

**MINUTES OF THE REGULAR MEETING OF THE
BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
FOR APRIL 6, 2016**

The Regular Meeting of the Council of Commissioners was called to order Wednesday, April 6, 2016, in the Council Chambers, Third Floor, Room 312, Courthouse Building, 155 West Granite Street, Butte, Montana, by Commissioner John P. Morgan.

ROLL CALL

Commissioner Morgan, *present*

Commissioner Palmer, *present*

Commissioner Andersen, *present*

Commissioner Walker, *present*

Commissioner Foley, *present*

Commissioner Ralph, *present*

Commissioner Shaw, *absent*

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
Colleen Safratowich, Deputy Clerk & Recorder
Tracy Watt, Council Secretary

PRAYER AND PLEDGE

Commissioner Henderson said the prayer and led pledge.

PUBLIC COMMENT ON ANY ITEMS ON THE CONSENT AGENDA

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

- Reference Section 2, Consent Agenda, Judiciary Report, Communication 16-110 – requesting Council of Commissioners to establish rules and procedures to call for, authorize and recognize Advisory Community Councils.
- Remind Council of Commissioners of a few points:
 - Council has already denied the 13-page, \$100,000 per year Neighborhood Model City of proposed Ordinance 14-8, Bill 14-8. Don't know why Council keeps referring back to the Great Falls presentation. Neighborhood Councils are out of consideration.
 - The County Attorney has already clarified that Neighborhood Councils are not what are stipulated in the City-County Charter. So I do not know why Council keeps referring back to the Neighborhood concept and cannot move on.



- The City-County Charter states that Community Councils are to be authorized to advise the Council of Commissioners.
- Agree with Mr. Worley. Power and duty already in Charter. Don't see need for Ordinance or Resolution, just Rules and Procedures. No additional cost to taxpayers.
- County Attorney's letter of April 28, 2015 clarifies Council can authorize Community Councils to advise the Council of Commissioners. There are 447 people who have signed petitions who agree.
- Rules Committee has already proposed a Procedure that the Council has concurred with. This proposal needs only slight modification to change it from a Neighborhood Council concept to a Community Council concept.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF MARCH 16, 2016.

It was moved by Commissioner Walker, seconded by Commissioner Andersen, and passed by a unanimous verbal vote to approve the minutes of the Regular meeting of March 16, 2016.

ITEMS NOT ADDRESSED ON THE AGENDA

Emergency Suspension of the Rules to allow Communication No. 16-157 to be added to the agenda.

It was moved by Commissioner Walker, seconded by Commissioner Andersen, and passed by a roll call vote of 11 yea and 0 nay to suspend the rules in accordance with the provisions of Subsection 6 of Rule VI of the Rules of Business of the Council of Commissioners of the City and County of Butte-Silver Bow, State of Montana. The Council hereby finds that an emergency condition exists which requires that the Council Rules be suspended to allow Communication No. 16-157 to be added to the Agenda of the April 6, 2016 Regular Meeting of the Council.

CHIEF EXECUTIVE REPORT

None.

SECTION 1 BID OPENINGS, PUBLIC HEARINGS, AND/OR PRESENTATIONS

Commissioner Morgan moved Item 3, Public Hearing on Petition No. 16-2, to be held first.

County Attorney Eileen Joyce confirmed Proof of Publication for all three items under Section 1.



1. PUBLIC HEARING
PETITION NO. [16-2](#)
(Previously Item 3)

Michael A. Nasheim, Building Official, Butte-Silver Bow Building Code Department, requesting Council of Commissioners authorize a petition to close and vacate the alley adjacent to Lots 1 through 14 and 15 through 28 in Block 6 of the Fairview Addition. [Signatures.](#) [Map.](#)

Mr. Nasheim stated the following:

- With me is Mr. Forrest Jay, who is working with Wyatt and represents the owners on this project.
- Only comments we received back were from Century Link about some overhead power lines.

Mr. Jay stated the following:

- Representing the applicant, we have addressed Century Link's issue with the alley vacation by rerouting the utilities at the owners' expense.
- Those plans are still in progress, but we have reached understanding with all utility companies on reroutes for this property.

Commissioner Morgan opened the public hearing. He called for any proponents. There were none. He then called for any opponents. There were none. Commissioner Morgan closed the public hearing.

2. BID OPENING
COMMUNICATION NO. [16-81](#)
(Previously Item 1)

Brian Wilkins, Butte-Silver Bow Public Works Department, requesting Council of Commissioners concur with the request to hold a Bid Opening on April 6, 2016 regarding the Basin Creek Water Treatment Plant Ancillary Facilities, Southside Pump Station and PRV Building.

Mr. Wilkins stated the following:

With me is Gary Swanson with Robert Peccia & Associates. He is the engineer for the pump station and PRV project.

County Attorney Eileen Joyce confirmed Bid Bonds in the amount of 10% from Licensed Surety Company appeared to be in order for all ten bids.



		Schedule 1 Pump Station	Schedule 2 PRV Bldg.	Grand Total
	Engineer's Estimate	\$1,494,735	\$656,782	\$2,151,517
1.	Mountain View Building of Montana 2011 Iris Ln. Billings, MT 59102	\$1,145,800	\$630,700	\$1,776,500
2.	EDK Engineering & Construction, Inc. 687 Cairo Place Billings, MT 59105	\$1,016,400	\$405,500	\$1,421,900
3.	Montana Civil Contractors P.O. Box 1019 Belgrade, MT 59714	\$1,058,500	\$613,000	\$1,671,500
4.	William Brothers Construction P.O. Box 1459 Billings, MT 59103	\$980,000	\$460,000	\$1,440,000
5.	Dick Anderson Construction 4498 Jackrabbit Ln. Bozeman, MT 59718	\$998,340	\$477,100	\$1,475,440
6.	Intermountain Construction Services 2101 Yale Ave. Butte, MT 59701	\$1,247,000	\$634,000	\$1,881,000
7.	Diamond Construction P.O. Box 5987 Helena, MT 59604	\$760,000	\$375,000	\$1,135,000
8.	COP Construction P.O. Box 20913 Billings, MT 59104	\$1,301,800	\$540,000	\$1,841,800
9.	Swank Enterprises 750 W. Reserve Dr. Kalispell, MT 59901	\$897,000	\$497,000	\$1,394,000
10.	Karnath Contracting P.O. Box 82 Cardwell, MT 59701	\$950,300	\$449,000	\$1,399,300

It was moved by Commissioner Walker, seconded by Commissioner Andersen, and passed by a unanimous verbal vote to refer the bids to the Public Works Department and have them come back to Council with their recommendation.

3. PUBLIC HEARING
COUNCIL BILL NO. [16-2](#)
ORDINANCE [16-2](#)
(Previously Item 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.

Commissioner Morgan asked for a staff report from Assistant Community Enrichment Director John Moodry.

Mr. Moodry stated the following:

- The reason this Ordinance came about is two-fold. One is an inventory of vacant and blithe-stricken buildings. And another was a study done by an independent contractor hired with grant money which recommended developing an Abandoned Building Registry.
- It is a tool that would help Community Enrichment, Urban Revitalization, the Historic Preservation – if we had an inventory of these buildings with a registry of registered owners and a contact person.
- Right now about 50% of the vacant buildings in uptown Butte are owned by out-of-state, out-of-county, and in some instance, out-of-country holding companies, and they’re very hard to get a hold of when we see issues with these vacant buildings.
- This is not going to be a heavy-handed government policy.
- Just a tool to help us with people who are speculating on property in Butte-Silver Bow to keep property values up, both for the speculators and the adjoining neighborhoods and the community.

Commissioner Henderson stated the following:

- There have been some concerns about Butte-Silver Bow properties that are not being taken care of. What are we going to do about that?

Mr. Moodry stated the following:

- We do have an inventory of all Butte-Silver Bow properties, and we are doing the best we can to maintain these properties.
- Through the Land Sales Committee, we have worked for years to try to get these properties that Butte-Silver Bow, a lot of them, we get because of delinquent taxes – but we have worked very hard to get these back on the tax rolls.

Commissioner Henderson stated the following:

- Let’s just take one – for instance, 2nd Street. The house burnt, Butte-Silver Bow now owns it. It’s been a hazard. There have been people in there. I think Community Enrichment, or whoever, has chased them out of there. The place has not been torn down. Could you help me out on something like that, because there have been a lot of calls on things of this nature.



Mr. Moodry stated the following:

- That particular property is right now out on a Developers Packet to try to get it back into private ownership.
- We are working with Karen Byrnes to make that property marketable. There are several. I think we have four or five. You will see the Developers Packets on them in the next couple of weeks.
- You bring up the question of demolition. Demolition is our last resort. The particular property you are talking about – the fire damage on the outside is very minimal. It is a property we feel someone could take over. The property has been secured by Butte-Silver Bow. It is patrolled regularly. And yes, we have had to remove people. We remove people constantly from private property and Butte-Silver Bow owned property.
- This registry would really help us a lot.
- Just in the last week we've had two properties that are being lived in by vagrants and the out-of-state property owners have no idea they were even in there.

Commissioner Fisher stated the following:

- I think we do have an inventory of the buildings. The question I get is that they feel it's going to be heavy-handed on the locals and kind of light on the out-of-state people.

Mr. Moodry stated the following:

- Within my department now, we are not heavy handed.
- We look at the piece of property; we do not look at the ownership. We would treat a resident of Butte-Silver Bow exactly the same as we would treat someone from out-of-state, out of the county, out of the country.
- Don't want this perceived as any kind of bureaucratic hurdle people have to jump over just because they own property.
- We want the registry. We want to know where these people are – how to get a hold of them.

Commissioner Fisher stated the following:

- Do you think this is something you can handle with the staff you have or will you need more staff to enforce these rules and regulations?

Mr. Moodry stated the following:

- I feel, because of our reorganization within Community Enrichment and the Weed Control Department, we have the staff to do it. It will make our workload actually easier.



Commissioner Perdue-Dolan stated the following:

- Do you think the fines are sufficient, or do you think there's room for improvement there?

Mr. Moodry stated the following:

- The fines that are in there are efficient (sic). I think they're very lenient. But we want this to be a volunteer program. We want the registry to work. We may have to re-visit that, but in this current draft they are sufficient.

Commissioner Morgan opened the Public Hearing. He called for any proponents.

Proponent [e-mail](#) from Jeff Francis was read into the record by Council Secretary.

Mary McCormick, Historic Preservation Officer stated the following:

- I am a proponent for this Ordinance.
- Discouraging in my job to go to house to be demolished to find owner has not taken care of it for last 30 years.
- Discouraging to be part of the Developers Packet program and go out and see the deteriorated condition of a property that has gone to Butte-Silver Bow on the tax roll.
- Respect the Community Enrichment staff. They do great job. Honest and good people. I know they will enforce this Ordinance even-handedly.
- But do have couple of concerns. In reading the Ordinance, I wonder if there's room in Butte-Silver Bow, according to this Ordinance, to have a vacant building that the owner maintains, meets building codes and is in safe condition, but they have no plans for use in the future, or the building is not currently being used, or there's no plan for use.
- Section 4, Building Registration, Part B, makes me feel there is no room to have a vacant but very secure building that is not in use. I suggest a re-write.

Larry Juhl, 1127 2nd Street, Butte, Montana, stated the following:

- I also am a proponent of the Ordinance.
- He is trying to be very even-handed, but I think this will take a little bit more force. Seems very voluntary.
- I drove around my neighborhood this afternoon and took some photographs. There are probably 30 empty buildings. None of those people are going to come forward to provide you with that \$25 fee. That fee is not sufficient to cover the work folks will have to do to look up where those people are located, send them registered letters, etc.
- I also included a few photographs of the Community Enrichment stuff that is supposed to be done in that neighborhood. We don't seem to be getting any traction getting those places cleaned up – they are also very dirty and trashy.



- So we already have an apparently over-worked agency for the government on the Community Enrichment part, and now they're going to try to expand into identifying and discovering these places.
- It's not just people coming in to pay the \$25 or accept the fee or do the plan, they're actually going to have to go around and look at these places to find them, they're going to have to send them registered letters, they're going to have to do a lot of work in order to come up with who those people are and what's going to happen.
- So I think it's a great idea. There are some properties that are savable, others that probably should be bulldozed and sold as lots. I hate to say that because I enjoy the rich interiors of these old buildings, but sometimes it's time to move on.
- Concerned with the cheapness of the fines and fees. I don't think they're going to cover the city costs. I don't think the organization that is currently going to be doing this has enough people to really discover everything and figure out what to do with it.

Commissioner Morgan called for any opponents.

Dan Riley, 116055 Boulder Road, Butte, Montana, stated the following:

- Heavy-handed, what does that mean?
- Isn't there a law on the books already prohibiting property ... I got a certified letter about a year ago on a garage door I took down. About a month after I took it down I got a certified letter from the County. They gave me a week to get a new garage door. That's heavy-handed.
- The other thing is – it's a volunteer program. I don't understand what a volunteer program is. If it's volunteer, what are the fines for? I think it's a little heavy.
- Are you going to be sending certified letters out? Or are you just going to try to make a phone call?
- I'm against it. You've already got laws on the books. We don't need any more of this stuff. The County's going to end up owning a lot of these properties as it is because of this law you're trying to pass.

Opponent [letter](#) from Ygnitowitz Family was read into the record by Council Secretary.

Rich Van Halogen, 828 West Quartz, Butte, Montana, stated the following:

- I know there are buildings that need to be saved from their own destruction. I'm not totally against this Ordinance.
- Please don't let it become something that is just punitive.
- It should be something that is used to save a building from falling into disrepair to the point that it will no longer be savable as an occupiable structure.
- The Ordinance is too widely written – the provision of anything loose on the structure qualifies to be under this Ordinance. The term "loose" is way too vague.
- I have a building that would qualify under this arbitrary rule in the Ordinance. This building has new windows, roof, siding, brand new addition. I cleaned out this building



of two 30 yard dumpsters of garbage. Guttered it. Pressure washed the *inside* of the building. It needed it. But it's now very clean and nice, and I love the building. But I have a tarp covering my two-level sun-room addition. That would qualify under this Ordinance where I would be sited.

- This Ordinance should be written so that it applies to people that have let their buildings go into disrepair only – where you can tell they don't care about maintaining it.
- I maintain my building. I shovel it personally every time it snows. It's a corner. It's a huge amount of work. Not to mention shoveling the back, where the tarp is. It's unbelievable. And it's not fun. And I don't do this because I want to keep it that way. I do it because at this moment, in my economic situation, I have to keep it that way.
- Do not let this Ordinance become something punitive to people that obviously care and take care of their buildings.
- In the way it's written, I can be sited for that tarp, when everything else is excellent. No one's getting into this building. I love it.
- If I'm cited in this Ordinance, I will fight it completely to the end, no matter what.

Shawn Costello, 1407 Hobson, Butte, Montana, stated the following:

- Encourage Council to tread very lightly with this Ordinance.
- Stinks of the strong communities network of the UN Agenda 21.
- I don't believe we want this community to become a UN sanctioned town.
- You have an organization hired, called Center for Community Progress. Their ultimate goal is to have land banking.
- I already know what mitigation of land is for carbon credits and I think they're headed the same direction.
- Tread lightly on this Ordinance and take a look at what they plan on doing'.

Commissioner Morgan closed the Public Hearing.

SECTION 2 CONSENT AGENDA

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

- B. COMMUNICATIONS**

Before entertaining a motion for approval of the Consent Agenda, Commissioner Morgan called for any friendly amendments or segregations.

Commissioner Andersen segregated #27, Communication No. 16-152.

Commissioner Palmer segregated #22, Communication No. 16-147.



Commissioner Foley segregated #26, Communication No. 16-151.

It was then moved by Commissioner Walker, seconded by Commissioner Andersen, and passed with a unanimous verbal vote to approve the Consent Agenda, Section A, Items 1 through 5, Section B, Item 1, and Section C, Items 1 through 31, with exception of Items #22, Communication No. 16-147, #26, Communication No. 16-151, and #27, Communication No. 16-152.

Segregation – #22, Communication No. 16-147.

Dave Palmer, Butte-Silver Bow Commissioner, District No. 12, requesting Council of Commissioners reconsider configuration of lanes on Main Street.

Commissioner Palmer stated the following:

- The recommendation on this is to refer to Public Works Committee. I have no problem with that except I read in the article in the paper today by the Public Works Director, and it made it sound like they have every intention of just repainting the existing stripes.
- My communication had asked for this process to be held off until this Council acts on this, because I feel that the bike lane should be taken out and we should go to sharrows.
- I don't have a problem with it going to the Public Works Committee, with the understanding that no action will be taken until that time that this Council acts on it.

It was moved by Commissioner Palmer, seconded by Commissioner Walker, to concur with the recommendation to refer it to the Public Works Committee, with stipulation that no action will be taken until that time that this Council acts on it.

Commissioner Foley stated the following:

- I have to remind this body that we did approve the changing of the lanes in the uptown area, and the parking and so on.
- I don't think we can actually make an assessment due to the fact that these lanes haven't even been in existence for x-number of months, and half of those have been covered with snow.
- It's very difficult to change policies and procedures and plans without really having a good analysis of this.
- We have to put our trust and faith, which we approved, with the Public Works Department.
- To supersede what has already been approved, and at this point I don't think we can make an honest assessment.



Commissioner Andersen stated the following:

- I would agree with Commissioner Foley to a point. One of the things we mentioned when we passed this last fall was it was only paint and we could repaint it later if it wasn't working.
- I do agree that a lot of it is working; there are definitely some areas that I'd like to see the Public Works Department re-look into, mainly on Broadway. It's a narrow street as it is – especially near the Library with a lot of traffic – the angled parking is not really working.
- So I would very much welcome a re-look at a lot of these decisions that we made with that previous communication.

Commissioner Fisher stated the following:

- I totally agree with Commissioners Palmer and Foley. The protocol of what we did is all correct.
- It is our job as the voice of the taxpayers to do the right thing.
- Anybody that goes down Main Street – it's a hazard for people getting out of their cars on the west side of the street. There's nobody in the bike lane on the east side. The turn lane down the middle isn't right.
- Dave Schultz stood in front of us and said, "It's only paint. If we have to remove it, we'll do it right."
- I think it's prudent for us as wardens of the taxpayers' money to watch that we don't put down paint that we have to remove when summer's over.
- I just don't think it's working and it should be reviewed.

The motion passed by a roll call vote of 11 yea and 0 nay to refer Communication No. 16-147 to the Public Works Committee, with stipulation that no action will be taken until that time that this Council acts on it.

Segregation – #26, Communication No. 16-151.

Sheriff Ed Lester, Butte-Silver Bow Law Enforcement Department, requesting Council of Commissioners authorize Chief Executive to sign contract with Community, Counseling, and Correctional Services, Inc. (CCCS) to transport youths to detention center. [Contract](#).

Commissioner Foley stated the following:

- I have some concerns with this contract.
- A lot of history involved here in terms of detention and juveniles.
- I have a background in that, but I also sit on the Southwestern Montana Regional Detention Board which is involved with this particular issue.
- The last page of this contract deals with the transportation costs and the schedule.
- There are several different options pertaining to where our juveniles, if they need to be detained, where they can be sent to.



- The costs to go to Washington, Martin Hall, it's a facility outside of Spokane – round trip of over 656 miles – the cost given to that is \$300, which equates to about .45¢ per mile.
- There are a couple of other options on here – one pertaining to Great Falls, which is where juveniles now are being sent. The cost for that is \$400. The distance for that is 312 miles, which equates to about \$1.28 per mile.
- Obviously CCCS is trying to encourage our local government to use Martin Hall just by the simple facts of economics. I don't feel that's right.
- I have a lot of concerns with the use of Martin Hall, mainly because of its distance and other concerns there. There are other options.
- What I would like to see is further discussion of this contract before we approve it.
- There are other players besides Sherriff's office, particularly the Juvenile Probation Youth Court. It is their responsibility on how to deal with them. Not to mention public defenders, judges, and so on – it's a little more complicated than just jumping into this real quickly.
- I ask the Sheriff to explain his view on this.

Sheriff Ed Lester stated the following:

- There is no question that the trip to Medical Lake is listed at \$300 and the others are more than that.
- Because if we had juveniles at the Medical Lake facility, Mr. Thatcher CCCS anticipates recovering some of those costs for the transport by the daily rate for the services they provide at Medical Lake. That's no question.
- My concern is that we don't currently have a place to detain a juvenile, due to the closure of Rio. We don't have a place to house them. It's a real liability for us to hold juveniles for any length of time in our building.
- In fact, it's not a holding facility. It takes officers to stand by with that juvenile while we're doing that [arrange transport].
- I'll have Tom Billteen come up and explain how the process works as far as where Juvenile Probation would like to see juveniles held.
- Right now, as I understand it, the primary location is Great Falls.
- To be perfectly honest, when we arrest a juvenile, my priority is to get them out of our hands and to somebody who can take care of them professionally.
- Right now we're transporting those folks to either Great Falls, or half way to Great Falls. We have to send two officers, and if we have to call them out it's probably going to cost \$50 or \$100 per hour to transport. That's my biggest concern, and of course the liability of holding the juveniles.
- I'd like Tom to come up and explain the process on how it is determined where they are sent. If they're available, Great Falls is going to take them. It is my understanding.

Tom Billteen, Chief Juvenile Probation Officer for the Second Judicial District stated the following:

- District covers Butte-Silver Bow County. Actually a state employee.



- The process we have in place currently is that we are utilizing the Cascade Juvenile Detention Center up in Great Falls. They have a transportation program within their facility.
- Sheriff Lester is correct, since the closure of Rio, from January 25 until presently, we have three juveniles being held at the detention center in Great Falls.
- Responsibility rests with the County, not with the State, so we rely heavily on the Sheriff's office to coordinate transports to secure facility.
- For 13 years we had the luxury of having one of the finest detention centers in the Northwest 28 miles away from us. We don't have that any more.
- The Sheriff's office, generally the arresting officer or shift commander or sergeant on duty would make arrangements – contact the Rio facility and they would coordinate transportation services with them. On occasion they would contact either the pre-release center or Connections to do the transport.
- So similar to what we're doing now, except for the distance.
- Contract with Martin Hall – our office will work with whatever this body determines. I am rambling, but this has been on my mind since January 25th. It is a frustration.
- We have had about ten youth placed at Cascade County since we started using them.
- Had a number of scenarios played out where the Sheriff's office has provided transport half way and met with the transport from Cascade County to where the Cascade Detention has provided transport all the way here.
- I don't know if we use CCCS or Cascade County in the future if we completely eliminate youth being detained in the Sheriff's office for an indeterminate amount of time.
- I'd like to say, with due respect to CCCS, they've always been a good steward for the County. There is a history of partnerships there.
- But at the same time, I don't know that the Sheriff's concerns aren't going to be there still if we were to utilize CCCS as a transport.
- I have to advocate for the kids that we place, and if they have to go to jail west of Spokane, that creates even more trepidation within a family structure.
- Not that Great Falls is ideal either, but those are the situations we are charged with right now.
- Two to five hearings. Great Falls is presently providing transport for those right now.
- Other concern I have with contract is that the sites identified as transport sites – I think that limits scenarios that come up. Addendum does not identify Riverside – a unit for females in Boulder.
- So I agree with Commissioner Foley that I think we'd be short-sighted without reviewing this contract further.

Commissioner Foley stated the following:

- Would you both be willing to meet with me, as well as the County Attorney?

Sheriff Ed Lester stated the following:

- I don't see any issue with that at all.



- Obviously I want to get out of the juvenile transport business as quickly as possible.
- Eventually what I see happening is a series of contracts with different juvenile detention facilities.
- My biggest concern is Missoula does not give contracts and they're generally full. Billings is generally full. Great Falls has beds, and we have not had a problem getting in there. But if there ever is a problem and we don't have a contract with CCCS, which in my mind will always have beds – we don't have to send them to CCCS if there's a bed in Great Falls or one of these other facilities. I'm not advocating that we send them any further than we have to, but I certainly don't want to be holding a juvenile and have no place to send them. That's my biggest fear.
- That's as far as the housing aspect. The transport we can hold off another week or whatever it takes to get rid of the heartburn.

Commissioner Foley stated the following:

- I think we're making assumptions that Martin Hall is always going to be there, and I can make some points on that.
- With all due respect to your office, other Counties do transport. I know that's a manpower issue, new circumstances, and this Council needs to address that.
- I guess to say that you're going to get out of the juvenile business, that's probably not going to happen.

Sheriff Ed Lester stated the following:

- Oh, we're going to arrest juveniles – I'm not saying that.
- My concern is, if we have to transport, no problem. My concern is holding them with no place to transport them. And that's a real concern.
- I want to get them transported as soon as I can. But I can't send two officers to Great Falls if I only have four officers working. So then we have to call two out. That causes issues.
- That's my issue – to get out of that juvenile transport business if at all possible, because I think in the end it's probably cheaper to have somebody else do it than it is our guys.

Commissioner Fisher stated the following:

- Who's call is it to pick the facility the juvenile goes to?

Sheriff Ed Lester stated the following:

- We generally make the decision on whether they need to be detained and work with Youth Court to determine which facility has room or is most appropriate. We certainly would rather have them closer than far away.



Mr. Billteen stated the following:

- I don't want to turn this into us against them, but the responsibility of detention and transportation, I believe, rests with the County.

Commissioner Fisher stated the following:

- Does this placement have to do with the degree of the offense?

Sheriff Ed Lester stated the following:

- What I was saying is we generally decide that this offense justifies the juvenile being arrested and detained.
- If we can safely not detain a juvenile, release them to somebody that's going to take care of them so they can make their appearance in Youth Court – that's up to us. And, I guess, listening to Tom, it's all up to us. But we try to work with Youth Court. Because if it was all up to me, it might not be where Tom wants this person if he needed access, or have hearings or whatever. So we try to cooperate with Youth Court as much as we can.

It was moved by Commissioner Fisher, seconded by Commissioner Henderson, to Concur and Place on File Communication No. 16-151.

A Substitute Motion was made by Commissioner Foley, seconded by Commissioner Andersen, and passed by a unanimous verbal vote to Hold Communication No. 16-151 in the Committee of the Whole.

Segregation – #27, Communication No. [16-152](#).

Lori Casey, Assistant Planning Director, Butte-Silver Bow Planning Department, requesting Council of Commissioners deny Communication No. 16-83, Request from Martha Sorini to Purchase City-County Property. [Map](#).

Commissioner Andersen stated the following:

- I segregated this on behalf of Chairwoman Shaw.
- Martha Sorini called her and wanted to talk to this body, and she was unable to be here tonight. So as a courtesy, she wanted Chairwoman Shaw to hold this for a week so she can testify next week.

It was moved by Commissioner Andersen, seconded by Commissioner McDonough, to change the recommendation from Concur and Place on File to Hold Communication No. 16-152 in the Committee of the Whole for one week.



Commissioner Sorich stated the following:

- With all respect for Martha Sorini, she's not meeting the criteria, is that correct? So what is she going to testify to?

Commissioner Andersen stated the following:

- The letter perfectly states what the findings were by the Land Sales Committee.
- But it is something we have done in the past, and I believe it's fully relevant to allow her to speak on that, and then we can simply move forward at that time.

Chairman Morgan stated the following:

- Commissioner Sorich, being that she requested the original communication regarding this, I think it would only be fair for her to be able to talk about it.

It was passed by a unanimous verbal vote to change the recommendation from Concur and Place on File to Hold Communication No. 16-152 in the Committee of the Whole for one week.

Segregation – Communication No. [16-157](#).

J.P. Gallagher, Director of Butte-Silver Bow Parks & Recreation Department, requesting Council of Commissioners authorize time on April 13, 2016 Agenda to conduct a bid opening regarding the Butte-Silver Bow Invitation for Bid for the Miner's Field Masonry Project at Copper Mountain Sports Park. [Invitation for Bids](#).

It was moved by Commissioner Walker, seconded by Commissioner Ralph, and passed by a unanimous verbal vote to Hold Communication No. 16-157 in the Committee of the Whole and schedule a Bid Opening for April 13, 2016.

**SECTION 3 ORDINANCES AND RESOLUTIONS
REFERRED TO JUDICIARY**

1. COUNCIL RESOLUTION NO. [16-15](#)

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE FROM THE MONTANA DEPARTMENT OF NATURAL RESOURCE AND CONSERVATION FOR WILDFIRE DEPLOYMENT (SEVERITY) CONTRACT FOR THE SUMMER OF 2015 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.



2. COUNCIL RESOLUTION NO. [16-16](#)

A RESOLUTION APPROVING AND ACCEPTING THE DONATION OF A CERTAIN PARCEL OF REAL PROPERTY FROM THE GREENWAY SERVICE DISTRICT DESCRIBED AS FOLLOWS: A PORTION OF THE SPIER AND BAUER PLACER M.E. 1445, ALSO REFERRED TO AS TRACT K, REFERENCE REM. BOOK A, PAGE 193, AND A PORTION OF THE PUBLIC RIGHT-OF-WAY ALONG GRIZZLY TRAIL OF THE UNFILED PLAT OF THE ROCKER TOWNSITE ON THE CLEVELAND LODGE, LOCATED IN SECTION 20, TOWNSHIP 3 NORTH, RANGE 8 WEST, P.M.M. (PARCEL NO. 79555) LOCATED IN BUTTE-SILVER BOW, MONTANA FOR THE PURPOSE OF CONSOLIDATING PROPERTY OWNERSHIP, PLACING PUBLIC ROADS IN PUBLIC OWNERSHIP AND RESOLVING PERSONAL PROPERTY ENCROACHMENTS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**SECTION 4 ORDINANCES AND RESOLUTIONS
FINAL READING**

1. COUNCIL RESOLUTION NO. [16-12](#)

A RESOLUTION AUTHORIZING AND APPROVING THE EXCHANGE OF CERTAIN PARCELS OF REAL PROPERTY LOCATED IN THE NORTH ONE-HALF OF SECTION 13, TOWNSHIP 3 NORTH, RANGE 7 WEST, P.M.M., BUTTE-SILVER BOW COUNTY, MONTANA FOR THE PURPOSE OF COMMUNITY DEVELOPMENT IN ACCORDANCE WITH THE PROCEDURES OF BUTTE-SILVER BOW MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

It was moved by Commissioner Walker, seconded by Commissioner Andersen, that Council Resolution No. 16-12 be placed on final reading and be passed, having been deemed fully read at length. The motion passed by a roll call vote of 11 yea and 0 nay.

2. COUNCIL RESOLUTION NO. [16-13](#)

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED GRANT FROM THE NATIONAL CENTERS FOR DISEASE CONTROL AND PREVENTION TO THE DEVELOPMENTALLY DISABLED FUND FOR THE PURPOSE OF BRIDGING THE GAP BETWEEN THE DEVELOPMENTALLY DISABLED AND IMPLEMENTATION OF LOCAL COMMUNITY PROJECTS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

It was moved by Commissioner Walker, seconded by Commissioner Andersen, that Council Resolution No. 16-13 be placed on final reading and be passed, having been deemed fully read at length. The motion passed by a roll call vote of 11 yea and 0 nay.



**SECTION 5 SUSPENSION OF THE RULES
FOR FINAL PASSAGE**

It was moved by Commissioner Walker, seconded by Commissioner Andersen, and passed by a roll call vote of 11 yea and 0 nay to suspend the rules for the purpose of passing Council Resolution No. 16-17 by waiving Subsection 7 of Rule XXXVI of the Rules and Order of Business of the Council of Commissioners, thereby having it considered for advanced passage without reference to the Judiciary Committee.

1. COUNCIL RESOLUTION NO. [16-17](#)

A RESOLUTION CREATING THE WISE RIVER FIRE DISTRICT #5 LOCATED IN A PORTION THE CITY-COUNTY OF BUTTE-SILVER BOW AND IN PORTIONS OF ANACONDA DEER LODGE AND BEAVERHEAD COUNTIES AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

It was moved by Commissioner Walker, seconded by Commissioner Andersen, that Resolution No. 16-17 be placed on final reading and be passed, having been deemed fully read at length. The motion passed by a roll call vote of 11 yea and 0 nay.

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA

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

- I have been asked by some people this week, where are the green containers for bio-degradable waste?
- Now is the time of the year that the green waste starts to come off.

Mark Reavis, 842 W Galena St., Butte, Montana, stated the following:

- I have a procedural comment. And I'm kind of looking at the County Attorney. When an Ordinance has been read, and then there are significant changes following the red lines, when does the process start over again, or can it just keep going toward final reading?
- When there are significant changes to an Ordinance it's hard to track.

Commissioner Henderson stated the following:

- When are we going to start Alley Rally?
- Could we set it up on fast pace because it's such an asset.
- With the garbage, they can't put all the stuff in with the new garbage.
- Alley Rally would really be a benefit right now.
- I don't know if they have people to work it. Wonder if anybody could help us with that discussion now.



Chairman Morgan stated the following:

- Now is not the proper time to go into debate with this.
- Your comment has been noted.
- I'm sure Mr. Moodry would be happy to hang out after the meeting to answer your questions.

ADJOURN

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

The meeting adjourned at 9:15 p.m.

MATT VINCENT
CHIEF EXECUTIVE

ATTEST:

CLERK & RECORDER

