally.
- ❖ Has to be centralized in Butte for public access.
- ❖ He would be willing to come back to Council in two weeks and present them a plan of action once it is finalized.
- ❖ They are ready to move forward on this issue.



SECTION 2 CONSENT AGENDA

- A.
 - 1. COMMITTEE OF THE WHOLE MEETING REPORT
 - 2. JUDICIARY COMMITTEE MEETING REPORT
 - 3. PUBLIC WORKS COMMITTEE MEETING REPORT
 - 4. FINANCE & BUDGET COMMITTEE MEETING REPORT
 - 5. ECONOMIC DEVELOPMENT 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 #1.

Commissioner Fisher segregated #5, #7, #16 and #18.

Commissioner Morgan segregated #11.

Commissioner Andersen segregated A4, Section 1, Communication No. 16-17.

Commissioner Henderson segregated #10.

Commissioner Perdue-Dolan segregated #3.

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 the exception to A4, Section 1 and Section B, Items 1 through 22 with the exception to No. 1, 3, 5, 7, 10, 11, 16 & 18.

Segregation – Finance & Budget Report, Section 1, Communication No. 16-17

Ed Fisher, Chief Boulevard Fire Department, requesting Council's authorization for the Chief Executive to sign two FEMA Grants in January, 2016.

Commissioner Andersen stated the communication was held in abeyance and at the Finance and Budget Committee meeting tonight the Finance and Budget Committee decided to Concur with Communication No. 16-17 and Place it of File.

It was moved by Commissioner Andersen and seconded by Commissioner Shaw to change the recommendation to Concur with Communication No. 16-17 and Place it on File.

Commissioner Morgan asked about the procedural issue as he does not see how they can bypass because it was read in the Finance and Budget Committee tonight.

Commissioner Andersen stated yes.



Commissioner Morgan asked if Council can bypass the Finance and Budget Committee today and approve it today.

County Attorney Joyce stated the Finance and Budget Committee met on January 27, 2016 and this is their recommendation from the January 27, 2016 it is what the Agenda indicates.

Commissioner Andersen stated yes. The recommendation last week was to hold Communication No. 16-17 and when we met earlier today, the recommendation was to Concur with the Communication No. 16-17 in order to allow the grants to be signed and sent out earlier rather later.

Chief Executive Vincent stated the questions is are we allowed to concur and place on file and item from a committee report that had a hold in abeyance recommendation.

Commissioner Morgan stated the item was discussed tonight at the Finance and Budget Committee Meeting, to him Council cannot do this.

County Attorney Joyce stated the following:

- ❖ The Finance and Budget Committee meets every week which is different than the other Council Committees.
- ❖ A recommendation made by the Finance and Budget Committee on January 27, 2016 and is on tonight's agenda and is being segregating out of the Consent Agenda.
- ❖ If this communication was not segregated, the recommendation to hold the communication on abeyance would have been approved.
- ❖ She is not sure why Commissioner Andersen cannot segregated Communication No. 16-17 out of the Committee Report for January 27, 2016 and ask Council to concur with the request and placing it on file.
- ❖ The same recommendation was made tonight it would be approved in two weeks.
- ❖ Commissioner Andersen is asking for the approval of Communication No. 16-17 tonight rather than in two weeks.
- ❖ The Finance and Budget Committee tonight recommended to Concur and Place it of File Communication No. 16-17.

Commissioner Morgan stated the biggest question he has if this is the case, Council can trump any committee we had tonight and segregate if it was on the agenda before.

Chief Executive stated to Commissioner Morgan the following:

- ❖ This would not be overturning the Finance and Budget's Committee decision on Communication No. 16-17 as the Finance and Budget met earlier tonight.
- ❖ The Finance and Budget Committee changed their recommendation from hold in abeyance to concur and place on file rather than wait two weeks.
- ❖ Commissioner Andersen segregated the Communication No. 16-17 so that we can approve it two weeks prior on the same night they took action on the communication.
- ❖ He asked County Attorney if this information was correct.

County Attorney stated to Commissioner Morgan the following:



- ❖ This is no different than a Committee of the Whole Report where Council makes a recommendation where a communication was held in abeyance and segregated out and decide to vote on the communication.
- ❖ Does not matter it was discussed tonight and is same as anything discussed in a committee report.
- ❖ She does not see a problem with Commissioner Andersen segregating Communication No. 16-17.

It was moved by Commissioner Andersen and seconded by Commissioner Shaw and passed with a unanimous verbal vote to change the recommendation to Concur with Communication No. 16-17 and Place it on File. Commissioner Morgan voted nay.

Segregation – #1 Communication No. 16-37

Larry Winstel 2426 Pine Street, Butte, MT, requesting Council of Commissioners authorize a Community Group to research and advise Butte-Silver Bow Government on the needs of dog owners in Butte.

Commissioner Shaw stated the following:

- ❖ She originally referred Communication No. 16-37 to the Committee of the Whole.
- ❖ Larry Winstel is in the audience and she asked him to speak to Council about the matter.
- ❖ Mr. Winstel wanted to have a dialog and not just make a comment on the comment section of our agenda.
- ❖ She told him he could have an opportunity to speak to Council and have a dialog on his concerns and Council will take it from there.

Larry Winstel, 2426 Pine Street, Butte, Montana stated the following:

- ❖ Thanks Mr. Randall for the update on the dog situation here in Butte.
- ❖ What is missing from the conversation is the communication with the dog owners.
- ❖ There is no communication with the dog owners.
- ❖ He has repeated tried communication with the Parks and Recreation Department.
- ❖ States he could make Mr. Randall’s job easier with advice and cooperation with the dog owners.
- ❖ Regarding the Skyline Park, he has been involved with it for about a decade.
- ❖ Thankfully the Council decided to keep it an open space for dogs.
- ❖ He is happy Mr. Randall sees the need for additional space.
- ❖ What is missing is input from the dog owners as to their specific needs.
- ❖ Conflicts can be resolved as community group rather than the complaint driven things.
- ❖ Right now the atmosphere at Skyline Park is one of conflict and confrontation.
- ❖ He was at Skyline Park the other day and Animal Control was watching him.
- ❖ He is here seeking cooperation with the group.
- ❖ He is not getting the communication or cooperation from the Parks & Recreation Department.
- ❖ Spoken to Mr. Gallagher and he understands there needs to be some changes made at Skyline Park.
- ❖ States it is critical the dog owners get input on this so that we do not repeat the mistakes.



- ❖ Concerned the atmosphere is conflicts, part of it is the design and part of it is attitudes.
- ❖ With cooperation can be partners with Parks and Recreation Department and it would be a more pleasant experience.
- ❖ Concerned as the weather warms up and the snow melts we are going to have more confrontation.
- ❖ There are a lot of better ideas the dog owners have in how to utilize this area.
- ❖ There is definitely a need for it as there is usually a couple dogs to a dozen dogs at the park.
- ❖ Asks Council to seriously consider going to Skyline Park and see how it is being used and talk to a couple of dog owners.

It was moved by Commissioner McDonough to Concur with Communication No. 16-37 and Place it on File. There was not a second.

Commissioner Perdue-Dolan asked Mr. Winstel what he sees is the biggest problem at the Skyline Park and what does he think other than a community group getting together and/or what the solutions could be.

Mr. Winstel stated the following:

- ❖ There has never been any communication with the dog owners regarding the design or the concept of the park.
- ❖ He wants to meet with the group and it will probably be a large group.
- ❖ There is a lot in interest as there are over 3,000 dogs here.
- ❖ Rather than give Council his opinion he wants to give Council a consensus.
- ❖ Asks Council go to the Skyline Park and analyze the conflict in their minds.
- ❖ States we need to spend more time on this issue.
- ❖ As the weather warms up it is going to turn into a real problem.

Commissioner Perdue-Dolan asked Mr. Winstel what the conflict is, it dogs getting loose or is it the owners or is it not enough space. What is the conflict?

Mr. Winstel stated the following:

- ❖ One of the problems is the lease law.
- ❖ The Animal Control is there watching him for 10 to 20 minutes.
- ❖ There are alternatives to a straight out got to be on a lease all the time.
- ❖ Can partition an area off.
- ❖ Use timesharing.
- ❖ There is a lot of good ideas and need to get with the group to discuss the ideas.
- ❖ The consensus is the dog park is poorly designed and poorly located.
- ❖ The design of the parking lot creates a lot of conflicts where everyone gets bottled neck with the playground right there.
- ❖ There are a lot of dogs here in Butte.
- ❖ Lease or no lease it will be a mess.

Commissioner Palmer asked Mr. Winstel if he attended the Animal Control Board meetings and the Parks and Recreation Board meetings and brought these concerns to them.



Mr. Winstel stated the following:

- ❖ He stated yes he has been working with the Park and Recreation Department and spoke with Mr. Gallagher about this.
- ❖ Both and Mr. Gallagher have walked the area to discuss some of the issues.
- ❖ He could see this problem emerge from 2 years ago.
- ❖ He met with Mr. Ellington several times.
- ❖ Organized a group in July, 2014 of about 8 dog owners.
- ❖ We discussed the matter and quite honestly we were ignored.
- ❖ This is the reason for this request.
- ❖ He cannot waste the time of other dog owners if you are going to ignore us.

Commissioner Andersen asks Mr. Randal if he had anything to add on the matter.

Mr. Randall stated the following:

- ❖ He is perplexed as Skyline Park is an incredible resource we have.
- ❖ Mr. Winstel discussed partition a portion of the park they have done that.
- ❖ We have dog walk areas and does not think it is poorly designed.
- ❖ When we do something we want to improve it.
- ❖ We are adding another area for dogs.
- ❖ He does not support dogs running loose in parks.
- ❖ We have a great area that is being utilized more than any other park in Butte.
- ❖ We have people walking there and he does not believe it is a bottle neck.
- ❖ Have not had any conflicts except for Mr. Winstel.
- ❖ Have not received any complaints except for people having their dogs off lease.
- ❖ We do not sit there for 20 minutes and just watch this gentleman.
- ❖ We receive calls and we go down to the park.
- ❖ Have received calls from commissioners and citizens we try to go to the park 3 or 4 times a day because it is new.
- ❖ Dog parks are a new thing in Butte and it is going to take time to learn how to use them.
- ❖ When we deal with people they are incredibly friendly for the most part.
- ❖ We are right on pace where we should be and thinks it is a great park.

Commission Sorich stated the following:

- ❖ States he has gone to the dog park 2 or 3 times per week.
- ❖ He is concerned about some of the dogs when they are off lease.
- ❖ Has a little dog and he is not sure if the bigger dog off lease is coming towards him aggressively and is not sure what the dog is going to do.
- ❖ He is concerned.
- ❖ People have thanked him for keeping his dog on a lease.
- ❖ Has heard comments on the other end.
- ❖ He understand there is a section up above at the park for the big dogs and for the little dogs.
- ❖ Many times he goes to the park and allows his dog to run in the little dog side and there are people there with their big dogs.
- ❖ Has had problems with the big dogs being aggressive with his little dog.



- ❖ There is a reason for both and he understands but he has been there.

Mr. Winstel stated the following:

- ❖ He stated to Commissioner Sorich that he is glad having this conversation.
- ❖ When he first spoke to Commissioner Sorich about this Mr. Sorich told him he would have to go to the park and check it out.
- ❖ Where we are at here is we need more communication, need more dog owners making decisions.
- ❖ We need this park to be more community driven and need more cooperation.

Commissioner Ralph stated the following:

- ❖ She lives about a block from the Skyline Park.
- ❖ The comments she receives from her constituents that they are upset because people are not keeping their dogs on a lease in the lease area.
- ❖ They are removing the leases early in the leased area and it is creating dog fights.
- ❖ On the other side of this, she does not believe the Council of Commissioners needs to authorize a community group to research and advise Butte Silver Bow Government.
- ❖ Council does not need to authorize a community council to research and advise Butte-Silver Bow on an issue.
- ❖ They are free to do so.
- ❖ Often we have community groups come and advise us and we listen to them.
- ❖ You do not our authorization.
- ❖ You are welcome to form any group you want, please do.
- ❖ Tell us what your findings are.

It was moved by Commissioner Ralph and seconded by Commissioner Andersen to Note Communication No. 16-37 and Place it on File.

Commissioner Palmer stated the following:

- ❖ Does not want to blow anyone off here and believes it is not the intent of the government to do so either.
- ❖ As Commissioner Ralph stated, we are authorizing any group to get together.
- ❖ Sounds like you are asking either the Chief Executive or the Chairman to appoint an Ad Hoc Committee to work with the Animal Control to come up with a better solution if there is a better solution there may not be.
- ❖ He is dead set against dogs running wild in parks.
- ❖ Unless it is an authorized dog park we can live with it.
- ❖ He does not know what the intent is.
- ❖ He is willing to sit down with a group who has good suggestions and if cannot be work out to government satisfaction, so be it.
- ❖ If there are any good suggestions that can improve the situation, he is willing to listen.
- ❖ Not sure if the Chief Executive and/or the Chairman want to appoint an Ad Hoc Committee.
- ❖ He will go along with the motion.
- ❖ States it can be done if we just go about it the right way.



Mr. Winstel stated the following:

- ❖ The point he wants to make the dog owners have organized.
- ❖ They have done Ad Hoc.
- ❖ They have made comments.
- ❖ They have been ignored.
- ❖ The only way he can get passed that is to have Council authorize a group, a group that you will listen to.
- ❖ Otherwise, people will not participate because they know they will be ignored.

Chief Executive stated the following:

- ❖ The Communication reads Council authorize a Community Group, i.e., Community Council.
- ❖ This has been stated numerous times in reference to our Charter provision Section 3.03(e) calls for authorizing and recognizing Community Councils.
- ❖ Our Butte Silver Bow Charter does this.
- ❖ Asks Mr. Winstel if it is correct in what he is asking here to form and authorize and Community Council of Dog Owners to research and advise the Butte Silver Bow Government on these issues.
- ❖ States to Mr. Winstel this is recognized in our Charter.
- ❖ Our Parks & Recreation employees as well as our Animal Control employees will work with that group to help you research these issues.
- ❖ You are free to come back to this Council at a later date and give us advice for further consideration and action.

Commissioner McDonough stated the following:

- ❖ He has not heard from any dog owners organized in a group.
- ❖ Was stated on public record that people are being ignored.
- ❖ He is not aware of a dog owner group and asks if any of the other commissioners if they have been contacted by the group.
- ❖ To say that we have not been contacted or approached and our approach is to simply ignore the public is so false and so incorrect.
- ❖ His telephone is always on and he is always available.
- ❖ States he has not been contacted about this matter.
- ❖ Just like the comment made “to conduct business weekly in Council Chambers is illegal”.
- ❖ We heard it tonight earlier that it is illegal to make decisions on issues that come before us every week.
- ❖ We were elected to make decisions on issues that come before us every week.
- ❖ This is legal and is standard operating procedure for the government to do so.
- ❖ He takes real exception to comments that say we ignore the public.
- ❖ If there is a dog owner, call him and he would be more than happy to listen.
- ❖ For the public record, he has not been contacted and asks if any of the other commissioners have been contacted by any organization or group concerning this issue or any other issue that stated that Council simply ignores the public interests in the matter.



Chief Executive stated to Mr. Winstel to take note of the advice provided to him and that we will work with him on this matter. Mr. Winstel has been authorized by our Butte Silver Bow Charter to do exacting what he is asking for.

It was moved by Commissioner Ralph and seconded by Commissioner Andersen and passed with a unanimous verbal vote to Note Communication No. 16-37 and Place it on File.

Segregation – #3 Communication No. 16-39

Linda Sajor, Manager, Butte-Silver Bow Information Technology and Services, requesting Council of Commissioners reject the proposal submitted by ConvergeOne/Mountain States Networking that was reviewed on December 29, 2015.

Commissioner Perdue-Dolan states she has no problem with the rejection of the proposal and asks about the timeline. If this was rejected tonight, how will it impact the overall timeframe of getting Council on line as far as videotaping and on line as far as our Council meetings?

Danette Gleason, Finance and Budget Director, stated the following:

- ❖ The reason for rejecting the proposal was the bid was over \$90,000 with different options.
- ❖ ConvergeOne gave us a demonstration on December 29, 2015.
- ❖ The IT Advisory Committee, few Commissioners, the Council Secretary and the Clerk and Recorder staff attended this demonstration.
- ❖ We found the equipment that was presented did not meet all of the criteria that we need.
- ❖ The equipment did not meet the needs of recording the votes.
- ❖ All of the necessary pieces were not in place.
- ❖ We rejected the proposal.
- ❖ We began process to reach to different vendors for different components of what we were looking for in the total package.
- ❖ We have done some presentations and demonstrations.
- ❖ We have called all over for different vendors to come in and give us demonstrations of the various pieces.
- ❖ Again, the approach taken now it does seem to be more piece meal.
- ❖ We are working with IT Advisory Committee, the IT Department and all of the impacted departments to try come up with more of a plan that meets all of the needs under one package.
- ❖ We are trying not to rush this along.
- ❖ Our intentions were to get this done as quickly as we could.
- ❖ Our budget is around \$75,000.
- ❖ The \$99,000 bid does not have all of the components and does not fit our needs.
- ❖ Is difficult to say we have to step back a go through the process again is a 6 to 8 week process.
- ❖ With all of the advertising that is required to take place it is necessary that we do not jump into something that wastes money and not receive what we need.

It was moved by Commissioner Perdue-Dolan and seconded by Commissioner Shaw and passed with a unanimous verbal vote to Concur with Communication No. 16-39 and Place it on File.



Segregation – #5 Communication No. 16-41

Dan Powers, Interim Health Officer, Butte-Silver Bow Health Department, requesting Council of Commissioners approve request for tuition reimbursement and approval for associated course work for Stephan Burns of the Butte-Silver Bow Health Department.

Commissioner Fisher asked Mr. Powers about the amount of money we are looking at for the tuition reimbursement.

Dan Powers, Assistant Health Officer, stated the amount of the course tuition costs for Stephan Burns was \$1,780.

Commissioner Fisher stated the following:

- ❖ He does not have a problem with the amount of the tuition costs states it is well spent money.
- ❖ When we hired Mr. Burns he was hired as a temporary employee for the MRI stove fund.
- ❖ He did not realize we were hiring a full time employee at the time.
- ❖ He is wondering if we are setting a precedent for anyone else who decides to go to school under this Policy #107, Conference and Training.
- ❖ This is concerning to him.
- ❖ The \$1,780 is money well spent but some of the college course can be rather expensive.
- ❖ When we approve one he is afraid we may run into a tuition cost that could be up to thousand dollars.

Mr. Powers stated the following:

- ❖ States Commissioner Fisher is correct.
- ❖ When setting a precedent this has been used in the County before and used in the Health Department before as well.
- ❖ This is not a frequent occasion for it to happen.
- ❖ We do not want to open the flood gates where a college student takes off and Butte Silver Bow ends up paying either.
- ❖ This would be a consideration we would have to make if that were the case.
- ❖ Mr. Burns was hired as the Wood Stove Change out Coordinator.
- ❖ This has been very successful.
- ❖ Sent a letter to Council regarding this matter.
- ❖ When Superfund was reorganized, we lost one of our registered sanitarians to go to the program.
- ❖ We hired a young lady to replace the individual.
- ❖ With the succession planning we are doing and the timing associated with that Stephen Burns expressed an interest to remain in Butte and with the Health Department.
- ❖ In order to become a registered sanitarian, we reviewed his transcripts to make he met the requirements as per state law.
- ❖ He was lacking in microbiology with the lab.
- ❖ Mr. Burns signed up for the college course with the University of Phoenix.
- ❖ He emphasizes the importance of the succession process with the retirements of Paul Riley and himself here in about a year in half.
- ❖ Takes approximately 18 months to get a registered sanitarian fully trained.



- ❖ First, they have to pass a national registration exam which is extremely difficult.
- ❖ After, it takes 18 months of training to become fully certified and complete all of the qualifications required by the State of Montana to be able to do that type of work.
- ❖ Again the timing issue was super important.
- ❖ Mr. Burns expressed the interest to remain in Butte and at the Health Department.
- ❖ This is the reason why we took the step forward.
- ❖ The one thing that we do not want to do is have a large lapse in time between retirements and to be able to provide services that are necessary to keep this community healthy.

Commissioner Fisher commends Mr. Powers and Paul Riley on the work they have done in the past. He understands the direction Mr. Powers is going on this and he appreciates him answering his questions.

Chief Executive stated he commends Mr. Powers and Karen Sullivan for their foresight for the succession planning and planning ahead of time for these important positions that are going to be filled. He is hoping that day does not come too soon.

Mr. Powers stated nothing is in concrete yet but it is anticipation.

It was moved by Commissioner Fisher and seconded by Commissioner Henderson and passed with a unanimous verbal vote to Concur with Communication No. 16-41 and Place it on File.

Segregation – #7 Communication No. 16-43

Karen Byrnes, Director, Butte-Silver Bow Community Development Department, requesting Council of Commissioners authorize the Chief Executive to sign a letter of Engagement with DA Davidson for services related to the issuance of Tax Increment Revenue bonds.

Commissioner Fisher stated the following:

- ❖ He segregated this communication because he is not opposed to the Uptown Garage.
- ❖ He is opposed to the way the process and procedure was.
- ❖ Not bidding it out.
- ❖ Not going through the proper channels to get the best buy parking garage.
- ❖ He will be opposing the bonds as a symbolic vote to state his past considerations.

It was moved by Commissioner Fisher and seconded by Commissioner Andersen to Concur with Communication No. 16-43 and Place it on File.

Commissioner Perdue-Dolan stated for the record that she concurs with Commissioner Fisher's statements.

It was moved by Commissioner Fisher and seconded by Commissioner Andersen and passed with a unanimous verbal vote to Concur with Communication No. 16-43 and Place it on File. Commissioner Fisher voted nay.



Chief Executive stated Commissioner Morgan mentioned if the former Commissioner Sheehy was listening tonight, the motion made earlier was a “Sheehy Motion”.

Commissioner Morgan stated the former Commissioner Sheehy would make a motion and vote against it.

Segregation – #10 Communication No. 16-46

J.P. Gallagher, Director of Butte-Silver Bow Parks & Recreation Department, requesting Council of Commissioners to authorize the Chief Executive to sign Change Order No. 1 for the Miner's Field at Copper Mountain Sports Park.

Commissioner Henderson asked Mr. Gallagher if there was any charge for the Change Order.

Mr. Gallagher stated the following:

- ❖ He not sure what Commissioner Henderson is asking.
- ❖ The Change Order does have an increase in fees in what they are asking for.
- ❖ This is for rendering the addition of a ticket booth and having architectural drawings.
- ❖ This is within the scope of work of what we have already looked at.
- ❖ The Change Order helps as we look towards Phase II of the Legion Fields.
- ❖ We will be able to use it to help solicit donations to try to fund the second phase.
- ❖ This does fit within our budget range of Phase I of the project.
- ❖ Will give us a complete picture of what the facility will look like.
- ❖ We are trying to solicit funding for Phase II and this gives a bigger picture of what we are looking at.

Commissioner Henderson asked Mr. Gallaher if he knows if there will be an extra charge for this Change Order.

Chief Executive stated to Commissioner Henderson that Mr. Gallagher had explained there will be a charge for the Change Order.

Commissioner Henderson asked Mr. Gallagher if the amount was \$13,000.

Mr. Gallagher stated yes the amount is \$13,000.

It was moved by Commissioner Henderson and seconded by Commissioner McDonough and passed with a unanimous verbal vote to Concur with Communication No. 16-46 and Place it on File.

Segregation – #11 Communication No. 16-47

Jeffrey L. Miller, Director, Butte-Silver Bow Fire Services, requesting Council of Commissioners to authorize application for a 2016 FEMA, Assistance to Firefighters Grant Program, under the Operations and Safety Category for 15 new Self-Contained Breathing Apparatus, requiring 10% matching amount of \$11,087.00.



Commissioner Morgan asked Director of Fire Services, Jeff Miller where he plan on the matching funding come from and if he had a line item in the budget?

Director of Fire Services, Jeff Miller stated in consultation with Finance and Budget Director Ms. Gleason, we plan on budgeting for the matching funds in the 2488 Fire Equipment and Training Fund. These funds are generated from a contract we currently have with the TIFID District and it would be the area which we would seek the matching amount for this grant.

Commissioner Morgan stated as long as we have the funding source earmarked for the grant.

It was moved by Commissioner Morgan and seconded by Commissioner Shaw and passed with a unanimous verbal vote to Concur with Communication No. 16-47 and Place it on File.

Segregation – #16 Communication No. 16-52

Wei Wen Tan and Wei Guang Tan, 1627 Shore Dr., San Jose, CA 95131, , requesting Council of Commissioners to approve purchase of property at 417 N. Main St., Butte, MT.

Commissioner Fisher stated the following:

- ❖ Reason for the segregation of Communication No. 16-52 is because he drove by the property.
- ❖ Unless there is something he is not aware he does not see any interest Butte Silver Bow would have in this property.
- ❖ He does not see the reason to send this matter to the Land Sales Committee.
- ❖ He does not think we are in the business of buying property we do not need.

Chief Executive Vincent stated the property in question is the property is totally encompassed within the Original mine yard. This something we do have an interest in.

Commissioner Fisher state he misread the map because it states they are going to build a house there.

Chief Executive Vincent stated it is in the middle of the Original mine yard and might be associated with the parcel that has a similar number.

Commissioner Fisher stated he went by there and they claimed they were going to build a house there but they have moved to California and no longer plan on putting building on the property.

Chief Executive Vincent stated he is glad they never got underway with that project.

Commissioner Fisher stated we might want to review this further.

It was moved by Commissioner Fisher and seconded by Commissioner Shaw and passed with a unanimous verbal vote to Refer with Communication No. 16-52 to the Land Sales Committee.

Segregation – #18 Communication No. 16-55



Karen Hassler, Butte-Silver Bow Public Works Department, requesting Council of Commissioners to approve Maintenance Agreement with DLT Solutions for Autocad water software.

Commissioner Fisher stated we are purchasing two instead of one and in years past we have purchased one and asked why we are purchasing two rather than one.

Public Works Director Dave Schultz stated the following:

- ❖ We hired another Engineering Technician, Jonathan Bargeman about 6 or 8 months ago.
- ❖ Prior we had one Engineering Technician, Bob Boone as the design tech and needed only one renewal.
- ❖ We have two employees doing design work.
- ❖ Jonathan Bargeman primarily works on storm and sanitary sewer road issues.
- ❖ Bob Boone does the water division design.
- ❖ This is the reason why we need two Autocads.

Commissioner Fisher asked if this was a computer program that we are using which states the price of materials that we are purchasing. Is this correct?

Mr. Schultz stated Autocad is a very powerful widely used design program. Autocad creates the plans and the profiles and the actual design sheets that our crews use to build the facilities or we use to go out to bid on a project. Autocad is the actual software that creates the design.

Commissioner Fisher asked Mr. Schultz if they needed two of the programs rather than one. He asked if they we are very busy and need to buy two programs.

Mr. Schultz stated Bob Boone and Jonathan Bargeman are in different work stations and now in separate buildings. For them to be able to function as they use the software everyday they each have to have the software.

It was moved by Commissioner Fisher and seconded by Commissioner McDonough to Concur with Communication No. 16-55 and Place it on File.

Commissioner Perdue-Dolan asked with these two powerful Autocads programs and another engineering technician does he think this will help lessen all of the cost we subcontract to other engineering firms and be able to do more projects in house.

Mr. Schultz stated the following:

- ❖ We do a lot of the projects in house.
- ❖ 6 or 8 months ago we had doubled the design work we had done in house.
- ❖ All of the work done on Montana Street 2 years ago and on Harrison Avenue last year was all designed in house.
- ❖ These projects were stamped by him and Bob Boone was the primary designer.
- ❖ The Cobban Street mill and overlay was designed by Jonathan Bargeman using the Autocad software that was bid out and Hollow Construction was the successful bidder.
- ❖ We are in process now of designing the water main and sewer main replacements we will do this coming summer and these two gentleman will be working on this project.



- ❖ We hire consulting engineers to do the unusual things that we do not have the skill set to do.
- ❖ Designing water plants and sewer plants or new facilities is something we do not have the horsepower engineering wise to do nor the County Shop Study.
- ❖ We also have an engineering contract to help with the very complex superfund world that we find ourselves in.
- ❖ As we stop building water and sewer plants at the end of this year and someday the superfund issues will end, our reliance and the expenditures on outside consultants will decline.
- ❖ We will continue using our existing engineering resources and will be designing as much and as fast as we can.

It was moved by Commissioner Fisher and seconded by Commissioner McDonough and passed with a unanimous verbal vote to Concur with Communication No. 16-55 and Place it on File.

SECTION 3 COMMUNICATIONS TO BE READ AND ACTED UPON

16-53 Jon Sesso, Director, Butte-Silver Bow Planning Board, requesting Council of Commissioners for concurrence in staff recommendation on new location for County Shops.

Site Selection Study Butte-Silver Bow County Maintenance Center

Jon Sesso Director, Planning Board stated the following:

- ❖ We were asked to outline the specific conditions in which we would recommend the Montana Pole Plant.
- ❖ We believe in having an ace in the hole as an alternative is very smart.
- ❖ We do not know how much success we will have in succeeding in getting the assurances you all demand and this community deserves.
- ❖ Thought it was prudent to do our best to try give the process another month to try and secure the site.
- ❖ Have made this recommendation with earnest research.
- ❖ Provided Council with a document prepared by Mr. Dare from Pioneer Technical Services for their review. Site Selection Study for Butte-Silver Bow County Maintenance Center.
- ❖ This Site Selection Study led to the conclusions that we recommended.

Commissioner Morgan stated the following:

- ❖ He thanked Mr. Sesso for the letter and stated it was exactly what he was looking for.
- ❖ There were some key points provided to Council and Butte Silver Bow that needed to explore.
- ❖ The list of 5 conditions that are required to be met answer his questions and are very good.
- ❖ He thanks him for listening to him stating the Council came up the conditions.
- ❖ They are hard demands.
- ❖ These demands have to be met.
- ❖ He is not willing to move from these demands for this purpose.

David Schultz, Director Public Works Department stated the following:



- ❖ We provided Council with documents relative to this matter.
- ❖ The first is a timeline.
- ❖ There are a lot of issues that come before Council stating difficult to keep track of.
- ❖ Regarding this project the timeline provides you when this process began, when we appeared before you in past and what public presentation were held.
- ❖ We provided the costs summaries for the Gilman and the Montana Pole Plant sites.
- ❖ Those are the two sites involved in this recommendation.
- ❖ Bound document is the Site Study which is the fruits of our labor from our committee, Andy Dare and staff at Pioneer Technical Services.
- ❖ Our goal tonight is to ask Council to concur in the staff's recommendation.
- ❖ Montana Pole Plant site as our primary site.
- ❖ Selection of the Montana Pole Plant site is because it is turns out to be the lowest costs site.
- ❖ From a financial and land use stand point it seemed to be the site that rose to the top.
- ❖ Montana Pole Plant site did not raise to the top by much.
- ❖ Because there are other issues that we willing be dealing with the Montana Pole Plant, staff also recommends the Gilman land be our safety spool basically.
- ❖ If we are not able to get the assurances that the Council has requested as specified, then we will negotiate some purchase options with Mr. Gilman so the land will be available if we need it.
- ❖ We have the entire committee here tonight to answer any questions Council may regarding this recommendation that we have made.
- ❖ There was a recent letter from MSE that changed the perimeters of what it was they were offering.
- ❖ We have done an analysis of the offer from MSE and if the Council desires, we can outline our analysis of the offer MSE made to Butte Silver Bow.
- ❖ Some talk about the Columbia study and we have people here who are experts and can talk about the study.
- ❖ There has been a lot of questions that we hope we can answer tonight and provide you with satisfactory answers.
- ❖ The communication requests a final vote and we would like to get a final vote along the lines of what was in letter that Mr. Sesso drafted.
- ❖ If Council would adopt the staff recommendation and allow us along with the Chief Executive to pursue the Montana Pole Plant.
- ❖ The Gilman property will be in our back pocket should it be needed.

Chief Executive stated the following:

- ❖ Thanks the selection committee and Mr. Dare with Pioneer Technical Services.
- ❖ This process began a year ago.
- ❖ There has been a lot of hours and a lot of diligence and certainly a lot of evaluation and consideration.
- ❖ There has been very few stones left unturned with the sites that were identified.
- ❖ He thanks Mr. Dare in particular on this project.
- ❖ He is aware Mr. Dare was getting paid for his work on the project, but Mr. Dare was very flexible and responsive to the changes as they came about.
- ❖ Most notably and recently was the letter from MSE which had us looking back at the drawing board respectively the Mike Mansfield Technology Center.



- ❖ All of the work, all of the public meetings with the public and with our staff both the selection committee members and the people who work at the existing County Shops and who will work at this new facility wherever it is located.
- ❖ We are ready to open the discussion and turn the matter over to Council to make a decision on whatever it will be.

Commissioner Foley asked Mr. Schultz about the analysis of MSE's recent letter sent to him and the Council of Commissioners. He would be interested in hearing Mr. Schultz's review of MSE's recent proposal was to Butte Silver Bow.

Mr. Schultz stated the following:

- ❖ They anticipated this would be a question.
- ❖ When they received this letter, they immediately discussed the matter with Helen Joyce.
- ❖ We received some parameters in order to do the analysis and so we crunched some numbers.
- ❖ He asked Andy Dare who has done the specific analysis to present it to Council.

Mr. Andy Dare, Pioneer Technical Services, 1101 South Montana Street, Butte, Montana stated the following:

- ❖ Following receipt of Helen Joyce's letter yesterday, we updated the Preliminary Estimate of the Mike Mansfield site to include the new information.
- ❖ As before, the site work, infrastructure, utilities, any special or offsite costs were developed by Pioneer Technical using the current contractor rates from recent projects and RS means estimating methods.
- ❖ The building costs were provided by S & A Architects using their recent bid data and estimates from steel builder, True North, Bozeman, Montana.
- ❖ RS means methods and updates to the original building construction costs which were originally provided by Butte Silver Bow.
- ❖ Mr. Dare highlights the changes made to the estimates as follows:
New land costs value of \$1.1 million has been used.
 - Represents the owner provided costs at \$50,000 per acre for approximately 22 acres identified for development.
 - A value of \$866,000 is now included for site work. This cost includes earth work, concrete and asphalt work, parking and roadway construction and also some landscaping costs.
 - The buildings and structures costs have been increased to \$6.35 million. This is the estimated costs to construct the 7 corral facility structures and is the same number as in the each of the other options.
 - The site infrastructure costs is estimated to be \$672,000. This includes the automated entry gate and the fuel system, etc. We account for the existing site fencing and other incidental benefits and for the existing infrastructure.
 - Water and sewer utility costs to serve the new structures are estimated approximately to be \$338,000. This number at this point does not include gas or electric costs.
 - As far as offsite costs, we do have the value of \$250,000 added. This is to address a required upgrade to the railroad crossing which come across south of the site on Paramount. This is a costs that has been identified as a cost of \$140,000.



- There are costs involved to widening the access road of the 22 acres located to the west back end of the MSE facility.
 - We anticipate the south entrance will become the primary entrance should this site be developed.
 - The revised total estimated capital costs are \$12.5 million dollars. This is a slight increase from the previous estimate by approximately \$250,000.
 - The Utility O & M costs were adjusted down. Previously, there was a concern of the available space at the Mansfield facility being over and up above the needs of Public Works. This was brought out in the utility costs provided by the owner and revised to be in line with the new buildings for the County Shops.
 - The new O & M total is \$901,000.
- ❖ In summary, the revised costs remain the most expensive of the sites that have been studied at this point.

Commissioner Sorich asked how they arrived at the complete maintenance costs and what formula did they use to arrive at the number provided.

Mr. Dare stated the following:

- ❖ This is something he ran through on the last presentation.
- ❖ The O & M costs were mostly focused on the annual mileage for the light duty and heavy duty vehicles that Public Works Department uses.
- ❖ We gathered the information from Public Works and estimated the annual mileage of the light and heavy duty vehicles and calculated the annual fuel costs.
- ❖ Using the service frequency information provided, we added the costs of any vehicle scheduled maintenance.
- ❖ Mr. Stajcar at the County Shop provided us with all of the information for 2015.
- ❖ The map showcased the centrally urban area, the urban area boundary and we identified the theoretical central location.
- ❖ From that point, we calculated the road mileage distance from that point to the existing facility as well as to each of the facilities that were under consideration.
- ❖ Once we calculated it we adjusted to total mileage travel distance by percentage.
- ❖ This would account for the travel of a vehicle to and from the location in addition to the travel the vehicle would do on a daily basis throughout the year.

Commissioner Perdue-Dolan asked Mr. Dare if he figured in any of the costs of the back taxes issue and asked if this was it figured in the cost structure of this project.

Mr. Dare asked if Commissioner Perdue-Dolan was referring to the MSE site it is his understanding from the information they received from MSE, the costs of the back taxes will be paid by MSE and he is not in the position to speak about this issue.

Commissioner Fisher stated the following:

- ❖ He is not in favor of the Montana Pole Plant site.
- ❖ Does not think it is a good idea to move from one contaminated site to another.
- ❖ We are assured it is not contaminated any more.
- ❖ He has heard all of the data and realizes what they are saying.



- ❖ He buys some of the data and he does not buy all of it.
- ❖ He does not think good idea to move from one contaminated site to another.
- ❖ As much as he wants to weigh in with Mr. Ferko and Ms. Joyce, the \$50,000 an acre for land seems a little high for him.
- ❖ \$12 million dollars seems high as overall costs.
- ❖ The location is a little far out and he has a tough time with that.
- ❖ If the vote were to be taken tonight, he would go with the Gilman site because it is the best site of the three.

Commissioner Morgan stated as far as a vote tonight he thinks with Mr. Sesso's letter we should note and place of file and move onto Communication No. 16-21.

It was moved by Commissioner Morgan and seconded by Commissioner Ralph and passed with a unanimous verbal vote to Note Communication No. 16-53 and Place it on File.

16-21 David Schultz, Director, Butte-Silver Bow Public Works Department, requesting time on the February 3, 2016 regular meeting agenda for council of commissioner to take a final vote on the selection of the new location for the county shop site.

Commissioner Morgan stated the following:

- ❖ He has a lot of questions about the Montana Pole Plant.
- ❖ There are some questions that we have to ask the DEQ and some other entities.
- ❖ He states it is worth exploring.
- ❖ If DEQ is willing to give us the comment as stated in Mr. Sesso's letter, then it is definitely a possibility for us to look at.
- ❖ He agrees with Commissioner Fisher that the Gilman property, the second best site, is still a good one to look at.
- ❖ Is important we look at both properties to see where we sit with the State of Montana.
- ❖ The reclamation work that has gone on in Butte Silver Bow looks spectacular there is no doubt about this.
- ❖ We have to realize when we go through and reclaim these places, we have to assume through proper techniques and proper studies they are guaranteeing the properties are brought back to a useful purpose.
- ❖ We have to take that and we have to treasurer those because it is the goal of the entities to clean up those sites.
- ❖ As far as another business or corporation moving to the Montana Pole Plant, there is not a better one than besides Butte Silver Bow for maintenance.
- ❖ We know what we have to monitor.
- ❖ We know what the work is.
- ❖ He states we would be good neighbors.
- ❖ As far as the look of the corral or the current County Shops, the current existing location is pretty nice for county shops.
- ❖ Butte Silver Bow takes pride in it and they keep it clean.
- ❖ They have a nice lawn in front.
- ❖ He has driven by there several times on his way home and he does not think it is an eyesore.
- ❖ Looking at some of the properties we are looking at are a bigger eyesore in their current condition than what they would look like with our maintenance shops on them.



- ❖ Not to say we are going to pick the Montana Pole Plant if we do not get conditions met exactly.
- ❖ He states again that he is not going to budge off of these 5 conditions as stated in Mr. Sesso's letter.
- ❖ If we do not receive these conditions met, he will not support this.
- ❖ He thinks it is worth exploring and let the State of Montana DEQ come back and tell us they will not give us the stamp of approval.
- ❖ Let us hear it from their lips and from there we can move on and chose a different site.

It was moved by Commissioner Morgan and seconded by Commissioner Shaw to agree with Mr. Sesso's letter and concur with the staff recommendation as presented to the Council of Commissioners and makes reference to Communication No. 16-53 to direct the Chief Executive to keep Council informed and present the negotiated property acquisition to this Council for final approval.

Commissioner Morgan stated with this motion we are not approving the purchase of the property. We are asking the Chief Executive to facilitate the negotiations with the party and come back to Council for the final vote.

Commissioner Ralph asked Commissioner Morgan she thinks he is also authorizing them to follow up on the Gilman property as a secondary.

Commissioner Morgan stated yes it is correct they would back and look at both sites.

Chief Executive asked Mr. Sesso if he has the document to state what the recommendation was so we have it for the motion.

Mr. Sesso stated the following:

- ❖ He to respond to Commissioner Ralph's comment.
- ❖ We are asking for Council's approval, as he understands the motion to continue the negotiations with the State of Montana.
- ❖ Receive the assurance of the 5 conditions being met by the State of Montana.
- ❖ If we can't, we can't.
- ❖ The motion was meant for Council to give staff the authority to pursue the Gilman site starting tomorrow.
- ❖ First, we have do an appraisal of the property.
- ❖ In order to do the appraisal have to agree with the property owner on an appraiser.
- ❖ The process needs to get going in earnest.
- ❖ We would not negotiate the acquisition of the Gilman property until the Montana Pole Plant becomes non-viable under our conditions.
- ❖ With respect to our recommendation, the Montana DEQ has got to assure that this site is safe and the site fully protects the environment and protects Silver Bow Creek.
- ❖ Any use whether it is the County Shops or anything else we may propose for the area or another owner may propose for the area is safe.
- ❖ We have got to have the assurance for the future.
- ❖ We never thought we would be moving the County Shops when they were placed there.



- ❖ We need assurance as a community to really make a recommendation to Council and complete the acquisition.
- ❖ Tomorrow, if this motion is passed tonight as proposed, we will invite the Montana DEQ to stand before Council over the course of the next two weeks to make representations one way or the other.
- ❖ They will explain and describe the risks associated and how they have dealt with those risks.
- ❖ We are going to commission an appraisal to get going on the acquisition of the Gilman property.
- ❖ This is what we are recommending.
- ❖ We want to make sure that Butte Silver Bow does not and is not the cause for any delay in the removal of the Parrot Tailings.
- ❖ We want to lock stepped in making this project moves forward.
- ❖ Has proven for being a catalyst for getting a lot of things going in our community.
- ❖ We want to be right there doing our share to keep this process moving forward breaking ground and start the long over-due process of removing the Parrot Tailings.
- ❖ Reads as follows: “To concur in the staff recommendation as presented in Communication No. 16-53 and to direct the Chief Executive to keep the Council informed and present the negotiated property acquisition to the Council for approval”.
- ❖ Back to the recommendation also states to negotiate with DEQ on the basis of the conditions as presented.
- ❖ We control Condition #5 a Deed Restriction which we would be put in the transfer agreement.
- ❖ The first four conditions are all on DEQ pertaining to the Montana Pole Plant.
- ❖ To concurrently move forward on the Gilman property.

Chief Executive paraphrased Commissioner Morgan’s motion stating to concur with the staff recommendations and emphasize the 5 conditions as such stated in Communication No. 16-53.

Commissioner Palmer stated the following:

- ❖ Has stated before that he did not think the Montana Pole Plant was a good location.
- ❖ He appreciates all the work that went into this by Andy, Jon and all of the staff.
- ❖ The Montana Pole Plant and DEQ to happen within two weeks.
- ❖ We have been dealing with them for many years and we have not seemed to get anywhere.
- ❖ He suggests ruling this out as he cannot see putting it there.
- ❖ Likes the Gilman property for the County Shops.
- ❖ We want to be looking at this 10-15 years from now and what the community going to look like.
- ❖ This is one of the entry ways into the community too and so is the Montana Pole Plant.
- ❖ He would rather see as long as we are relocating the County Shops place them south of town.
- ❖ He prefers the MSE site.
- ❖ The \$50,000 per acre was the figure provided by the owner.
- ❖ This property has to be appraised and we have to go with the appraised value.
- ❖ There is possibility there and he is leaning toward the MSE site.

Commissioner Henderson stated the following:

- ❖ Agrees with Commissioner Palmer on the Montana Pole Plant site.



- ❖ How many years have they work on the Montana Pole Plant?
- ❖ Since they have been working on the Montana Pole Plant it has never been cleaned.
- ❖ Who knows if they will ever get the Montana Pole Plant cleaned.
- ❖ We are looking at moving the County Shops and trying to get this done right away.
- ❖ By the time they start the Parrot Tailings removal there is not going to be enough time for DEQ to make their clean up procedures or if they will do it.
- ❖ Has been so many years and the Montana Pole Plant is still contaminated.
- ❖ He cannot be convinced that the Montana Pole Plant isn't contaminated.
- ❖ Does not think it is a good place to be.
- ❖ The Gilman property the second choice is a great choice.
- ❖ MSE site could be considered depending on price and a few other things.
- ❖ We were told last week that MSE could not be considered and asked Mr. Schultz if this was correct because of taxes.

Mr. Schultz stated he would not of spoke regarding of taxes. Two weeks ago, we recommended to Council the two sites as the Montana Pole Plant and Gilman property. We had further discussion last week and does not recall a tax discussion but taxes are an issue with respect to the MSE property.

Commissioner Henderson stated the following:

- ❖ Does not believe DEQ will do this and believes the Montana Pole Plant it is contaminated.
- ❖ Is more serious than a lot of people are aware of.
- ❖ The Gilman site is an awesome site.
- ❖ The audience indicated the relocation of the County Shops might be located outside of town.
- ❖ If they are located outside of town, the transportation costs increase going back and forth.
- ❖ The Montana Pole Plant site is definitely off his radar.

Commissioner Fisher stated the following:

- ❖ Agrees with Commissioners Palmer and Henderson.
- ❖ The DEQ timeframe and timeline with working with contingencies as proposed is going to be a little difficult.
- ❖ There are a lot of people in Butte Silver Bow do not trust DEQ with the private negotiations going on.
- ❖ People do not trust the EPA or the DEQ for things that have been going on.
- ❖ It is a hot topic in Butte right now.
- ❖ Does not think it is the right thing to do.
- ❖ The communication before Council allows the Chief Executive to negotiate one of the two properties.
- ❖ Not sure if the Chief Executive being in on the negotiations is the right thing to do right now.
- ❖ Having the Chief Executive in the position of negotiating and deciding whether we buy the Montana Pole Plant or the Gilman property.
- ❖ He is not comfortable at all with the Montana Pole Plant site.
- ❖ The MSE site would have been good but they started a little too late.
- ❖ We started this in 2014 and it is 2016.
- ❖ Time to make a decision and should make it sooner or later and move on with it.



Chief Executive Vincent stated the following:

- ❖ We are not going to choose one site over the other without bringing it back to Council.
- ❖ He hears the concerns with the Montana Pole Plant.
- ❖ This is why we put the conditions in there which are part of the motion and we are not compromising.
- ❖ We need to move our County Shops in order to be assured by the State of Montana to get an adequate cleanup of the Parrot Tailings for our community and environment.
- ❖ We are using this as an opportunity not move from one contaminated site to another contaminated site.
- ❖ Looking at it as a way to put the DEQ and the State of Montana on notice.
- ❖ We are giving them an opportunity to step up and provide us the same assurances.
- ❖ We will be given a clean remediation at the Montana Pole Plant prior to us considering it and moving forward with the construction.
- ❖ If they cannot do that, it is on them not us.
- ❖ This is not our decision to be saying what the DEQ and the State of Montana can or cannot or will or will not do.
- ❖ Let us put it on them as one of the conditions.
- ❖ We will find out within a couple of weeks to a month whether they are willing to abide by these conditions we place on this.
- ❖ We do not want to waste any more time.
- ❖ If it is not the case, we want to move quickly to the other choice.
- ❖ In respect to MSE, wants to applaud and acknowledge Ms. Joyce and their staff in their persistence and efforts to have us look at this site.
- ❖ We have looked at that site and we do not feel it is going to work for this project.
- ❖ We have been partners for the past couple of years helping them find equity and an end game because we want to see them succeed.
- ❖ We have been their partner from the beginning and we are their partner today and will be their partner tomorrow as we move through finding the end game for MSE property.
- ❖ Unfortunately, at this time it is not in the cards to be considered as the location of our County Shops.

Commissioner Perdue-Dolan stated the following:

- ❖ She spoke with approximately 20 people in person today.
- ❖ All of them were totally against the Montana Pole Plant site.
- ❖ They could not believe the Montana Pole Plant site was the preferred site to move the County Shops.
- ❖ The Montana Pole Plant is a superfund site and it is not cleaned up in their perspective.
- ❖ Several people noted to her that several superfunds sites here in Butte had to be cleaned up 4 and 5 times to be noted as cleaned up.
- ❖ Council is in control of making this decision, not the State of Montana, not the federal government.
- ❖ We here in in this room tonight for the community of Butte Silver Bow.
- ❖ Make the decision and to make the most important decision to relocate the County Shops.
- ❖ Keep the health and safety of the employees who work at the County Shops paramount.
- ❖ Keep the risk down for the people who live there and work there.
- ❖ She would take the Montana Pole Plant site off the table.



- ❖ Makes absolutely no common sense to her to move one superfunds site to another.
- ❖ The Gilman site make more sense.
- ❖ She understands Mr. Ferko’s comments from the beginning.
- ❖ She appreciates MSE’s site selection as it makes sense.
- ❖ The MSE site is more expensive.
- ❖ She appreciates Mr. Schultz and Mr. Sesso’s letter as well as all of the work Mr. Dare has done and all of the contingencies.
- ❖ She is aware of what has happen in the State of Colorado with the EPA and the lack of accountability.
- ❖ Keeps this in mind and she does not want those kinds of things happening if we move the County Shops to Montana Pole Plant.
- ❖ Down the road someone says “Oops sorry.
- ❖ Does not want this to happen again.
- ❖ States for the record “no” to Montana Pole Plant site and if we have other options available let us look at those.

Commissioner Sorich stated the following:

- ❖ He is not in favor of the Montana Pole Plant either.
- ❖ In talking conditions with the EPA the EPA has glacial speed.
- ❖ Some of questions tried and even agreements have taken years to get done.
- ❖ This is a concern to him.
- ❖ The cost between the Gilman and Montana Pole Plant there is a difference.
- ❖ We want to get this done as everybody wants to.
- ❖ We want to get this done and have it finalized hopefully by May, 2016.
- ❖ He suspects even in negotiating the Gilman property getting this done by May, 2016 is going to be a struggle.
- ❖ He agrees with other commissioners to take the Montana Pole Plant off the table.

Commissioner McDonough stated the following:

- ❖ Parrot Tailings are in his District #8 and the County Shops are on top of the Parrot Tailings.
- ❖ We talk of aesthetics and location of the County Shops.
- ❖ Butte Silver Bow is a great neighbor and we keep it clean and maintained.
- ❖ States the public has a misconception of how much traffic goes in and out of County Shops.
- ❖ We run police cars and trucks in and out.
- ❖ We start our shifts and go back for loads but he does not think we are moving tons of traffic in and out of there.
- ❖ Reason it looks the way it does is because if going to cap 22 acres of mine waste, going to cap it with asphalt.
- ❖ Moving forward we have opportunity to make it aesthetically pleasing so it will blend in wherever the location will be.
- ❖ If we do not have a contaminated site on top of Parrot Tailings, we have less asphalt and more landscaping and aesthetics to address issues.
- ❖ We have to consider the offer from the State of Montana.
- ❖ He knows the DEQ has been slow to move.



- ❖ We are in an election year and Governor Bullock is the only governor that has offered to move the County Shops.
- ❖ He is not sure how this came to be but we have an offer on the table from State of Montana.
- ❖ If Governor Bullock is no longer there, does the offer remain on the table from the State of Montana?
- ❖ We are on a time sensitive issue here to take a very genuine offer from the State of Montana.
- ❖ We are on the clock and hopes we all consider this.
- ❖ All of the work that has been paid for by the State of Montana.
- ❖ DEQ moves slow but they have paid for the study not Butte Silver Bow.
- ❖ They have studied this for over a year.
- ❖ We have options in front of us and we may not agree with all of them.
- ❖ The perception of the County Shops being a boondoggle that needs to be buried or placed out of mind out of site is a poor inclination the efforts of Butte Silver Bow.
- ❖ We do very good job of maintaining our property.
- ❖ We have very competent people who work for us there.
- ❖ If we were to dig the Parrot Tailings out and put the County Shops back where they are currently located, would be fine with him.
- ❖ As the representative of District 8, this would be fine with him because he is aware how clean we keep the area.
- ❖ He is not in favor of the Montana Pole Plant either.
- ❖ He has made comments to locate the Hot Mix Plant with the County Shops.
- ❖ There is a stipulation in the motion before us to exclude the Hot Mix Plant if they are place the County Shops at the Montana Pole Plant site.
- ❖ He is not sure if we should be in the hot plant business down the road.
- ❖ We are on the clock and have weighed the issues if front of us for a long time.
- ❖ For the record, we have thoroughly investigated this matter, whether we agree or not and have done a nice job of reviewing our options.
- ❖ We have an offer in front of us.
- ❖ He is comfortable with the Gilman site.
- ❖ Recognizes the potential of the MSE site if not the County Shops, definitely for economic development.
- ❖ He hopes we can wrap this up soon.

Commissioner Andersen stated the following:

- ❖ He and a lot of citizens of Butte Silver Bow have little to zero trust in EPA in the cleanup efforts that have been ongoing.
- ❖ The EPA has shown time and time again their inefficiency in dragging their feet in everything else.
- ❖ The list Mr. Sesso provided regarding the conditions 1 through 4 which specifically requires the EPA to agree to half of them to wash their hands clean of the issue.
- ❖ They will kick the can down the road for 20 years like they did the other Parrot Tailings.
- ❖ He does not think there is any real effect of having the 4 conditions.
- ❖ The 5 condition is not to place the County Asphalt Plant there.
- ❖ In the past, has been a major goal to have the County Shops, Hot Plant and Crusher under one umbrella.
- ❖ The 5th condition eliminates this idea all together.



- ❖ With those 2 factors and listening to this body tonight, does not think there is a lot of people who like the idea of using the Montana Pole Plant.
- ❖ When look at the numbers there is a \$200,000 difference with the 25% contingency.
- ❖ This is a wash in his goal of finding a new location for the County Shops.

A sub-motion was moved by Commissioner Andersen and seconded by Commissioner Henderson to eliminate the Montana Pole Plant from further considerations and enter into discussion with Gilman property and with the secondary option to move ahead with discussion with MSE.

Commissioner Foley stated the following:

- ❖ This is a very tough issue here and one we have complicated more than we have to.
- ❖ States he would lose either way no matter where it is at either site.
- ❖ Mr. Ferko hit on some strong points that were not considered.
- ❖ Mr. Ferko made points why the other site is not a good location.
- ❖ This is the entrance to our town.
- ❖ Now the location looks terrible.
- ❖ Commissioner Morgan also made some points that it looks bad there.
- ❖ There are railroad tracks running through property which has not been brought up.
- ❖ This is a decision that we have to make.
- ❖ Just like any other issue coming before us.
- ❖ Appreciates Mr. Sesso work that has been done and the compromise of not having the Hot Plant there.
- ❖ No matter which site we select here that there is not going to be contamination.
- ❖ Remember the Parrot Tailings are we going to get all of contaminates there? No.
- ❖ The railroad tracks and the road has contaminates there.
- ❖ This is not going to be a perfect solution for this community no matter where it is at.
- ❖ Let us move forward on this and make a decision.
- ❖ There will be winners and losers and not keep dragging this out.
- ❖ The research is front of you.
- ❖ He would like to put them on the outside of town.
- ❖ Will be driven by money and what the most economic means for this community.

Commissioner Ralph stated the following:

- ❖ She was waiting for everyone to add a motion to the end of their statements.
- ❖ States they would prefer the Gilman site and take the Montana Pole Plant off the list.
- ❖ There has been a lot of good comments made here tonight.
- ❖ States she feels for Mr. Ferko.
- ❖ Would love to do something with the MSE site but does not believe this is the right thing to do with the MSE site.

A motion to end all motions was moved by Commissioner Ralph and seconded by Commissioner Morgan on Communication No. 16-21 to move forward with the pursuing the Gilman property only and Place it on File.



Commissioner Henderson asked Mr. Schultz if he wanted to comment of the Columbia Montana State workbook and how the study was taken.

Julia Crain Special Project Planner for Planning Department stated the following:

- ❖ This was not a commissioned study from a colleague of hers.
- ❖ Has had a keen interest in Butte in the environmental issues that are occurring.
- ❖ Learning experience for students to learn this urban environment.
- ❖ They looked idea of moving the County Shops from current location to another location due to need of removing the Parrot Tailings.
- ❖ Look at process through a sustainability lens.
- ❖ Try to incorporate features in design that sustain or promote longevity of natural resources.
- ❖ This is not a site selection analysis.
- ❖ Running through process to develop a tool to aid the community in making decisions on future civic projects.
- ❖ At MSE there is a power plant where if the County Shops were located there would use the power plant source of energy.
- ❖ Another consideration is the use of solar panels to harness the power of the sun for an energy source.
- ❖ Look at this not as a site selection by at high level quantitative way.
- ❖ Did not use any numerical risk analysis similar to what Pioneer Technical Services has prepared.

Commissioner Henderson thanked Ms. Crain for this explanation of this study.

Commissioner McDonough stated the following:

- ❖ Having a tough time on one option.
- ❖ If something does not work, he likes to see two options on the table.
- ❖ If something happens with the Gilman property in negotiations he would hate to start the process over again with only one option.
- ❖ States we should consider having a Plan B.

Commissioner Sorich stated with only having one option when trying to negotiate something it is a given you have only one option and negotiations can be difficult.

Chief Executive stated these are good points to consider.

Mr. Sesso stated the following:

- ❖ We are comfortable with the motion as it reads
- ❖ We would start the negotiations tomorrow.
- ❖ If this does not work out, we would come back Council.
- ❖ Council has the authority to select another site that we have already analyzed.
- ❖ We would not have to start the process from scratch.
- ❖ We have done a good level due diligence on this site.



- ❖ He assures Council about the entrance to the community to have our administrative offices located on Excelsior Street.
- ❖ The machine shop would be sited down below to be serviced.
- ❖ The gas tanks and areas where most of the traffic would be on Centennial Avenue.
- ❖ There is a buffer between the interstate and Centennial property frontage.
- ❖ Iron Street frontage which is very important entrance to community would look good.
- ❖ Will make sure that our front door is attractive as can be.
- ❖ Provides advantages for trucks going north use Excelsior Street and going south use Centennial Avenue.
- ❖ We will be paying the appraised value of the property.
- ❖ We have to do an appraisal and have to agree on appraisal of the property.
- ❖ The challenge will be associated with the site development.
- ❖ Will be a tiered system as it drops off on the south to the north.
- ❖ Regarding the Montana Pole Plant clean up, the DEQ will have to assure us otherwise we will not take the property for any kind of use.
- ❖ We were counting on the DEQ to do a good portion of the site preparation using the remediation dollars.
- ❖ So we can reserve the NRD dollars for other purposes.
- ❖ This was on our minds when we prepared our recommendation.
- ❖ Nothing is objectable to us.
- ❖ We can make the Gilman site work.
- ❖ If not, we will come back to Council with Plan B.

Commissioner Henderson stated the following:

- ❖ With the Greenway and the reclamation in the area of Hot Plant consider combining everything.
- ❖ To utilize all equipment more efficiently rather than having vehicles at different locations.
- ❖ Asks Mr. Sesso if he feels comfortable with the Hot Plant going to the Gilman site in the future.
- ❖ Asks Mr. Sesso if they want to connect the Greenway with the trail system.

Mr. Sesso stated yes to Commissioner Henderson's questions.

Commissioner Henderson thanked Mr. Sesso.

Mr. Sesso stated the following:

- ❖ Have made considerable effort make sure we collocated.
- ❖ Spoke with Council before whether it is priority and it is.
- ❖ We need to look down the road.
- ❖ The comprehensive corridor project that we have ignited with the removal of the Parrot Tailings across Montana Street to Asphalt Plant.
- ❖ Does think this is tomorrow or next year but it will come.
- ❖ At that time after due diligence whether we stay in the business of producing asphalt or not.
- ❖ The answer to collocation will not be on the Gilman property as defined.
- ❖ The Gilman property is zoned M1 zoned only for the shops.



- ❖ Right next door there is 30 acres that is zoned M2 which is zoned satisfactory for an asphalt plant.
- ❖ If we decide to collocate in the future, we would have to Council for authorization to negotiate with owner to the east of the Gilman property.
- ❖ This would achieve our overall goal of being in the general area.
- ❖ We need to take considerable effort the U Shed of the asphalt plant and operations from it would be probably buffered from the residential areas.
- ❖ There is a path forward to able to achieve a consolidation goal along Centennial Avenue without changing any of the current zoning regulations.

Commissioner McDonough asked Mr. Sesso if the Hot Mix Plant was where the current Metro Sewer Plant before we moved it.

Mr. Sesso stated yes.

Commissioner McDonough stated we are talking about its previous location was before its present location.

Mr. Sesso stated it was right across the street.

Commissioner Morgan called for the question.

A motion to end all motions was moved by Commissioner Ralph and seconded by Commissioner Morgan on Communication No. 16-21 to move forward with the pursuing the Gilman property only and Place it on File. The motion passed by a roll call vote of 7 yea and 5 nay. Commissioners Andersen, Palmer, Sorich, Foley and Perdue-Dolan voted nay.

Chief executive stated the motion passes and we will begin tomorrow with Gilman Construction for the piece property for the location of our new County Shops. He thanked Council for the thorough discussion and the staff for providing the evaluation and recommendation and to our consultant, Pioneer Technical Services, Andy Dare and his assistants.

SECTION 4 ORDINANCES AND RESOLUTIONS REFERRED TO JUDICIARY

COUNCIL BILL NO. 16-2 ORDINANCE 16-2

AN ORDINANCE ESTABLISHING A NEW CHAPTER OF THE BUTTE-SILVER BOW MUNICIPAL CODE (BSB-MC) TO BE NUMBERED 8.02 AND TO BE ENTITLED “VACANT BUILDINGS”, ESTABLISHING REGISTRATION PROCEDURES, ESTABLISHING PROVISIONS FOR ENFORCEMENT; PROVIDING FOR A PENALTY AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.



COUNCIL RESOLUTION NO. 16-3

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT OF THE COPPER FOX ESTATES – AMENDING BLOCKS 1, 2, 3, AND 4 OF THE SUBURBAN TRACTS 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.

COUNCIL RESOLUTION NO. 16-5

A RESOLUTION OF NECESSITY DECLARING AN INFRASTRUCTURE DEFICIENT AREA EXISTS WITHIN THE CITY AND COUNTY OF BUTTE-SILVER BOW, MONTANA IN AN AREA KNOWN AS THE SOUTH BUTTE INDUSTRIAL PARK AND THAT INVESTMENT IN INFRASTRUCTURE IN THAT AREA IS NECESSARY IN THE INTEREST OF PUBLIC HEALTH, SAFETY, OR WELFARE OF THE RESIDENTS OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**SECTION 5 ORDINANCES AND RESOLUTIONS
FINAL READING**

ORDINANCE NO. 16-1

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 15 MPH SPEED LIMIT ON WEST GRANITE STREET FROM WESTERN AVENUE ON THE EAST TO MAY STREET ON THE WEST AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

It was moved by Commissioner Shaw, seconded by Commissioner Morgan that Council Bill No. 16-1 and Ordinance No. 16-1 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.



RESOLUTION NO. 16-4

I, THE UNDERSIGNED, BEING THE DULY QUALIFIED AND ACTING RECORDING OFFICER OF THE CITY-COUNTY OF BUTTE-SILVER BOW, MONTANA (THE “CITY-COUNTY”), HEREBY CERTIFY THAT THE ATTACHED RESOLUTION IS A TRUE COPY OF COUNCIL RESOLUTION NO. 16-4, ENTITLED: “RESOLUTION RELATING TO \$10,268,000 SEWER SYSTEM REVENUE BOND (DNRC WATER POLLUTION CONTROL STATE REVOLVING LOAN PROGRAM), SERIES 2016; AUTHORIZING THE ISSUANCE AND FIXING THE TERMS AND CONDITIONS THEREOF” (THE “RESOLUTION”), ON FILE IN THE ORIGINAL RECORDS OF THE CITY-COUNTY IN MY LEGAL CUSTODY; THAT THE RESOLUTION WAS INTRODUCED BY THE COUNCIL OF COMMISSIONERS OF THE CITY-COUNTY AT A REGULAR MEETING ON JANUARY 20, 2016, AND THAT THE MEETING WAS DULY HELD BY THE COUNCIL OF COMMISSIONERS AND WAS ATTENDED THROUGHOUT BY A QUORUM, PURSUANT TO CALL AND NOTICE OF SUCH MEETING GIVEN AS REQUIRED BY LAW; AND THAT THE RESOLUTION HAS NOT AS OF THE DATE HEREOF BEEN AMENDED OR REPEALED.

It was moved by Commissioner Shaw, seconded by Commissioner Morgan that Resolution No. 16-4 be placed on final reading and be passed, having been deemed read at length. The motion passed by a roll call vote of 12 yea and 0 nay.

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA

R. Edward Banderob, 2601 Grand Avenue, Butte, Montana stated the Alley Rally is not on the agenda and suggests the Alley Rally begin 1 month before and be extended by 1 month.

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 10:25 p.m.

MATT VINCENT
CHIEF EXECUTIVE

ATTEST:

CLERK & RECORDER



