

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

The Regular Meeting of the Council of Commissioners was called to order Wednesday, July 6, 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	<i>Present</i>	Commissioner Shaw	<i>Present</i>
Commissioner Palmer	<i>Present</i>	Commissioner McDonough	<i>Present</i>
Commissioner Andersen	<i>Present</i>	Commissioner Henderson	<i>Present</i>
Commissioner Walker	<i>Present</i>	Commissioner Fisher	<i>Present</i>
Commissioner Foley	<i>Present</i>	Commissioner Perdue-Dolan	<i>Present</i>
Commissioner Ralph	<i>Present</i>	Commissioner Sorich	<i>Present</i>

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:

- Section 2, #16, Communication No. [16-308](#) – requesting Council of Commissioners to call for the formation of a Community Council to advise the Council relative to the determination of policy for usage of the Metal Mines License Tax Distributions Funds (Hard Rock Mining Impact Funds) received by the City-County Government of Butte-Silver Bow.
- Do not expect you to call for formation of a Community Council, given that this Council has not determined a procedure by which to comply with Clause E of the Butte-Silver Bow Charter approved in 2007 – one of the 12 explicit duties of this Council.
- More than 70% of the people disagreed, in a *Montana Standard* question of the week, with your last decision relative to the allocation of Hard Rock monies.
- There were/are no other business proposals for uses of the Hard Rock Funds.
- Would think you would at least want to discuss how to improve the policy relative to how the funds are being applied for and allocated.



Phillip Milanovich, 10 North Lake Drive, Butte, Montana stated the following:

- Regarding the abatement on this money to Copper King developers – start by thanking them for purchasing defunct property.
- If the *Montana Standard* is correct, they have budgeted \$8.1 million to improve property.
- Why are taxpayers subsidizing? Renovation will take place regardless.
- I agree with former speaker that Council agreed to grant them \$200,000 last month. That’s just icing on the profit cake. Not purpose of taxpayers to increase profit for private industry.
- In past, you have granted money to the likes of Montana Resources, a multi-billion dollar corporation.
- Taxpayers’ money better spent on schools and infrastructures for this community.
- Developers should be willing to hire at least 50% of workforce and subs from Butte community.
- Also think, for the gift of \$200,000 they do not have to repay, they should be required to buy at least 50% of materials and equipment from Butte-Silver Bow vendors.
- Intent of Charter does not state that taxpayers should subsidize any private organization.
- Council did not ask for complete financial disclosure from the people who are given that money. Was that money needed, or was it just a gift – icing on the cake?
- They would not have entered the business venture without adequate financing. Not our job as taxpayers to subsidize private industry that can pay its own way.
- Issue of permits – this group has violated almost every permit issued – not by my statements, but by Butte-Silver Bow statements. Should not take place.
- Disservice to taxpayers. They had adequate money or they would have never entered the venture. \$8.1 million by their own admission, that doesn’t require any taxpayer money.
- I vote against that. Icing on the cake, as was the \$200,000. Not fair for us to subsidize competition.

Chief Executive Vincent stated the following:

- For clarification, anyone wishing to speak further on this subject, your opportunity to do so will be during the upcoming Public Hearing tonight.
- Want to confirm with Mr. Milanovich that you are speaking as an Opponent.

Mr. Milanovich stated the following:

- Yes.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING JUNE 15, 2016, SPECIAL MEETING JUNE 20, 2016 AND SPECIAL MEETING JUNE 22, 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 June 15, 2016, Special Meeting June 20, 2016 and Special Meeting June 22, 2016.*



## ITEMS NOT ADDRESSED ON THE AGENDA

None.

## CHIEF EXECUTIVE REPORT

Chief Executive Vincent reported the following:

- Underway with presentation of this year's budget and in midst of receiving public comment. To be presented next week at Committee of the Whole. Danette L. Gleason, Director, Butte-Silver Bow Finance and Budget Department, will be giving presentation on preliminary budget. Survey online. Will be scheduling Q&A at other public venues for input.
- Monday, July 11, 2016 at 11:30 a.m. at Archives, Montana League of Cities and Towns – all commissioners and elected officials invited to attend Legislative Lunch. Agenda will be posted on Web site. Will touch on priorities and what could be added headed into the 2017 legislative session.
- Public Works and Roads Director have been asked to give presentation regarding road projects for the coming few years as we take systematic approach. Started a big one today at Holmes and Harrison. Preparing under-pavement improvements for water main system out to Hwy. 2 interchange. Will lead to future road improvement project. Mr. Schultz and Mr. Sandford will give an update as to what the road schedule is for the rest of the summer and beyond.

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

*County Attorney Eileen Joyce reported there is Proof of Publication which appears to be in order for each of the following two Agenda items in Section 1.*

1. BID OPENING  
COMMUNICATION NO. [16-293](#)

Matt Moore, Metro Operations Manager, Butte-Silver Bow Public Works Department, requesting Council of Commissioners authorize time on July 6, 2016 Agenda to conduct a bid opening regarding the Butte-Silver Bow Montana Tech Wastewater Gravity Sewer Project.

Mr. Moore stated the following:

- Estimates for Montana Tech Gravity Sewer for 2,288 linear feet of PVC sewer pipe.
- This is part one of two. The next part will be in two weeks and will consist of a lift station for this sanitary sewer project.

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



1.	Montana Underground Construction 5690 Glass Dr., Helena, MT 59602	\$290,987.06
2.	Central Excavation, Inc. 437 Floss Flats Rd., Belgrade, MT 59714	\$359,706.10
3.	Intermountain Construction Services 2101 Yale Ave., Ste. C, Butte, MT 59701	\$303,897.95
4.	H&H Contracting 501 Centennial Ave., Butte, MT 59701	\$255,857.50
	<b>Estimate</b>	<b>\$312,648.00</b>

*It was moved by Commissioner Shaw, seconded by Commissioner Morgan, 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.*

2. PUBLIC HEARING  
COMMUNICATION NO. [16-285](#)

Karen Byrnes, Director, Butte-Silver Bow Community Development Department, requesting Council of Commissioners authorize a Public Hearing on July 6, 2016 to receive comment on a proposed five-year Tax Abatement for the Copper King Inn renovation project. [Notice](#). [Abatement Scenario](#). [MCA](#).

Ms. Byrnes stated the following:

- Here tonight to have a Public Hearing to receive comment based on an application for a local tax abatement for remodel or reconstruction of a commercial structure.
- This type of tax abatement is allowed under state law, 15-24-1502.
- This project, the Copper King Hotel, meets every criteria under state law. Community is obligated to forward this request for tax abatement to our governing body, which has the power to concur with the ability to grant this tax abatement. This tax abatement only affects the local property taxes that would be assessed on the increase in value of the remodel of this commercial structure.
- So I wanted to clarify that the folks who have purchased the Copper King are on the hook for the value of the taxes that are already currently being assessed on the value of that property.
- Value that building is currently being assessed at is just over \$1.2 million, with taxes being paid in the amount of \$17,807. That's basically the base.
- As they make improvements and value increases, estimates given [in the Communication], we're estimating that the increased value will have a taxable market value of about \$6.5 million. That is the portion, the increase in value, that they are asking for this five year abatement to be applied to.
- Even with five year abatement, still \$28,000 per year, on the very first year of this tax abatement, on top of the \$17,000 already included. So this is generating taxes for our community.



- This is a state-wide allowed tool for economic development for these sorts of stressed properties to incentivize their redevelopment.
- Not first time Butte-Silver Bow has been asked to do this. We have done it before to assist other blighted properties to get them back on the tax rolls.
- Authorized in every Montana community.
- Valuable tool.
- Taxes that are abated are local taxes. State still receives their money, Universities receive their money, the school system receives their money.
- Applicants are here to give another brief presentation about their project.
- Procedure we follow – application made, public hearing scheduled to receive public comment (we are doing that tonight). No action requested of this body tonight. We will then, probably, if we choose to, submit a request for concurrence to abate. Then resolution. Then application to the Department of Revenue. That is the process.

Matt Nistler, 81 Jefferson River Rd., Three Forks, Montana stated the following:

- Recap project – we feel we’re bringing a wonderful project to Butte.
- Copper King has not seen its glory days for a number of years.
- We feel it can be a hub in the community again.
- Serves the purpose of a meeting space, some place to really search out the heart and full meaning of what it is to be a community. We feel this facility is going to bring that, both with the event space renovations and money put toward technology, as well as attracting Rib and Chop House to our facility.
- As Karen stated, funds are intended to encourage economic development. Not taking money out of taxpayers’ pockets. That money was set aside by mining.
- We asked for support from community. Welcomed with open arms. From public, political and community perspective.
- Haven’t heard one negative comment.
- Community work force – and community suppliers – we’re using mostly local subs. We’ve reached out to local subs and local suppliers.
- Bullish on Butte. Want to make this project work.

Commissioner Shaw stated the following:

- Could you tell us what the plan is for Union-type wages or jobs?

Mr. Nistler stated the following:

- Butte has large union-associated labor force.
- We have had opportunity to work with crews and subcontractors.
- We have contracts with Union workforce out there right now. Several different Union contractors.
- Not sure what you’ve been hit with as far as that question.



- I've had a few people that represent local unions call and ask open-ended questions, but they don't really have any specific answer. To those people, what I have said is that I would like to get more information from them, and none has been forthcoming.
- Think some people are grinding an ax.

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

Chris Hafer, 6048 Porter, Butte, Montana stated the following:

- In favor. Local union contractor. Have supplied concrete out there. Probably going to do some painting and different things.
- Think it'll be good for Butte.
- It's keeping some of my people employed, and I think it's a good thing for the Copper King to be open.

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

- Anything that improves the community, Greeley's for.
- Want to clarify that my previous comments did not refer to this particular project.
- I believe the *Montana Standard* question of the week was relative to a different project.
- Clarify that this is Metal Mines License Tax Distribution Funds. These are tax monies. They are license fees paid by the Mine Industry to the State and returned to us. They are not local taxes from the people, but they are tax monies.

Chief Executive Vincent stated the following:

- I would just clarify for the record, not necessarily responding to Mr. Banderob, but more to the information just provided. He was referring to the Hard Rock funds that were granted last month, not Tax Abatement funds that are being gathered for comment this evening.

***Chief Executive Vincent called for any additional Opponents (as one spoke at the beginning of the meeting during "Public Comment on Any Items n the Consent Agenda").***

Mark Anderlik, Executive Officer of UNITE HERE Local 427, 208 E. Main St., Missoula, Montana stated the following:

(See [e-mail](#) from Mr. Anderlik, as well as [letter](#) and [Sample Labor Peace Agreement](#).)

- We are a union that represents hospitality and service workers in Montana and Idaho.
- We have been in Butte for over 100 years.
- Currently we represent food service and environmental services workers at St. James Hospital, food service workers and cleaners at the Butte School District, hotel workers at the Quality Inn and Suites, and concession workers and ticket sellers at the Civic Center.
- Before you is a request from the new owners of the Copper King Hotel and Convention Center for a 5-year tax abatement valued at around a quarter of a million dollars.



- A remodeled and successful Copper King Hotel and Convention Center would be an important and vital addition to the hotel and convention industry in Butte.
- It would attract meetings and conventions that would otherwise go elsewhere, and that would be good for local hotels.
- However, the developer/owners of the Copper King are quite vague as to the quality of the jobs that will be provided to the community.
- It is well-known that in the hospitality industry most front-line jobs are low-wage, with few, if any, benefits.
- Our concern is that Butte-Silver Bow may invest public money, taxpayer money, into a private, for-profit enterprise, and not do everything in its power to help ensure the public gets the maximum return on their investment dollars.
- A tax abatement is clearly a public investment.
- Butte Silver-Bow should at least attempt to ensure that the jobs created with the help of the public investment have a decent chance of being quality jobs.
- Mr. Milanovich also has some reasonable demands of the developer to ensure maximum return for the taxpayers' investment.
- Butte does not need more low-wage, low-benefit jobs. Butte needs quality jobs so more workers can be productive and contributing members of the community.
- One way in which our Union has successfully addressed this issue is through the use of Labor Peace Agreements. These agreements were pioneered by our Union in the face of weak Federal enforcement of workers' rights established by the U.S. Constitution.
- A Labor Peace Agreement is simply a legally-binding agreement between the developer/owner and the union whereby workers' rights to organize are protected and the developer/owner will not face a campaign of opposition by the union.
- It does not guarantee that the workplace will become a union workplace – it does guarantee that workers will have a fair chance to seriously consider whether or not they wish to support forming a union.
- They would be able to decide without the threat of retaliation or termination by either party.
- There are other parts of a Labor Peace Agreement as well.
- I have e-mails a sample copy of one to each of you.
- How would a Labor Peace Agreement provide for quality jobs? For example, Labor Peace Agreements laid the foundation for the present in Las Vegas where 80% of all of the hotel housekeepers start at a living wage, have a pension, have dignity on the job and have excellent health care insurance for them and their families. These thousands of housekeepers are active part of today's Las Vegas' middle class.
- I spoke with Matt Nistler last month and I tried to discuss with him about a Labor Peace Agreement. He refused to consider such an agreement. Granted, that was probably the first time he had heard of such an agreement, so he may not have taken us too seriously. He did not ask for further information, but I am more than happy to provide him with this information.
- Therefore, we ask you to postpone your decision on granting the tax abatement to the Copper King.



- We would like more time to convince Mr. Nistler and his associates that a Labor Peace Agreement is in everyone's interest, especially the public's interest whom the developers are asking for investment money.
- Our Union has many members in Butte, and they know how hard it is to make it on low wages. And they know the benefits of union membership.
- Some employers also know the benefits of an organized workforce, as union workers have more longevity, provide better work, and invest themselves more into the workplace than unorganized workers. Union workers are able to contribute more to the community.
- I've been told by some building trade union representatives that there are no union construction workers currently at the site. Should probably be looking at the Project Labor Agreement, as well, before you give up the public's money.
- Again we ask you to postpone this vote on granting the tax abatement to the Copper King Hotel so we are able to further negotiate with the developers on a Labor Peace Agreement and perhaps other issues, too. Thank you.

Also see related e-mails from [Amy Hauschild](#), [Karin Stanford](#) and [Robert Funk](#).

Phillip Milanovich, 10 North Lake Drive, Butte, Montana stated the following:

- Clarify my position and some of the smoke and mirrors presented here.
- A business is going to have to pay taxes. And they expect to pay appropriate taxes.
- We're in favor of project, but not subsidizing private enterprise that has adequate funds.
- By their own admission they have funded \$8.1 million. You gifted them \$200,000. For what? They do not need the money. It's a private corporation.
- Ill-use of the tax payers' money.
- Taxpayers of this community would rather have the infrastructure improved, aid to the needy, and a better school system rather than handing multi-million dollar corporations, this particular corporation, taxpayers' money in any form.
- This is the USA. Private industry stands on their own two feet. They pay their own way and they pay their own taxes.
- All this comment about state money – it's all taxpayer money.
- Subsidizing people, icing on the cake – it's not appropriate.

Lynn Ferguson 205 S. Chrystal St., Butte, Montana stated the following:

- When they bought Copper King, did they pay the back taxes?
- When we bought our house in 2010, it was a very distressed property. It still is, but I paid approximately \$3,200 in back taxes to clear the title so I could buy it. And I'm still paying – I'm paying \$800 a year.
- We bought a distressed property, and we got no tax abatement.

Stuart McCarvel, 313 S. Washington, Butte, Montana stated the following:

- What are we getting for \$200,000? It's a good project, but it seems to be well-funded.
- Know a number of people in Butte working 2-3 jobs, a lot in hotel industry.



- Chance to structure and allow them to participate in a union.
- These low paying jobs cause high turnover. High turnover requires more training. Costs a lot of money to constantly have high turnover.
- Velocity of money – if you give a billionaire \$100, he’s going to sock it away somewhere. It won’t get circulated. If you give low income people \$100, they’ll use it to spend and pay their bills – it gets circulated through economy and everyone benefits.
- Minimum wage law in Seattle, expanded business. More money in circulation.
- So if we spend \$200,000 of taxpayers’ money, to them it’s a drop in the bucket, but to this community it’s a lot of tax revenue.

***Chief Executive Vincent closed the public hearing.***

**SECTION 2 CONSENT AGENDA**

- A.
  1. COMMITTEE OF THE WHOLE MEETING REPORT
  2. ECONOMIC DEVELOPMENT COMMITTEE MEETING REPORT
  3. FINANCE & BUDGET COMMITTEE MEETING REPORT (6/22/16)
  4. FINANCE & BUDGET COMMITTEE MEETING REPORT (6/29/16)
  5. PUBLIC WORKS COMMITTEE MEETING REPORT
  6. JUDICIARY COMMITTEE MEETING REPORT

- B. PETITIONS

1. [16-3](#) Michael A. Nasheim, Building Official, Butte-Silver Bow Building Code Department, requesting Council of Commissioners authorize a petition to close and vacate that portion of the eight (8) foot alley adjacent to the W 20’ of Lot 3, all of Lots 4-7, Block 3 of the Rocker Town Site on the Webster Lode and Tract K of the Spier and Bauer Placer #1445, Section 21, T03N, R08W. [Legal Description. Map. Petition Form.](#) ***Recommendation: Refer to Public Works Committee.***

- C. COMMUNICATIONS

***Before entertaining a motion for approval of the Consent Agenda, Chief Executive Vincent called for any friendly amendments or segregations.***

Commissioner Shaw segregated nos. 27 and 29.

*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 6, and Section C, Items 1 through 31, with exception of items 27 and 29.*

Segregation –27, Communication No. [16-319](#)

Julia M. Crain, Superfund Program Data Administrator, Butte-Silver Bow Planning Department, advising Council of Commissioners regarding Communication No. 16-185 submitted by Carl Hafer in reference to his concerns about contamination within Grove Creek. [EPA Letter.](#)



Commissioner Shaw stated the following:

- Been holding this in Committee of the Whole awaiting EPA letter.
- There was a Technical Review Committee (TRC) meeting that Mr. Hafer was attending. He's also had a chance to talk to Mr. Moler.
- Since original Communication No. 16-185 was brought forward by Mr. Hafer, thought I would give him an opportunity to speak, although we'll continue with the recommendation.

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

- I call this a continuation of the Environmental Committee that we had on the 16th.
- Julia Crain's letter, in third paragraph, refers to "Grove Creek East of Montana Street." Most of my comments were regarding *west* of Montana Street. Didn't spend much time talking about west of Grove Creek. Did talk about Grove Creek over last 100 years. That's where we had the City Dump, where Copper Hill Sports Center is now. That is where Clark tailing was. I do take exception to her saying "East."
- Mrs. Reef is here today, and she has some good information.
- Last couple days done some research. Find that in '80s Charlie Easterday, who is a pretty astute person, has a couple of degrees from Montana Tech – he sued Butte, Montana at ARCO and won lawsuit regarding land in that area, South Montana and West of Montana Street. At that time, he lived on South Montana and neighbors died of inhalation of dust off Clark tailings. Mrs. Reef informed me that she talked with him also. Those records are in Judge Mark Sullivan's records.
- Easterday called me this morning, but his health is poor and he couldn't make it tonight.
- Mr. Moler was at meeting on 16th. In his letter, he said EPA not going to pursue more investigation on that property – maybe in two years. I take exception to that.
- Phone call with EPA yesterday, they said in "near future." Told them I was not happy with Mr. Moler, who I did take all over Grove Creek, clear up to where it comes out of Little Basin Creek, down through Copper Mountain, and it crosses Montana Street right where Mrs. Reef lives.
- Mrs. Reef's family has spent some of their own money to have some of that tested.
- If responsible people don't address this in timely manner, it's going to haunt you.

Commissioner Shaw stated the following:

- I appreciate your comments and passion.
- When you first submitted your communication, you asked Council to address reasoning with regard to that contamination and future plans.
- We're not experts. We had you go to Technical Review Committee and talk to Mr. Moler with the EPA.
- Believe Bob's letter addressed those questions. I'm not saying they're the answers you wanted to hear.
- But the County is tapped as to what we can do.



- I hope Moler’s letter was open-ended enough that maybe you can open up the case again.
- Hope you feel the Council has met your needs.

Mr. Hafer stated the following:

- I appreciate the cooperation made available to me.
- I have a future appointment in Denver. I’m not going to give up on this.
- I have a lot of time, but not a lot of money.

Margie Reef, 2800 Hanson Rd., Butte, Montana stated the following:

- I have property that Grove Creek flows through. Been there 44 years, parents home.
- I think the problem here is that Grove Creek is contaminated, also the ground water.
- And it’s not just an ARCO problem. It is a Butte-Silver Bow problem because of landfill.
- Dump is a thorn in Grove Creek’s side.
- Cars, oil, gas, lead from paint, dumped in creek, plus Clark Mill.
- Creek still has contamination all the way from dump, through the Clark, through Red Mountain Truck Line, through my property, through the trailer park, all the way down to Silver Bow Creek, which Blacktail Creek flows into it. This goes into the Columbia River.
- We’re cleaning up Silver Bow Creek and all these creeks, but we’re not looking at Grove Creek – we’re ignoring it.
- It is a Butte-Silver Bow project, not just ARCO.
- My groundwater has been contaminated. Got letter in 1980’s from Butte Health Dept.
- In 1980’s told to stop drinking well water because of the landfill. Had to go 600 feet across field to get Butte water.
- Butte-Silver Bow’s problem. ARCO’s problem. Has to be taken care of.
- I’m not going away.
- Everybody’s ignoring Grove Creek.

Mr. Hafer stated the following:

- Easterday remembered over 300 junk cars from Montana Street to landfill.

***It was moved by Commissioner Shaw, seconded by Commissioner Morgan, to concur with original recommendation and cross reference Communication No. 16-319 with Communication No. 16-185 and Place on File.***

Commissioner Palmer stated the following:

- Communication No. 16-185 will still be held in the Committee of the Whole and active, correct?



Commissioner Morgan stated the following:

- When I made this recommendation I did not intend to place Communication No. 16-185 on file.

Commissioner Shaw stated the following:

- We will place Communication No. 16-185 on file next week.

Commissioner Henderson stated the following:

- Not sure if right time – Copper Mountain, didn't it get a clean bill of health after it was capped?
- Then all of the sudden, we've always had that creek come down there.

Chief Executive Vincent stated the following:

- With the absence of any of our Superfund staff, I can speak on it fairly in detail.
- It was given a clean bill of health, but that relies heavily on continued monitoring of ground and surface water which we're required to sample at least twice a year according to landfill closure laws.
- Been a number of actions within Grove Creek unrelated to landfill, that are part of the Superfund site, which would be the ones that are referenced relative to ARCO's responsibility.
- There has been, there is, and there will continue to be monitoring of surface and ground water in Grove Creek.
- Prior to any final decision being reached on the Consent Decree for the priority soils operable unit, which includes the Grove Creek Drainage, there's going to be further discussion before closing this out.
- Nobody's ignoring what could be issues. I took a lot of notes about what Mr. Hafer and Ms. Reef were saying tonight.
- But at this point in time, we conduct significant monitoring data on both the surface groundwater and soils in that area, and none of that data shows there are risks posed of what the established standards are for human health or the environment for Grove Creek.

***Motion passed with a unanimous verbal vote.***

Segregation – 29, Communication No. [16-321](#)

Terri James, President, Evel Knievel Days, requesting Council of Commissioners authorize Special Event Permit for 2016 Evel Knievel Days. [Application](#). [Maps](#). [Events](#). [Security](#). [Insurance Certificate](#). Not all approvals have been received. [Application, page two with approvals](#).



Commissioner Shaw stated the following:

- We originally recommended holding this in the Committee of the Whole pending approvals, but we did get the approvals, literally at the eleventh hour tonight.
- Would like to call on Bob Lazzari, our Special Events Coordinator. I see he signed this.
- I know we do ask for 40 day lead time. This is a huge event and has a lot of impact on Uptown. Now it's just over a couple weeks away.
- I ask how this is all coming about and why so late?

Bob Lazzari, Special Events Coordinator, City and County of Butte-Silver Bow, stated the following:

- They've been working hard. They have been waiting for more events and stunts to come in so could give more proper application to Council.

Commissioner Shaw stated the following:

- My district, last year a lot of problems.
- Happy to see main events will be south of MAC Center.
- Still impact on Uptown. Always a juggling act to get things to work.
- Last year we had a couple of Public Hearings.
- I know our Director of Public Works had some huge concerns, and I hope those have been ironed out.
- I feel a phone call or knock on door speaks a thousand words. No one has heard anything from anybody. I haven't even gotten a call.
- You're asking us to approve road closures that might impact people, and if we approve it tonight, then what good is it to tell the business owners and residents after the fact?
- My concern is it's after the fact and people have concerns they'd like to have ironed out, and I have concerns, before we approve a permit.

Terri James, President, Evel Knievel Days, stated the following:

- A flyer was handed out today to let them know what's going on.
- All of our events, we have to wait for contracts.
- I think most of the concerns were property owners on East Park Street and Park Street. There are no closures this year on any of Park Street.

Commissioner Shaw stated the following:

- So East Broadway, we have business that has to close at the expense of another business, which I don't believe is fair.
- Neighbors should be able to enjoy peace. Suddenly there's huge impact with this event.
- It's a week now you're asking to set up and have the event.
- No kind of personal connection to those people and businesses that are affected every year.



- Last year, Bob Lazzari and J.P. Gallagher took a lot of heat.
- My understanding was that Butte-Silver Bow Special Events was going to reach out to the people most affected. I don't know that happened.
- We're being asked to approve a permit tonight.
- It's less than three weeks away, and nobody has gone out to talk to about these street closures.
- You're already putting in ink and asking us to approve.

Ms. James stated the following:

- Is there someone in particular that you want to know?

Commissioner Shaw stated the following:

- If you don't know, then I rest my case.
- There are several, and they were at public hearings after last year.

Ms. James stated the following:

- Anyone that had concerns we tried to get the event away from their area.

J.P. Gallagher, Director of Butte-Silver Bow Parks & Recreation Department, stated the following:

- I know it's late, did go to businesses today and spoke with each one of them.
- Know it's eleventh hour, something that didn't happen last year.
- A little bit different from all the other festivals, because have to see what events they'll have, but we have been meeting since November with this group.
- Know not really timely, but it's different compared to some of the other events.
- We've been working hard. I would have liked to reach out a little quicker. Things just kind of came to a head as we got pressed with time and were trying to figure out which events would be there, as well as the financing.
- Think we've put together a really good plan. We've been in meetings with police, fire, the roads, throughout, over the last few months.
- So this hasn't been dropped on people that are really impacted that understand the problems with this (sic).

Commissioner Shaw stated the following:

- I appreciate that you guys have worked your tails off to get this thing to work.
- Every other major festival gets things together and try to make olive branch offer to folks. I just don't see that happening – especially after last year when there was such an uproar.
- I'm the one who gets the calls and have to deal with these issues.



- Seems to be that we've put the cart before the horse by sending a letter out after we approved your permit for all of these street closures without getting their input.
- Seems to me that's putting it backwards.

Commissioner Morgan stated the following:

- Agree with Commissioner Shaw on a lot of these fronts.
- You approached business owners and people today. Today is the day that we're asked to sign agreement that is less than 20 days from the event.
- I question a lot of the signatures. Very few are the actual directors of departments. I hope that with their signature they've actually reviewed your plan and really do stand by it. Which I think they do, based upon whose signature is on this.
- People are still not buying in that we are really under control on this festival.
- This, to me, the way this thing is approved right now, would be from a festival that this would be its first year that it's been here. And this one has been here for 15 years.
- Are there any events we don't know about that are unsafe?

Ms. James stated the following:

- No, absolutely not.
- Nick Sandford has made sure every single thing has been very safe as far as street closures, safe for our riders and stunt people and people that are watching.

Director Gallagher stated the following:

- That's one of the things that we've gone back and forth with all the departments, making sure everything is in line with Nick, especially, going through Dave Schultz as well.
- Same thing when you see Mark St. Pierre's name on there, he was going through George Skuletich, and Ed Lester as well.
- All have been in communication on street closures.

Commissioner Perdue-Dolan stated the following:

- I have a lot of concerns as pointed out by Commissioners Shaw and Morgan.
- Festival meeting held after last year. Most concerns about Evel Knievel days and impact on Uptown Butte.
- I know big stunts not going to happen on Park Street, but looking at contract with Frontier Security, looks like he wrote it half asleep. Then he wrote at the end, "Ten additional officers will be on duty for the big stunts on Friday and Saturday nights, if needed" crossed out "for safety and crowd control."
- Not sold on whether you all are ready for Evel Knievel days at this eleventh hour.
- Talking with family over the holiday weekend, usually by this time there's buzz about who's coming, stunts, all of the pre-publicity.
- I wonder why other festivals have their plans rolling.
- What pieces of the puzzle have fallen out to bring us to tonight?



Director Gallagher stated the following:

- A lot has to do with finances that Evel Knievel days is trying to procure.
- Were plans to possibly jump a fire truck. We secured an area that would be safe this year, below the MAC. For almost six months been trying to get big sponsors to be able to put on that event, to bring in those big acts.
- So when you're looking at that Security Contract, that's what it's alluding to.
- We have the event location taken care of. We have fencing contractor. Secured areas. Everyone above and fencing below, not even VIP people allowed below.
- As far as the event goes, that's kind of been on hold to see if they were able to get that big sponsor. So that's where those ten extra officers are. And I'll let Terri speak to that.

Ms. James stated the following:

- Won't know until tomorrow if the backing is available for big stunts.
- It was put in our footprint – we can always cancel, but not add.
- And we have advertised on all of our social media and out of state with our grant money. There wasn't advertising done locally much yet.

Commissioner Ralph stated the following:

- Mr. Gallagher, do you feel it'll happen in a safe manner?

Director Gallagher stated the following:

- Safety yes. Communication has been lacking. Contracts in place.
- Many complaints last year was amount of work Butte-Silver Bow did – huge piece of this. Making sure this year it's done by volunteers, secured contract with CCCS so Butte-Silver Bow won't be taking the labor force off the streets. This is the reason a lot of this is so late coming in.
- Mr. Schultz and Mr. Sandford were really cautious about making sure everything was in place before we signed off on anything.
- Of course, we're going to support it like we always have with our park aid kids, as we do with all the festivals.

Commissioner Ralph stated the following:

- We're forgetting we owe Evel Knievel committee thanks. They are volunteers, and it's not easy. Can't win sometimes. I think they have done a fare job. Feel bad about the lateness, but believe we're in a good spot to move forward with this.

***It was moved by Commissioner Ralph, seconded by Commissioner Palmer, to change original recommendation and Concur with Communication No. 16-321 and Place on File.***



*On the Question:*

Commissioner Andersen stated the following:

- Glad to see some of the stuff has been moved off of Park Street and use of city workers.
- Still concerned about the lateness of it. Understand trying to juggle balls.
- Last year a lot of these people were angry nobody told them what was going on. Better communication. Can take place at any time.
- For the communication with these residents and businesses starting today is something I hope will be remedied.
- Last year we had an amendment to the footprint the day before event that we had to put through on an Emergency Suspension. I understand these things happen, but just better communication would go a long way.

Commissioner Henderson stated the following:

- We had asked J.P. [Gallagher] and Laz [Bob Lazzari] to keep us well informed.
- You've done that. You've notified everybody along route. Got the approvals. And also the factor about the City workers – you've handled all that.
- Hopefully there'll be success in this event and we wish you well.

Commissioner McDonough:

- Thank you Terri, J.P. and Laz.
- I'm involved with the Irish Festival. This smoke and mirrors – we've had issues occur a half hour before supposed to start. We're all volunteers.
- For Knievel days, they have a proven track record. Could be tightened. They're making a very good effort.
- If we approve tonight, they still have two and a half weeks to circle the wagons. Can still go to businesses. Can have compromises the day before the event.
- A lot of work that goes into it, all sorts of moving pieces.
- Have good faith in our departments. If it wasn't above-board in terms of safety or rigorous planning, couldn't underwrite it with an insurer. They have that.
- I'm in support of it. Think we have opportunity to go back to folks with concerns and mitigate and adjust if we need to.

Commissioner Fisher stated the following:

- Appreciate all your help and what you're doing.
- We financially support this, we give you the money to do this then sit back and let it happen.
- I guess I'll support this 100%. I do have concerns. Saddens me to see what's happening to Knievel days. It saddens me what's happening with 4-H and the Fair, and it saddens me deeply. I wish you the best because you've got your hands full.



*Chief Executive Vincent called for a Roll Call vote. Stated he will not be voting due to any perceived conflict of interest.*

*10 yea and 2 nay. Commissioners Shaw and Morgan voted nay. Motion passes.*

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

1. COUNCIL RESOLUTION NO. [16-29](#)

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF REAL PROPERTY OWNED BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, DESCRIBED AS the North 40 feet of Lot Thirty-four (34), Block Five (5) in Kings 1 Addition, Parcel #1627900 (LOCATED ACROSS THE ALLEY FROM 358 E. MERCURY) TO THE ADJOINING OWNER PURSUANT TO POLICIES ADOPTED BY THE COUNCIL OF COMMISSIONERS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**SECTION 4 ORDINANCES  
SECOND READING**

1. COUNCIL BILL NO. [16-11](#)  
ORDINANCE NO. [16-11](#)

AN ORDINANCE AMENDING ORDINANCE 204, Section 4 and CHAPTER 10.24 , ENTITLED “TRAFFIC CONTROL DEVICES” AND CHAPTER 10.32 ENTITLED “STOP SIGNS”, OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) SPECIFICALLY REPEALING SECTION 10.24.160(14) DELETING THE TRAFFIC CONTROL SIGNAL LOCATED AT THE INTERSECTION OF GRANITE STREET AND MAIN STREET; AND BY AMENDING SECTION 10.32.010 ESTABLISHING STOP SIGNS ON GRANITE STREET ENTERING THE EAST AND WEST CORNERS AT THE INTERSECTION OF GRANITE STREET AND MAIN STREET; AND ESTABLISHING STOP SIGNS ON MAIN STREET ENTERING THE NORTH AND SOUTH CORNERS AT THE INTERSECTION OF MAIN STREET AND GRANITE STREET AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

*It was moved by Commissioner Shaw and seconded by Commissioner Morgan that Council Bill No. 16-11, Ordinance No. 16-11 be placed on second reading and be passed, having been deemed fully read at length. The motion passed by a roll call vote of 12 yea and 0 nay.*



**SECTION 5 ORDINANCES AND RESOLUTIONS  
FINAL READING**

1. COUNCIL RESOLUTION NO. [16-28](#)

A RESOLUTION AUTHORIZING THE SUBMITTAL OF A COMMUNITY DEVELOPMENT BLOCK GRANT FOR THE PURPOSE OF FINANCIAL ASSISTANCE FOR GREELEY NEIGHBORHOOD STROM WATER IMPROVEMENTS IN ACCORDANCE WITH THE PROCEDURES OF THE BUTTE-SILVER BOW MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

*It was moved by Commissioner Shaw and seconded by Commissioner Morgan that Council Resolution No. 16-28 be placed on final reading and be passed, having been deemed fully 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

Commissioner Sorich stated the following:

- Quick update on the Fair Board – meeting next Tuesday night.
- Going fairly smooth. Working together to put on. Appears all trying to do right thing.

ADJOURN

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

The meeting adjourned at 9:05 p.m.

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MATT VINCENT  
CHIEF EXECUTIVE

ATTEST:

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CLERK & RECORDER

