

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING AGENDA
WEDNESDAY, JUNE 17, 2020
7:30 PM COURTHOUSE COUNCIL CHAMBERS**

ROLL CALL

11 Present 1 Absent- Brenden McDonough

PRAYER AND PLEDGE

John Morgan

APPROVAL OF THE MINUTES

[June 3, 2020 Regular Meeting Minutes](#)

John Morgan makes a motion to approve the minutes, Cindy Shaw seconds

11 yeas 0 nays

Brenden McDonough has just joined the meeting.

John Morgan adds communication #2020-259 to the agenda. Emergency Suspension of the Rules. This communication is from Eileen Joyce, DPHHS to address mental health issues.

John Morgan makes a motion to add 2020-259 to approve the Suspension of the Rules and place this on the Agenda. Cindy Shaw seconds the motion

12 yeas 0 nays

ITEMS NOT ADDRESSED ON THE AGENDA

Letters to be read. See attached

Phone line calls: rejecting 2020-258 the Zoning change Application No. 180 by the Planning Board.

Terry Rubble 604 West Park Street – Against

Jen Valone-1223 Steel Street- Against

Matt Valone- Against

Jim Downey-Against

Ross ? 1331 Steel Street- Against

Wayne Harper-Against

Kathy Ghetti-6177 Galen Road- For

Paula McGarvey-1245 W. Steel Street- Against

Josh Stern 1041 W. Porphry Against

John Burke 1222 W. Platinum- Against

CHIEF EXECUTIVE'S REPOR

Dave Palmer states that Ridge water pool had a crack in it and was leaking. The pool company supplied BSB with directions on how to winterize, and said it was their fault and are taking liability, so it will be under warranty. The pool should be up and running in a week or two.

PUBLIC COMMENT ON ANY ITEMS ON THE AGENDA

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

PRESENTATIONS

1. COMMUNICATION NO. [2020-226](#)



Mark Neary, Public Works Director requesting Council of Commissioners for time on the June 17, 2020 Regular Meeting agenda for a presentation on County wide Maintenance District Workplan update for FY2020 and Workplan for FY2021.

- 537 tons of salt and de-icer was used for 2020
- \$331,120.12 salt and de-icer
- \$177,471.53 Labor
- \$132,390.58 Equipment
-
- Street Cleaning 2020
- 285 Miles of swept streets
- 90 Miles of flushed streets
- \$151,800.69 Labor
- \$155,043.20 Equipment
-
- Pot Holes
- 6858 Pot holes filled
- \$79,137.53 Labor
- \$24,347.32 Equipment
-
- Stop Signs and Lights
- 1085 signs installed, replaced or fixed
- 47 new signs
- \$167,473.53 Labor
- \$27,530.09 Equipment

John Morgan wishes to segregate communications 2020-253,2020-254,2020-258

SECTION 2: CONSENT AGENDA

A. COMMITTEE REPORTS

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

*John Morgan makes a motion to approve the consent agenda with exclusion 2020-253,2020-254,2020-258. Cindy Shaw seconds the motion
12 yeas 0 nays*

B. COMMUNICATIONS

1. COMMUNICATION NO. 2020-237

Kathy Kenison, IT Manager requesting Council of Commissioners to authorize the Chief Executive to sign the Sidwell change order CO#1. This change order will allow Sidwell to install the Public Works application records.

2020-237 Change Order

Concur and Place on File



2.COMMUNICATION NO. [2020-238](#)

Tyler Currence, Housing Solutions, LLC requesting Council of Commissioners permission to hold a Presentation and Public Hearing on the July 8, 2020 in the Committee of the Whole Meeting. This presentation is relating to Montana housing for a new affordable senior development in Butte named Washoe Place.

Hold in Abeyance until July 8, 2020 pending presentation and public hearing.

3.COMMUNICATION NO. [2020-239](#)

Dan Dennehy, Emergency Management Director requesting Council of Commissioners to authorize the Chief Executive to sign the State and Local Agreement (SLA) U.S. Department of Homeland Security and the Emergency Management Performance Grant on behalf of Butte-Silver Bow. The total of the EMPG is \$99,873.91.

[2020-239 Grant](#)

Concur and Place on File

4.COMMUNICATION NO. [2020-240](#)

Danette Gleason, Finance and Budget Director requesting Council Chairman John Morgan to approve and sign the following Judiciary claim so the payments can be dispersed for the week of June 17, 2020.

Concur and Place on File

5.COMMUNICATION NO. [2020-241](#)

Danette Gleason, Finance and Budget Director requesting Council of Commissioners to refer the Fiscal Year 2021 Preliminary Budget to the Finance & Budget Committee for the July 1, 2020 Finance & Budget Meeting.

Concur and Place on File

6.COMMUNICATION NO. [2020-242](#)

Danette Gleason, Finance and Budget Director requesting Council of Commissioners to review the weekly Expenditure Approval lists for the week of June 10, 2020 in the amount of \$711,316.42 and for the week of June 17, 2020 which will be available after 6:00 p.m. on Tuesday, June 16, 2020.

Concur and Place on File

7.COMMUNICATION NO. [2020-243](#)

Steve Maloney, 109 North Montana Street requesting Council of Commissioners approval for the survey of lot Assessment Code # 0001892400. This survey will facilitate a possible future purchase of this lot.

Refer to Land Sales and Hold in the Committee of the Whole

8.COMMUNICATION NO. [2020-244](#)

Aubrey Japp Assistant Director Butte-Silver Bow Public Archives requesting Council of Commissioners to authorize the Chief Executive to renew the lease agreement for the Butte Symphony for the rental of office space in the Clark Chateau.

[2020-244 Agreement](#)

Concur and Place on File



9.COMMUNICATION NO. [2020-245](#)

Karen Sullivan, Health Officer requesting Council of Commissioners to authorize the Chief Executive to sign an agreement between the Butte Mosquito Abatement District, and JHS, Inc., of Helena Mont. Services provided by JHS include communicating with and educating abatement district residents, defining habitat, removing shallow water areas, applying larvicides, and fogging of a control agent into mosquito populations.

[2020-245 Agreement](#)

Concur and Place on File

10.COMMUNICATION NO. [2020-246](#)

Karen Sullivan, Health Officer requesting Council of Commissioners to authorize the Chief Executive to sign a contract amendment between the Montana Department of Public Health and Human Services and the Butte-Silver Bow Health Department.

[2020-246 Amended Contract](#)

Concur and Place on File

11.COMMUNICATION NO. [2020-247](#)

Julia Crain, Superfund Division requesting Council of Commissioners to authorize the Chief Executive to sign the Professional Services Agreement with Montana Technologies University.

[2020-247 Agreement](#)

Concur and Place on File

12.COMMUNICATION NO. [2020-248](#)

Dylan Pipinich, Assistant Planning Director requesting Council of Commissioners permission to conduct a public hearing on Wednesday, July 1, 2020 on the Montana Connections Subdivision.

[2020-248 Analysis](#)

Hold in Abeyance until Public Hearing on July 1, 2020

13.COMMUNICATION NO. [2020-249](#)

John Morgan, Chairman, BSB Council of Commissioners informing the Council of the process to appoint an interim Public Administrator on July 1st and to set the Declaration of Nomination to be Monday June 22nd thru Friday July 3rd in the Clerk and Records office.

Concur and Hold in the Committee of the Whole

14.COMMUNICATION NO. [2020-250](#)

Mark Neary Public Works Director requesting Council of Commissioners to authorize the Chief Executive to sign the Storm Water Management/BMP Maintenance Agreement for Clay McQueary for the Pit Fitness Expansion.

[2020-250 Agreement](#)

Concur and Place on File

15.COMMUNICATION NO. [2020-251](#)

Mark Neary Public Works Director requesting Council of Commissioners to authorize the Chief Executive to sign the Storm Water Management/BMP Maintenance Agreement for Paul Thomas-Teton Village, LLC for the Staples Addition.

[2020-251 Agreement](#)

Concur and Place on File



16.COMMUNICATION NO. [2020-252](#)

Mark Neary Public Works Director requesting Council of Commissioners to authorize the Chief Executive to sign the Notice of Award for the 1-15 Crossing for the Big Hole Transmission Line.

[2020-252 Notice of Award](#)

Concur and Place on File

17.COMMUNICATION NO. [2020-253](#)

Mark Neary Public Works Director requesting Council of Commissioners to authorize the Chief Executive to sign the Core and Main Agreement for Dewey Phase 3 Materials for the Water Utility Division.

[2020-253 Agreement](#)

Concur and Place on File

John Morgan makes a motion to Note and Place on File Cindy Shaw Seconds the motion.

12 yeas 0 nays

18.COMMUNICATION NO. [2020-254](#)

Mark Neary Public Works Director requesting Council of Commissioners to authorize the Chief Executive to sign the Northwest Pipe Fittings Agreement for the Big Hole Transmission Line materials.

[2020-254 Agreement](#)

Concur and Place on File

John Morgan makes a motion to Note and Place on File Cindy Shaw Seconds the motion.

12 yeas 0 nays

19.COMMUNICATION NO. [2020-255](#)

Mark Neary Public Works Director requesting Council of Commissioners to authorize the Chief Executive to sign the Landfill Well Movement Agreement with AK Drilling. This contract will allow AK Drilling to move a well in preparation of the Landfill Cell IV Expansion project.

[2020-255 Agreement](#)

Concur and Place on File

20.COMMUNICATION NO. [2020-256](#)

Mark Neary Public Works Director requesting Council of Commissioners to authorize the Chief Executive to sign agreement with the Water and Environmental Technologies TSEP 2021 Sewer Line CIPP and Replacements.

[2020-256 Agreement](#)

Concur and Place on File

21.COMMUNICATION NO. [2020-257](#)

Mark Neary Public Works Director requesting Council of Commissioners to authorize the Chief Executive to sign the agreement for the Storm Water Pollution Prevention Plan for the Dewey Phase 3 Water Line project.

[2020-257 Agreement](#)

Concur and Place on File

22.COMMUNICATION NO. [2020-258](#)

Lori Casey, Planning Director requesting Council of Commissioners to be advised that the Butte-Silver Bow Planning Board, who serves as the Zoning Commission, has rendered a _____



recommendation regarding Zone Change Application No. 180, regarding licensed community residential facilities.

2020-258 Zone Change

Concur and Place on File

John Morgan segregated to open for discussion.

Dave Palmer asks Eileen Joyce that the Conditional Use permits cannot be denied and was wondering if Foster Homes could be segregated out.

Eileen Joyce they cannot be excluded in any residential zones. My only caution is that you don't want to be put in a position to where you are being accused of selective enforcement.

Brenden McDonough: The sign boards, for usual zoning change, is that mandated by law?

Lori Casey: Yes we have done the boards because we have been accused of not letting the public know, because not everyone reads the sandwich boards.

Eric Mankins: Mr Hardwell's comments reads the city or county can allow of dis-allow any of the zoning categories listed from the conditional use process. Foster Homes etc. can be taken out of the conditional use permits. Please explain what this means if it is not what Hardwell said.

Eileen Joyce: this is residential and is permitted in all residential zones. There is no other exception to requirement to get a conditional use permit for a residential facility. Foster homes, kin ship homes, youth group homes are all listed in the title of that document. They would be required to get a conditional use permit.

John Morgan: We have to remember that our chief legal council is County Attorney Joyce. We have to refer to her for our legal advice. In the event that someone wants to open a foster home, if it passes, go to planning board and file for a conditional use permit, come back with a recommendation, then the sandwich boards would be put up. The zoning boards realize that they cannot deny the permits. It is a matter of process. The public input would state concerns, with none of their questions answered. The zoning board will not deny the permits.

One of the comments is that they want us to use the conditional use permits to deny the request and it can't be used. The public needs to know that this does not give the public the tool to deny it.

Josh O'Neil: Does the sandwich board have to be up.

Lori Casey: No, the board does not need to be up.

Eileen Joyce: You always have to follow the State Law. Lori Casey said that it in our ordinance that we do have to put up signs.

Jim Fisher: If we really want to change this, we need to go to the Legislature, by passing this ordinance we will not be able to enforce it. No one will be denied so why put our planning and zoning people in meetings where they will not be denied.

Lori Casey: Kalispell is the city that requires a conditional use permit, the rest of the cities operate like we do, and consider them a residential use and a permitted use.

Bill Anderson: we want to protect our neighborhoods so why can't we put restrictions on it.

Lori Casey: These facilities do have to have 24-hour care. It will be a residential use. There are rules that they have to comply with the State.

John Morgan: This communication only adds the public comment period, it does not add anything else. The conditional use will not question if they are being run correctly.

Brenden McDonough: I attended the neighborhood public meeting, on the Spirit House, rumors had it that we as the commissioners turned our heads on this, which I did straighten out. This was incorrect. What happens if there is a foster home and a Sober living facility on the same block? I think that the public wants to be made aware of what is going on in their neighborhood and it is our job to do so.

Brenden makes a motion to deny the recommendation from the planning dept. and schedule and a



public hearing and Hole in the Committee of the Whole. Bill Anderson seconds that motion. Dave Palmer is asking what is the Public Hearing for?

McDonough: Eileen Joyce said that there needs to be a public hearing in front of Council.

John Morgan: I make a substitute motion that we accept the recommendation 2020-258 of the planning board that is serving as the zoning board and Place on File. Cindy Shaw seconds the motion.

Michele Shea: we do have a great deal of faith in our staff. The goal is to do something good, and bring transparency to the people of the community. The state needs to be pressured to change the definition and define the two types of homes. I think it merits time for additional research and conversation.

Substitute motion 3 yeas 9 nays

Original motion to deny the request in communication no. 2020-258 and schedule a Public Hearing and hold in the Committee of the Whole.

10 yeas 2 nays

Motion Carries

Emergency Suspension of the Rules

Communication No. 2020-259

requesting Council of Commissioners to authorize the Chief Executive to sign the contract between the Montana Department of Public Health and Human Services, Addictive and Mental Disorders Division (DPHHS) and the City-County of Butte-Silver Bow, Montana (City-County).

John Morgan makes a motion to approve communication 2020-259 and Place on File,

Cindy Shaw seconds the motion

12 yeas 0 nays

SECTION 3: ORDINANCES AND RESOLUTIONS

1.RESOLUTION NO. 2020-26

RESOLUTION AUTHORIZING LEASE-PURCHASE AGREEMENT IN CONNECTION WITH IMPROVEMENTS TO PUBLIC SAFETY COMMUNICATIONS SYSTEMS

Mr. Morgan makes a motion to pass Suspension of the rule for passing council resolutions no's 2020-26,2020-33,2020-2020-32 for advanced passage to the Judiciary Committee.

Cindy Shaw seconds the motion

12 yeas 0 nays

Mr Morgan makes a motion to place 2020-26 on final Reading as amended.

Cindy Shaw seconds the motion

12 yeas 0 nays

2.RESOLUTION NO. 2020-31

A RESOLUTION OF INTENT TO ALTER THE BOUNDARIES OF THE CITY-COUNTY OF BUTTE-SILVER BOW, MONTANA'S SOLID WASTE SPECIAL DISTRICT TO INCLUDE THE BOUNDARIES OF THE TOWN OF WALKERVILLE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

Hold for Public Hearing on July 8, 2020.

3.RESOLUTION NO. 2020-33

A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR WAUSAU SUPPLY COMPANY WITH THE DEPARTMENT OF COMMERCE OF THE STATE OF MONTANA, FOR BIG SKY ECONOMIC DEVELOPMENT TRUST FUND PROGRAM



UNDER THE TERMS OF THE COMMUNITY DEVELOPMENT ACT OF 1974 (42 USC 5301) AS AMENDED.

Mr Morgan makes a motion to place 2020-33 on Final Reading.

Cindy Shaw seconds the motion

12 yeas 0 nays

4.COUNCIL BILL NO. 2020-05

ORDINANCE NO. 2020-05

AN ORDINANCE AMENDING ORDINANCE 204, Section 4 and CHAPTER 10.40, ENTITLED “SPEED LIMITS”, OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) SPECIFICALLY AMENDING SECTION 10.40.040 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

This is being introduced tonight.

SECTION 4: ORDINANCES AND RESOLUTIONS SUSPENSION OF THE RULES FINAL PASSAGE

1.RESOLUTION NO. 2020-32

A RESOLUTION CERTIFYING THE RESULTS OF THE CANVASS OF VOTES CAST IN THE PRIMARY ELECTION HELD IN THE CITY AND COUNTY OF BUTTE-SILVER BOW ON JUNE 2, 2020; DECLARING NOMINATED THOSE INDIVIDUALS HAVING THE HIGHEST NUMBER OF VOTES CAST FOR COUNTY OFFICES; CERTIFYING THE RESULTS OF VOTES CAST FOR INDIVIDUALS TO THE BOARD OF COUNTY CANVASSERS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

Mr Morgan makes a motion to pass and place 2020-32 on Final Reading.

Cindy Shaw seconds the motion

12 yeas 0 nays

2.COUNCIL BILL NO. 2020-03

ORDINANCE NO. 2020-03

AN ORDINANCE ESTABLISHING A NEW CHAPTER OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) TO BE NUMBERED 12.17 AND TO BE ENTITLED “PARKLET/PEDLET PERMITS” AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

John Morgan makes a motion to place on final reading and pass having been fully read at length.

Cindy Shaw seconds the motion

12 yeas 0 nays

3. COUNCIL BILL NO. 2020-04

ORDINANCE NO. 2020-04

AN ORDINANCE AMENDING CHAPTER 8.02 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (BSB-MC) ENTITLED “VACANT BUILDINGS”, AND SPECIFICALLY AMENDING SECTIONS 8.02.020, 8.02.030, ENACTING A NEW SECTION 8.02.040, AND AMENDING BY RENUMBERING THE PRIOR SECTION 8.02.040 TO 8.02.050, RENUMBERING 8.02.050 TO 8.02.060, RENUMBERING AND AMENDING 8.02.060 TO 8.02.070, RENUMBERING 8.02.070 TO 8.02.080, RENUMBERING AND AMENDING 8.02.080 TO 8.02.090 AND APROVIDING FOR AN EFFECTIVE DATE HEREIN.



John Morgan makes a motion to place on final reading and pass having been fully read at length.
Cindy Shaw seconds the motion
12 yeas 0 nays

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA

CALENDAR OF OTHER MEETINGS AND EVENTS

DUE TO COVID-19 PANDEMIC, COMMITTEE MEETINGS WILL RESUME AT A LATER DATE.

ADJOURN

Chief Executive makes a motion to adjourn.

MEETINGS

THE COMMITTEE OF THE WHOLE MEETING WILL BE JUNE 24, 2020; HOWEVER, THE OTHER SMALLER MEETINGS WILL RESUME AT A LATER DATE DUE TO COVID-19.

REPORTS

COMMITTEE OF THE WHOLE REPORT

JUNE 10, 2020

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen,

We, your Committee of the Whole Committee, respectfully recommend as follows:

1.COMMUNICATION NO. [19-578](#)

Gary Rundle, Citizen requesting Council of Commissioners consideration to purchase property located at 1820 Banks Ave, Butte MT. I wish to redeem the property from Butte-Silver Bow before the tax sale in February.

Hold in Abeyance

2.COMMUNICATION NO. [19-582](#)

Ed Banderob, Greeley Neighborhood Community Development Corporation requesting Council of Commissioners to invite a Montana DPHHS' Toxicologist to give a Presentation relative to the Hazards/Risks to human health of heavy metals contaminates present in the Butte-Silver Bow Community.

Hold in Abeyance

3.COMMUNICATION NO. [2020-04](#)

Michael Townsend, Citizen requesting Council of Commissioners to consider the repurchase of my home located at 105 West Porphyry. I will comply with all Rules and Regulations of the County Enrichment Program.

Hold in Abeyance



4.COMMUNICATION NO. 2020-90

Eldon Beall, Citizen requesting Council of Commissioners for more clarification on speed limits around Emma Park which is also a Bus Route by Butte High School. Also, we are asking that the snow be plowed around the park by Parks and Rec and or by the city.

Hold in Abeyance

5.COMMUNICATION NO. 2020-206

Mark Neary, Public Works Director requesting Council of Commissioners for time on the Council of Commissioners June 3, 2020 Council of Commissioners Regular Meeting to open bids for materials for the Dewey Phase 3 Water Line Replacement.

Place on File

6.COMMUNICATION NO. 2020-207

Mark Neary, Public Works Director requesting Council of Commissioners for time on the Council of Commissioners June 3, 2020 Council of Commissioners Regular Meeting to open bids for materials for the Big Hole Transmission Line.

Place on File

7.COMMUNICATION NO. 2020-221

Danette Gleason, Finance and Budget Director requesting Council of Commissioners for time on the June 3, 2020 Council of Commissioners agenda to give a presentation on an alternative method for assessing fees for the Countywide Road Maintenance District.

Place on File

8.COMMUNICATION NO. 2020-224

Todd Breitenfeldt, Breitenfeldt Investment, LLC (BILLC) requesting Council of Commissioners to approve the purchase of a vacant lot addressed at 611 S. Idaho - Lot numbered twenty-four in block #4 of the Travonia Addition, Butte, MT, Parcel No. 1054300- which BILLC owns as a rental, and then immediately will sell it as a nice single-family home. This project will greatly enhance the look of (and the property values of) the neighborhood.

Hold in Abeyance

9.COMMUNICATION NO. 2020-226

Mark Neary, Public Works Director requesting Council of Commissioners for time on the June 17, 2020 Regular Meeting agenda for a presentation on County wide Maintenance District Workplan update for FY2020 and Workplan for FY2021.

Hold in Abeyance

ADJOURN

FINANCE & BUDGET COMMITTEE MEETING REPORT

JUNE 3, 2020

BUTTE-SILVER BOW COURTHOUSE COUNCIL CHAMBERS

COUNCIL OF TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COMMISSIONERS

Ladies and Gentlemen,

We, your Council of Commissioners, and Chairman John Morgan, respectfully recommends as



follows: Expenditure report for the week of May27, 2020 was reviewed and approved for the amount of \$345,977.83 for the week of June 3, 2020.



Davies, Barbara

From: Jessie Billquist <jesswldwmn@yahoo.com>
Sent: Wednesday, June 17, 2020 4:48 PM
To: BSB Public Input
Subject: Public Input for Item 22, COMMUNICATION NO. 2020-258

This message did not originate from a Butte-Silver Bow email account and therefore cannot be validated. Please ensure you respond accordingly and proceed with caution.

Dear Commissioners:

I would like to provide public input on item #22 on the June 17, 2020 Council of Commissioners Regular Meeting Agenda, COMMUNICATION NO. 2020-258 which would require Conditional Use Permits for Youth Foster Homes, Youth Kinship Homes, and Adult Foster Homes. While I understand these specific types of living situations are defined as Community Residential Facilities under Montana Code Annotated (MCA), I do not feel they should be included in this specific plan. I also understand that excluding them may not be possible if you require Conditional Use Permits for all Community Residential Facilities and thus encourage you to research this issue further before you determine if the permits should be required and by whom. While it seems that the goal of these permits is aimed more at regulating the other Residential Facilities that are defined in MCA than foster homes, you must consider the impact to all the facilities that would be required to obtain such a permit. As a former foster parent, I feel you would be doing a huge disservice to the individuals and families wanting to obtain licensure as a foster or kinship placement, as well as all of the children and adults in the foster care system. First, I find this conditional use permit to be a huge safety concern for foster and kinship families. Many foster and kinship families, take children into their care who are removed from violent domestic situations and situations that involve violent and sexual offenders. If a foster or kinship home is required to obtain a conditional use permit, and they do, their address will be published and readily available in public records. I am not naïve to think that it is not difficult to find the addresses of essentially any person in this day and age, but having the address become part of a public record, makes it that much more accessible to the biological parents of children in foster care to find. Some of these biological parents are violent or sexual offenders and as a foster home placement, I would be very concerned that my home address could be easily accessed in public records. This puts all of the individuals living in a foster or kinship placement in an unsafe situation. In a worst case scenario, I could envision this information being accessed by a biological parent so that they could locate their child and make an attempt to remove them from the foster placement (essentially kidnapping them) or to cause harm to the foster parents in retaliation for the removal of their child.

Second, the decision to become a foster or kinship placement can be a very personal and intimate decision. Not all families want to share their decision to become a foster or kinship placement with their community. By requiring a conditional use permit for these foster and kinship homes (which will have the permit as part of a public record), you are seriously intruding on the privacy of these individuals. Thus, requirement of this permit, may negatively influence individuals deciding whether or not to pursue becoming a foster placement.

Foster placements are in high demand already and this permit process may lead to less individuals being willing to become licensed foster placements due to both the safety and privacy issues I have highlighted. It would be a huge disservice to your community to have the number of foster care placements decrease due to this permit process. As a former licensed foster placement for the State of Montana, I know that licensed foster placements are well vetted through the Dept. of Health and Human Services and the process to become a licensed placement is lengthy and intensive to begin with. Adding this additional permit requirement is going to negatively impact the number of individuals willing to become a licensed foster placement. I hope that you seriously consider this impact before approving this zoning change.

Respectfully,
Jessie Billquist-Jette
6177 Galen Road
Anaconda, MT 59711
406-560-0518

Davies, Barbara

From: Mankins, Eric
Sent: Wednesday, June 17, 2020 4:52 PM
To: BSB Public Input
Subject: Fwd: Conditional Use Permits for Group Homes under 8

Sent from my iPhone

Begin forwarded message:

From: "Mankins, Eric" <emankins@bsb.mt.gov>
Date: June 17, 2020 at 4:20:31 PM MDT
To: Commissioners <Commissioners@bsb.mt.gov>
Cc: "Palmer, Dave" <dpalmer@bsb.mt.gov>, "Joyce, Eileen" <ejoyce@bsb.mt.gov>
Subject: Fwd: Conditional Use Permits for Group Homes under 8

Hello Chief Executive Palmer and Fellow Commissioners ,
Here is more information from Kalispell City Attorney Charlie Harball.
Thank You,
Eric Mankins

Sent from my iPhone

Begin forwarded message:

From: "Mankins, Eric" <emankins@bsb.mt.gov>
Date: June 9, 2020 at 3:46:16 PM MDT
To: "mankinsea@gmail.com" <mankinsea@gmail.com>
Subject: Fwd: Conditional Use Permits for Group Homes under 8

Sent from my iPhone

Begin forwarded message:

From: Charlie Harball <charball@kalispell.com>
Date: June 9, 2020 at 2:24:22 PM MDT
To: "Mankins, Eric" <emankins@bsb.mt.gov>
Subject: Conditional Use Permits for Group Homes under 8

This message did not originate from a Butte-Silver Bow email account and therefore cannot be validated. Please ensure you respond accordingly and proceed with caution.

Eric,

It was nice chatting with you this morning about the municipal process of evaluating group homes and the history the City of Kalispell has experienced in this regard.

The state statutes and regulations for group homes for under 8 individuals has been in place for many years and hasn't changed much, if any, over all these years. As you know, the state mandated that municipalities may not deny this use in any of the residential zones of the city. Clearly, by preempting the authority of the municipalities in this matter, the state intended to send the message that, as a matter of public policy, it is best that these small group homes be situated in a residential neighborhood environment. The mandate was also intended to quash the NIMBY mindset that often creeps into the land use discussions.

Many years ago, before my time as the City Attorney for Kalispell, the process our City took to reviewing group homes was to have the matter determined by the Board of Adjustments. The City had an application for a group home come before it, and, for a reason no one can remember, the Board of Adjustments simply denied the application. The matter was taken up to District Court and the District Judge rightly held that the City did not have the authority to deny the application and ruled that the use would be allowed as a "conditional use." Somebody must have felt some outrage for that decision was appealed to the Supreme Court which summarily upheld the District Court and severely chastised the City for wasting its time on such a clear cut issue.

The City licked its wounds and determined that the District Court was on the right track to treat these land uses as conditional uses. Therefore the City zoning code was amended to include the small group home in all residential zones under the conditional use process. Once these parameters were defined and the governing body understood clearly that the use could not be denied but could be reviewed with a public process in place and reasonable conditions could be required – life went on, much better than before. The elected officials could still be responsive to their constituents, the

neighbors could still voice their concerns and be heard, and the applicants now had an even better opportunity to discover who their new neighbors were and how to better get along with them. The fact is that the applicants want their group home to blend into the neighborhood and the last thing they want is conflict with the neighbors. Because of this, they are generally quite happy to meet any reasonable conditions that are placed upon the use that make the use blend in better with the neighborhood.

Your question about “foster homes” is interesting to me. I am aware that this term is used in the statute and regulations, along with the “8 person or less group home.” However, there is no triggering event that brings to the City’s attention that a foster child is living in a home. Although the family and the home are scrutinized by the state to determine that this is a safe and healthy environment in which the foster child will live, the City is not put on notice to consider the matter. We have never had a neighbor call-in with a zoning complaint because a foster child lives in the home next door. From the curbside view, the use has been and continues to be a single family residence. The City certainly does not exercise any process to *sua sponte* inquire into the blood relationship of a household for the purpose of exercising the “foster home” conditional use.

So are we treating the small group home differently than the foster home? If we are, it is not an intentional discrimination. It is simply a matter of fact that group homes, generally operated by for-profit treatment centers, approach the City for conditional use permits, knowing that if they fail to do this, the chances are good that a neighbor will contact the City to complain and the City will then seek to have them come into compliance with the process. I say that the chances are good because the treatment center knows that the group home doesn’t always come off as a purely single family residence and conflicts can and sometimes do come up in the neighborhood.

I hope some of this is helpful to you.

Davies, Barbara

From: Sarah De Money <sarahdemoney@gmail.com>
Sent: Wednesday, June 17, 2020 10:57 AM
To: BSB Public Input; Eric Mankins; Mankins, Eric
Subject: June 17 Agenda Item 22. COMMUNICATION NO. 2020-258

This message did not originate from a Butte-Silver Bow email account and therefore cannot be validated. Please ensure you respond accordingly and proceed with caution.

Regarding: Agenda Item 22.COMMUNICATION NO. 2020-258 Lori Casey, Planning Director requesting Council of Commissioners to be advised that the ButteSilver Bow Planning Board, who serves as the Zoning Commission, has rendered a recommendation regarding Zone Change Application No. 180, regarding licensed community residential facilities. 2020-258 Zone Change

June 17, 2020

Members of the Butte Silver Bow Council of Commissioners,

Regarding: Agenda Item 22.COMMUNICATION NO. 2020-258 Lori Casey, Planning Director requesting Council of Commissioners to be advised that the Butte Silver Bow Planning Board, who serves as the Zoning Commission, has rendered a recommendation regarding Zone Change Application No. 180, regarding licensed community residential facilities. 2020-258 Zone Change

Please accept this letter in SUPPORT of the Zone Change Application No 180, Communication No. 2020-258. And we SUPPORT the Council of Commissioners to **Reject the recommendation of the Zoning Commission and move forward with the amendment to the zoning ordinance and schedule a public hearing.**

We, the (signed below) residents of Butte, support changing the ordinance to implement a requirement for a Conditional Use Permit for businesses/organization (non-profit or for profit) that are planning to open a Community Residential home – also may be called Transitional Living Centers / Treatment Houses, Developmentally Disabled Group Homes, Youth Care Facilities, Residential Treatment Facilities who want to either buy or construct a center in a residential area.

The reason behind our support is simple. Montana State Statute reads that an organization opening a Community Residential Program, can be located in ANY zoned area ***UNLESS the city or town has a provision for a Conditional Use Permit to be sought.*** Thus giving the control to the local Planning Departments and governments. Through Commissioner Mankins proposal, he is requesting that Butte Silver Bow implement a provision for a Conditional Use Permit to be sought when a Community Residential Program plans to locate in Butte Silver Bow. The intent is to ensure that the appropriate steps are taken for a home to be safely located in Butte Silver

Bow. The most appropriate way to have Community Residential homes reviewed for this is by a Conditional Use Permitting process.

This change will add a layer of oversight that is needed in our community. Without it, the planning department has no control over the prescribed zoning in place. With it, the Planning Board and planning department has the knowledge of who and in what neighborhood a licensed Community Residential home will be requesting to locate. We are asking for transparency through the Conditional Use Permitting process as this will give the neighborhood an opportunity to speak up and communicate concerns. Additionally, this will open the door for the Community Residential home and neighbors to talk openly about concerns and plans to live in harmony

We would like to be clear that we support ALL types of Community Residential Programs. We support making sure the areas where they will reside are both appropriate and safe for both the Community Residential Program and the people in neighborhoods and the only way to ensure the peace of mind for potential neighborhoods is with a Conditional Use Permit.

Thank you for your time and attention.

Signed by the following 59 residents of Butte Silver Bow:

Sarah De Money 1217 W Platinum
Paul Blumenthal 1217 W Platinum
Andrew De Money 1217 W Platinum
Miriam Haley 1261 W Platinum
Jocelyn Dodge 114 Waldron Drive
Lisa Howell 1308 W Aluminum
Noah Thatcher 1121 W Porphyry
Ross Richardson 1331 W Steele
Josh Stearns 1040 W Porphyry
Paula McGarvey 1245 Steel St.
Deb Penner 1236 W Platinum
Gene W Rawson 1236 W Platinum
Trisha Southergill 1200 Steele St
Glenn Southergill 1200 Steele St
James Downey 1101 W Platinum
Mary Colleen Hackett 1107 West Platinum
Kristi Gentry 719 W Platinum
Michael Boston 1218 W Platinum
Avis Boston 1218 W Platinum
Richard Rosa 1401 W Platinum
Julie Rosa 1401 W Platinum

Wayne Harper 1250 W Woolman
Colleen Harper 1250 W Woolman
Tawni Harper 1328 W Porphyry
Lisa Sessions W Gold St
Mark Stauffer 1253 W Aluminum
Mary Berg 2701 Evans
Mark Berg 2701 Evans
Hal Hubber 116153 S Buxton Road, Silver Bow, MT
Julie Hubber 116153 S Buxton Road, Silver Bow, MT
Tara Timm 958 N Main
Miranda Armstrong 3349 Sanders
Brian Grinolds 1241 W Diamond
Lynne Grinolds 1241 W Diamond
Ben DeWeert 2235 Grand Ave
Katie DeWeert 2235 Grand Ave
John Grinolds 3314 Hannibal
Derinda Grinolds 2221 Harvard
Kim Duddy 1355 Sunset Road
Jim Duddy 1365 Sunset Road
Reggie Daly 2802 State St.
Donna Lowney 1401 W Diamond
Cindy West 2109 Locust St
Roy West 2109 Locust St
Vicky Bergman, 1240 W Platinum St
Andy Bergman, 1240 W Platinum St
Nancy Fritz 1207 Farrell St
Deborahlynn Hall 4846 Helene Dr
Jaison Carriger 116 Winkie Way
Johanna M Lowney 1147 Woolman St
Barbara Gregovich 1301 W Porphyry St
Margaret K Lowney 1151 W Gold St
Daniel G Kelly 1301 W Copper St
Raenelle Richardson 1331 W Steele
Cody Hockaday 1833 Grand Ave
Kara Wesen 1221 W Porphyry St
Paula Merrick 1907 Beacon Rd
Mark Merrick 1907 Beacon Rd

Luke Anderson 2225 South Drive

TO: Butte-Silver Bow Council of Commissioners
FROM: Wayne Harper (as a citizen)
DATE: June 17, 2020
RE: *General Laws and Ordinances in Montana relative to Conditional Use Permits and BSB's interactions with group homes*

FACTS:

BSB is considering whether or not to have Group Homes and/or Community Residential Facilities be subject to a Conditional Use Permit process. Commissioners have been informed on much of the subject area and are accepting public input. Please consider this memo as public input.

ISSUES:

- 1) Are all group homes/community residential facilities the same under Montana law?
- 2) Can differentiations be made between various types of homes (i.e. foster versus addiction/alcohol recovery homes)?

SHORT ANSWERS:

- 1) Yes, all group homes/community residential facilities are the same under Montana Law, so long as they have eight (8) or fewer residents and have care provided on a 24 hour basis.
- 2) Yes, pursuant to Montana statutory law § 76-2-412 (4), Montana Code Annotated and local Ordinances, any homes under § 76-2-412 (4), except for day-care facilities with under 13 children, can be addressed differently.

DISCUSSION:

§ 76-2-412, MCA sets forth, generally, where specific group homes/community residential facilities are in Montana. Subsection (1) provides that any "foster home, kinship foster home, youth shelter care facility, ... or community residential facility serving eight or fewer persons ... is considered residential use of property for purposes of zoning if the home provides care on a 24 hour-a-day basis." I would note that such homes must also meet the requirements of Title 52 (i.e. are governed by the State's requirements). **Importantly**, the homes noted in Subsection (1) do NOT have to all be treated alike. § 76-2-412 (4), MCA provides:

- (4) This section may not be construed to prohibit a city or county from requiring a conditional use permit in order to maintain a home pursuant to the provisions or subsection (1) if the home is licensed by the department ... (Emphasis added).

In my opinion, this means that state law allows a recovery home for alcohol and drug abuse in a residential neighborhood, such as the proposed SPIRIT HOUSE to be subject to a Conditional Use Permit, while allowing foster homes or other homes to be exempted. [I could find no legal cases in Montana addressing subsection (4) of § 76-2-412 which ruled otherwise.] A zoning process which includes a Conditional Use Permit, as proposed by Commissioner Mankins, is therefore proper under Montana law. Further, it allows for the important and necessary communication among all involved and impacted parties. Butte Silver Bow and its residents deserve to be informed of such plans, to express concerns, and receive accurate information.

The Montana Department of Commerce, through its Community Development Division, provided local governments with an overview of "Zoning and the Public Process" as recently as 2019. In the section called "The Essentials – Conditional Use Permits", the State provided the grounds for local governments to require Conditional Use Permits in zoning. The State provided, in its entirety:

- ◆ Conditional uses are those uses not permitted "as a matter of right" but those which may be appropriate in a zoning district under certain safeguards or conditions.
- ◆ Can provide relief from strict requirements of the ordinance.
- ◆ CUP process is intended to provide a detailed review of a proposed development that could have adverse impacts on the community or neighborhood.
- ◆ In a residential district examples of conditional uses could include:
 - Bed & Breakfast
 - Professional office space (i.e. law, medical)
 - Neighborhood grocery store

The State clearly notes and Montana Statutes provide that a city or county can generally zone however it wishes, thereafter noting the parameters that require a Conditional Use Permit and to whom such parameters will apply. Accordingly, as provided for in § 76-2-412 (4), *supra*, the city or county can allow or disallow any of the zoning categories listed from the Conditional Use Permit process. This means, without a doubt, that foster care homes, kinship homes, etc. can be taken out of the Conditional Use Permit arena.

In the early 1990s, Kalispell and Flathead County Commissioners clearly set forth some limitations on what requires a Conditional Use Permit. Thereafter, in June of 2010, they added new amended text to their Ordinances, providing:

SECTION 3.34 WV - WEST VALLEY 3.34.030 Conditional Uses 1. Animal hospitals/veterinary clinics. 2. RV parks with no tent camping. 3. Camp and retreat center. 4. Cellular towers. 5. Class 3 Landfills. 6. Communication towers, masts. 7. Golf course and related facilities (dwelling lots must be approved through the cluster provisions of these regulations). 8. Gravel extraction. 9. Gun clubs, shooting ranges. 10. Commercial hunting ranch for small game. 11. Kennels. 12. Neighborhood convenience store (See related performance standards). 13. Commercial stables/riding academies. 14. Temporary buildings or structures, occupied one year or longer. 15. Public utility

installation, major (service area beyond neighborhood). 16. Community residential facilities.

Kalispell/Flathead added caveats to the "non-foster home facilities" as to number of residents before the process kicked in; leaving such facilities alone if they had under four (4) residents. Obviously, Kalispell/Flathead were availing themselves of the codified language of § 76-2-412 (4), MCA, wherein they still wanted Conditional Use Permit processes for such homes, if they had less than the eight (8) residents, but more than four (4).

Bozeman, Missoula, Livingston, and Belgrade are just a few of our neighboring cities that have similar Conditional Use Parameters that apparently take advantage of § 76-2-412 (4), MCA and treat foster homes differently than other group homes. Simply put, foster homes can be specifically permitted without Conditional Use Permit requirements. While other group homes cannot be denied outright, a process can be set by which such homes have to be addressed by the City/County.

Belgrade's Ordinance provides very good reasoning for having an "intent" and setting parameters:

11.20.010 Intent. The intent of conditional use permits is to provide for specific uses, other than those specifically permitted in each district, which may be appropriate in the district under certain safeguards or conditions.

This type of intent should be followed by BSB and it should "specifically permit" foster homes within "each district". But I believe it should require the Conditional Use Permit process to be used on other potentially impactful homes.

One last note, as to the SPIRIT House group home at issue: I have been informed that the SPIRIT House has already purchased and/or entered into a contract to purchase a home in the 600 block of Galena Street here in Butte. If they wanted to be completely above board and transparent, why would they be moving ahead so quickly before the Council has the opportunity to fully discuss the matter and/or address the Planning Board's position? If Conditional Use Permits were currently required there would be no rumors, unanswered questions, or feelings that decisions are rushed and secretive. This is a perfect example of why such permitting is beneficial and necessary.

I am very supportive of a home such as SPIRIT House is proposing, but I believe it should be subject to a Conditional Use Permit for the benefit of all involved. It adds a layer of communication, transparency, and protection to the community and the neighborhoods here in Butte. I think having a Conditional Use Permit process for such homes is a win-win for all involved.

Davies, Barbara

From: Amoreena Lyons <alyons@familyoutreach.org>
Sent: Monday, June 15, 2020 2:43 PM
To: BSB Public Input
Subject: Opposition to Zone Change #180

This message did not originate from a Butte-Silver Bow email account and therefore cannot be validated. Please ensure you respond accordingly and proceed with caution.

To Whom It May Concern:

Zone Change 180 would require additional steps and pose barriers to families opening their home children in need. For that, and many other reasons, I am opposed to amendment of the zoning ordinance.

THANKS,

AMOREENA BERCIER
FAMILY SUPPORT COORDINATOR
FAMILY OUTREACH, INC.- BUTTE
641 SAMPSON ST.
BUTTE, MT. 59701
406-494-1242 X 116 (W)
406-494-1979 (FAX)

Davies, Barbara

From: Juliann Crnich <uwbadirector@bresnan.net>
Sent: Monday, June 15, 2020 4:36 PM
To: BSB Public Input
Subject: Zonging Change 180, Foster Families

This message did not originate from a Butte-Silver Bow email account and therefore cannot be validated. Please ensure you respond accordingly and proceed with caution.

Dear Commissioners,

As a former child in kinship foster care I whole heartedly believe in the importance of a caring family stepping forward to provide a child a safe and secure environment. I do believe that without the structured caring environment I grew up in, I would not have a college education, a 43 year marriage, a stable employment history and be in a position to help others.

Please reconsider your desire to have one-size fits all and do not place addition requirements on families that are willing to open their homes to children in desperate need of emergency care.

Juliann T. Crnich

Executive Director-United Way of Butte & Anaconda

1880 Harrison AVE, Lower Level, PO Box 4447 Butte MT 59702-4447, 406-782-1255

Help United Way fight for the health, education and financial stability of every person in every community.

LIVE UNITED

Davies, Barbara

From: Benjamin Cannon <Ben@two20property.com>
Sent: Tuesday, June 16, 2020 10:57 AM
To: BSB Public Input
Cc: Dakota Reitan; Tiffany Cannon
Subject: Wednesday Meeting

This message did not originate from a Butte-Silver Bow email account and therefore cannot be validated. Please ensure you respond accordingly and proceed with caution.

Dear Commissioners,

I am writing to you concerning the proposed ordinance change for community residential facilities. I certainly understand and even applaud your commitment to making our community a better and more safe place, but I feel this proposed ordinance is misguided.

My wife and I were foster parents for several years in both North Dakota and Montana and despite being unable to continue to take children into our home, we continue to volunteer within the foster community. During this time, we have taken in children and infants addicted to meth, heroin, alcohol and tobacco. We have taken in children that have been physically abused, sexually abused, neglected, ignored and harmed in ways you cannot imagine. These children often live in fear of their parents or abusers. We have personally had parents track down my place of business and wait outside for me to exit with their child. We've been threatened and vilified for trying to protect innocent children. All that being said, our neighbors have had no idea we were fostering children unless we told them specifically. We have had zero negative impact in the neighborhoods we've been in.

Requiring foster families to post a sign in their yard and post their names/addresses in the paper puts the privacy and safety of the foster children and families at risk. The sentiment that the community has a "right to know" is elitist, selfish, and completely misguided. The Montana Constitution states that the right of individual privacy is essential to the well-being of a free society shall not be infringed without the showing of a compelling state interest. You have no compelling interest in knowing where we live. Attempting to pass this is a broad overstep of your power, and will only show how heartless and uncaring you really are. Protecting the community means protecting the innocent, and this will only put them at risk.

Ben Cannon
Owner Two 20 Property Management and Harrison Ave Realty

Davies, Barbara

From: Dakota Reitan <dakota@two20property.com>
Sent: Tuesday, June 16, 2020 11:22 AM
To: BSB Public Input
Subject: Zonging Change 180, Foster Families

This message did not originate from a Butte-Silver Bow email account and therefore cannot be validated. Please ensure you respond accordingly and proceed with caution.

Greetings,

I am writing to you concerning the proposed ordinance change for community residential facilities. I know you have the community in the best interest with new ordinances, but I think the result will cause more harm than good.

My wife and I have very strong feelings about foster care, and even plan to be foster parents in the near future. Though if future stipulations are soon to occur, we may be inclined not to fulfill that role. If we have to pay an extra fee to obtain a \$100 permit from the city, have our names and address posted in the local news paper, or signs in our yard; I don't believe we will be able to commit to such role. Not because it's difficult on us, but because of the danger it will impose on the foster kids. I have seen first hand the desperation that many biological parents have, and the dangerous, sometimes illegal, actions they will take to be with their kids. I have seen bio parents stalk, threaten, and harass foster parents. I firmly believe that the safety of my own family, while fostering, and the safety of the foster children will be greatly jeopardized.

Please rethink this proposal and do not pass this new ordinance. I don't feel that anyone should have a right to know where others live, and absolutely feel like it is a violation of basic rights for these foster parents that already go above and beyond to insure the safety of these kids.

Sincerely,

Dakota

Davies, Barbara

From: Giacomino, Danielle <DGiacomino2@mt.gov>
Sent: Tuesday, June 16, 2020 3:07 PM
To: BSB Public Input
Subject: Zoning Change- Communications 19-466

This message did not originate from a Butte-Silver Bow email account and therefore cannot be validated. Please ensure you respond accordingly and proceed with caution.

Counsel of Commissioners,

Our foster care and kinship care cases are growing. I understand the reasoning of trying to reduce them by 75%. However, respectfully, this is the wrong way to execute that plan. In my opinion, the reason why foster care and kinship care has gone up is because our drug problem keeps increasing. So, what you are proposing is to make it more difficult for people wanting to help children by opening their home. It is already difficult enough to become a licensed foster care parent. Licensing can take up to 6 months, there are home inspections, continued training, etc. Not only is licensing difficult, but whoever foster's a child then is responsible for making sure that child receives adequate services that combat their trauma (mental, emotional, and physical). If these children are not removed from their homes when they are exposed to violence, drugs, and neglect their outcome for a healthy life (if they survive) is not promising. Leaving children in traumatic living environments is going to cost more financially and physically.

Think of the ripple down effect for one second. A child that is left in an environment of instability is not nurtured. They do not develop a healthy mind. Most of the children exposed to this environment are then growing up with mental health problems. If you are familiar with mental health, you then understand that people develop self-coping mechanisms. One of the self-coping mechanisms is to use a mind-altering substance that aids in taking the pain away. When young minds are not nurtured, their neuropathways don't form correctly. Their cortisol levels rise and this throws their dopamine, serotonin, and norepinephrine levels off. These neurotransmitters are responsible for emotional control, memory, impulse control, and many other very important functions. Drugs are utilized to make a person escape and feel good. The person using the drug gets the response they need because substances increase the above mentioned neurotransmitters. So, now the state is not only paying for foster care and kinship care, they are compiling budgets to incarcerate, mental health services, addiction treatment services, etc. These adults have children and the trauma cycle continues on. Foster care and kinship care is not the problem.

I've worked for WIC (A Supplemental Nutrition Program for Women, Infants, and Children) for 6 ½ years. We see at least 60% or more of our clients because they are referred to us from The Department of Child and Family Services. Before I see the foster care parents, I see the biological mom. Most of the cases that come across my desk for DFS are present danger removal. This means it's due to drugs that the child or children are removed from their home. I've worked for Community Counseling and Correctional Services and interned with Probation and Parole (8 months) on a co-occurring caseload. Both of my biological parents battle with addiction. My father was incarcerated. We don't have a foster care and kinship care problem. We have a drug problem that needs to be taken care of. Housing children should be funded instead of restricted. First and foremost, addiction treatment and mental health services should be funded. If 180 goes into effect, I can promise you that your rate of 75% reduction in foster care and kinship care will increase death rates for children and more long-term drug use/mental health problems.

Danielle Giacomino
The City-County of Butte-Silver Bow
Health Department
25 W. Front St.
Butte, MT 59701

Telephone : 406.497.5060
Dgiacomino2@mt.gov

Davies, Barbara

From: Cass Weber <cassw@zerotofive.org>
Sent: Tuesday, June 16, 2020 4:52 PM
To: BSB Public Input
Subject: Communication 19-466
Attachments: Zoning Brief. pdf.pdf

This message did not originate from a Butte-Silver Bow email account and therefore cannot be validated. Please ensure you respond accordingly and proceed with caution.

Dear Commissioners,

I write to urge you to follow the recommendations of the Zoning Commission to deny Zone Change No. 180. This change would negatively impact those wanting to become licensed Foster or Kinship homes. I am the coordinator of the Zero to Five Collaborative for Butte-Silver Bow and our collaborative has chosen to focus our efforts on reducing the number of children in foster care in our county. Please see the attached information to learn more about this. Our county has three times more children in foster care than the national average. To reduce this number we need as many foster care and kinship homes in the area as possible. Children do much better if they stay close to their parents and it is preferred that they live in kinship placements in order to maintain connections with family, friends and their community. This ordinance change will make Zero to Five's goal to reduce the number of children in foster care much more difficult to achieve.

I also write this request from a personal standpoint. My husband and I spent over two years as licensed kinship foster parents to two nieces and a nephew. This was one of the most challenging times in our lives. We did not expect to take the children in when we did. If I think back to the first 6 months they lived with us, when we were working to become licensed by the state and imagine having to request a special use permit to keep them in my home I know it would have been a huge burden and caused undue stress in an already stressful time. I can't imagine the pain we would have felt if a neighbor had complained about us choosing to take in children in need from our family. Butte-Silver Bow should be finding ways to help foster and kinship parents, not finding ways to add additional barriers and create bureaucratic government interference where none is needed. Please reject this proposed change.

Sincerely,
Cassandra Weber

Cass Weber

Local Collaboration Coordinator

cassw@zerotofive.org

Office: 406-723-4019 Cell: 541-231-0980

Butte 4-C's 101 N Main St. Butte MT. 59701

www.zerotofive.org/butte

ZERO TO FIVE

for our children, for our future

IMPACTS AND IMPLICATIONS OF ZONE CHANGE #180 on Children and Families in Butte-Silver Bow City & County

The Butte-Silver Bow City Council Must Prioritize the Health, Safety and Well-Being of Children and Families

The Butte-Silver Bow Council of Commissioners is considering a Zone Change #180 application, to amend Title 17 Zoning Ordinance, of the Butte-Silver Bow Municipal Code. This will impact those wishing to open Community Residential Facilities (sober living homes, foster homes, kinship homes, disability homes, and group homes). The proposed amendment would require community

residential facilities to seek a conditional use permit before operating. This could negatively impact the number of service providers available in the county who are available to serve the most vulnerable populations, and add additional challenges to providing a safe and stable home placement to children in need of foster and kinship care placement.

Kinship Care and Foster Care in Butte-Silver Bow County are Vital Services to Children

What is Kinship Care?

Kinship foster care differs from regular or therapeutic foster care in several ways. Kinship care providers are related to or know the foster child; this might be a cousin, aunt, grandparent, teacher, neighbor, or others who have a previous connection to the child. Forty-seven percent of children in Montana are placed in kinship settings, as compared to 32% nationwide.¹

A kinship placement is the first option pursued when a child is removed from their home. Since

these placements are in response to a crisis, kinship providers are not licensed by the state at the time of placement. Without a license, no state funds are provided to support care. Once licensed, kinship providers receive a small reimbursement to support the child. Regular and therapeutic foster homes are licensed by the state ahead of child placement. The licensing process for all types of foster and kinship care is extensive, and can take 3-6 months to complete. The process to obtain a license, involves training, home inspections and personal interviews.

CHILDREN IN FOSTER CARE BY PLACEMENT TYPE

LOCATION	Foster family home non-relative	Foster family home relative	Other placements (group home, pre-adoptive home, trial home visit)
Montana	29%	47%	24%
United States	45%	32%	23%

Foster Care in Butte-Silver Bow County

Butte-Silver Bow has three times the national average of children in out of home foster care placements.² Statewide, two-thirds of child placements are related to parental substance use.³ Based on this community need, the Zero to Five Butte-Silver Bow Collaborative has chosen to focus their efforts on reducing the number of children in foster care in the county by 75% by 2025. This will involve a committed community effort by several partners and stakeholders. Foster and kinship homes are vital to achieving this goal, and our community needs more placement sites to ensure children have the supports of a safe, stable, and nurturing home environment.

Zoning Change 180 Impacts Children and Families in Butte-Silver Bow City & County

If passed, Zoning Change 180 would require those who want to operate with a license to make their name and property public, with the additional step of needing the Zoning Board to approve the request at the courthouse. This additional process could be a barrier and the deciding factor in what stops some families from opening their homes to children in need. As county commissioners and the Planning Board work together to make a decision that could potentially pose a barrier for foster care or kinship homes in Butte, we hope you take into consideration the children who may be negatively impacted by this decision, and the additional red tape they do not need to be subjected to as they seek safety and stability.

CALL TO ACTION

Please make your voice heard again in support of this through the following means:

1. There will be a meeting with the Members of the Planning Board regarding Communication 19-466 on Thursday, May 28 at 5:30 p.m. The meeting will be online streamed across the screen for the public to see. The link to it will be provided the day before the meeting.
2. Written comments from the public can be sent to planning@bsb.mt.gov or mailed to the Planning Dept. 155 W Granite, Rm 108. Email and mailed comments should be received by 4:00 p.m. on May 28.
3. The day of the meeting, the public may call in to listen and speak during the public comment time. The call in number is: 406-497-5009.

To learn more about the work of Zero to Five in Butte-Silver Bow County, please contact:
cassw@zerotofive.org

References

¹ Child Trends analysis of data from the Adoption and Foster Care Analysis and Reporting System (AFCARS), made available through the National Data Archive on Child Abuse and Neglect, 2017.

² Butte Action Inc. Needs Assessment, 2019.

³ MT Dept. of Justice, *as reported in the 2018 Lewis and Clark County Community Health Report.*

ZERO TO FIVE

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Davies, Barbara

From: Cassandra Jangula <chipzip37@yahoo.com>
Sent: Wednesday, June 17, 2020 6:39 AM
To: BSB Public Input
Subject: Communication 19-466

This message did not originate from a Butte-Silver Bow email account and therefore cannot be validated. Please ensure you respond accordingly and proceed with caution.

June 7, 2020

Thank you for taking the time to read this response to Resolution No. 20-06. This resolution, is the intent to amend Title 17, zoning ordinance, of the Butte-Silver Bow Municipal Code. This would require a conditional use permit in order to maintain a licensed community residential facility in all residential zones within the City-County of Butte-Silver Bow.

I am highly against implementing this, especially since kinship and foster care homes would be included in this. I have several reasons why this would be impractical and cause undue hardship on foster care providers.

Here in Butte-Silver Bow there are many kinship and foster care homes. In order to be a kinship or foster care home, the adults in the family must be able to pass a fingerprint background check, prove that the home they live in is big enough, suitable for children, and undergo training. They have a home study done. They get no assistance for the children until they are licensed. Once they have their license they have home inspections by licensing at least 2 times a year. Then they also have caseworkers in their home once a month. They are required to have ongoing training and can not renew their license without an appropriate number of hours. These parents take in children at some of the most dire moments of their lives. They may be given zero notice. If it is a kinship situation, it can take months for them to get licensed and they will not be receiving any financial assistance for the children while they are trying to get their license in place. Adding in the cost of paying \$100 to get a conditional use permit, could cause financial hardship on the family, and possibly delay them getting licensed as quickly as possible. It can also cause them be out of compliance, if they get their license and then have to wait to get a conditional use permit. These permits can not be denied, however they can cause other people to refuse to become foster parents, which Butte-Silver Bow is in desperate need of.

Another factor with this is the name of the property owner, person, and what they are applying for will be not only listed in the newspaper, but also in a sign in their yard. Although this does not give out the children's confidential information, it leaves the foster home as a target to disgruntled parents. Any parent who sees that a home is a foster home, may take out their misplaced anger on that home whether or not their biological child is there. Foster parents try to provide a stable, loving, and typical homes for children. How is posting their name and address going to be in support of this? Also, there is a stigma based on foster care children and this could cause the children in the house to discriminated against in the neighborhood and at school. If a person is renting a home and the property owner does not wish to have their name in the Newspaper and on a sign in the yard they could tell people they can't rent from them, if they are foster families. Thus discriminating again against children in need.

Passing this would make it even harder to get people to foster in our community. Personal information would be posted for the world to see, there would be a cost to pay on top of all the other things, and it's more red tape to jump through, since the permit can not be denied. It would bring in cash flow to the county, but in the process would harm so many people. Several foster parents have already said that if this passes they will have to think long and hard about continuing to do foster care as it would put them and their biological children at even more risk.

In conclusion, I urge you to vote no to putting this into place. Voting no will help to keep many families safe.

Cassandra Meixner
Butte Montana
406-465-3610

Sent from Yahoo Mail on Android

Davies, Barbara

From: Greeley Neighborhood <Greeleyneighborhoodbutte@outlook.com>
Sent: Wednesday, June 17, 2020 9:20 AM
To: BSB Public Input
Cc: Fredrickson, Shawn; Shea, Michele; Morgan, John; Sorich, John; Olsen, Dan; Fisher, James; O'Neill, Josh; McDonough, Brendan; Mankins, Eric; Andersen, Bill; Shaw, Cindi; Callahan, Dan; Ed Banderob; Steven McGrath; Denise Kagie; Betty Banderob; Roberta Dobb; Larry Winstel; Terry Schultz; Sarah De Money
Subject: Public Comment For Council of Commissioners Meeting, Wednesday 6-17-2020

This message did not originate from a Butte-Silver Bow email account and therefore cannot be validated. Please ensure you respond accordingly and proceed with caution.

R. Edward Banderob, 2601 Grand Ave. Butte, MT President Greeley Neighborhood Community Development Corporation Inc.

Reference: BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS REGULAR MEETING AGENDA, WEDNESDAY, JUNE 17, 2020 PUBLIC COMMENT ON ANY ITEMS ON THE AGENDA SECTION 2: CONSENT AGENDA B. COMMUNICATIONS 22.COMMUNICATION NO. 2020-258 Butte-Silver Bow Planning Board, recommendation regarding Zone Change Application No. 180, regarding licensed community residential facilities.

In That:

- The proposal does not request that the Local Planning Board not allow group homes.
- The proposal does not request the Local Planning Board to violate State or Federal law.
- Most Foster Homes probably would not even have to apply for a permit as they do not exceed the occupancy number to require a permit. (If there are more than 8 occupants in a Foster Home maybe they should have to apply for a permit?)
- The State licensing procedure has no requirement to inform the residences in the area of the intended group home.
- State law does allow such local special use permit procedures.
- All The Local People are asking is that an appropriate local vetting procedure be established to determine the most appropriate locations for such group homes to be located.
- It is the function of the Butte-Silver Bow Planning Board, who serves as the Zoning Commission "to decide special exceptions to the terms of zoning ordinances and resolutions".

Therefore:

We request that this Council of Commissioners; "Reject the recommendation of the Zoning Commission and move forward with the amendment to the zoning ordinance and schedule a public hearing."

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"Neighborhood Communities can still be found by those who are willing to seek them!"
<https://greeleyneighborhoodbutte.org/>

Davies, Barbara

From: Ron and Joyce Kuecks <rjkuecks@outlook.com>
Sent: Wednesday, June 17, 2020 11:28 AM
To: BSB Public Input
Subject: Neighborhood Special Use Permit

This message did not originate from a Butte-Silver Bow email account and therefore cannot be validated. Please ensure you respond accordingly and proceed with caution.

As a homeowner in Butte Silver Bow I would like to recommend that there be restrictions for group homes in Butte. I request that they must have a special use permit to protect my property value. Thank You,

Joyce and Ron Kuecks
Phone 490-0527

Davies, Barbara

From: Elizabeth A Banderob <eaband@msn.com>
Sent: Wednesday, June 17, 2020 2:38 PM
To: BSB Public Input
Subject: Comment for item on the Wednesday 6-17-2020 Council Agenda

This message did not originate from a Butte-Silver Bow email account and therefore cannot be validated. Please ensure you respond accordingly and proceed with caution.

Elizabeth Ann Banderob, 2601 Grand Ave., Butte, Montana

As a property owner and resident of Butte, MT, I am against the recommendation of the zoning Commission to allow residential community group homes in any residential zoned area without a special use permit.

Please reject the recommendation of the Zoning Commission. These homes must have a Conditional Use Permit before buying property and opening a Residential Community Home, and we as residences should be made aware of where they want to establish a group home.

Davies, Barbara

From: Carmen Hunter <girl_inallboyhouse@live.com>
Sent: Wednesday, June 17, 2020 3:28 PM
To: BSB Public Input
Subject: Communication 10-466

This message did not originate from a Butte-Silver Bow email account and therefore cannot be validated. Please ensure you respond accordingly and proceed with caution.

My Name is Carmen Hunter, I live at 2030 Adams Ave in Butte . I am writing in regards to the proposed conditional use permit requirement for residential facilities. As a foster parent of 15yrs I believe this change would adversely affect foster families and the children they care for.

This permit would be a matter of public record which would give an avenue for birth families to find out where their children are located (though the child's name is not on the permit the foster care system is NOT good at keeping the fosterparents names private) This would be a serious safety concern and would alter foster families ability to give children a safe home.

I also believe this is an added shaming for older children and teens; in the application for this permit the entire neighborhood(including potential peers) would be made aware that the children living in 'that' house are foster kids. These children have already been through so much adding to that needlessly is unconscionable.

Finally, this would be a financial burden to kinship families trying to support the children in their family. When a family member takes in a child they do not get a support check like a foster parent gets, they must get a foster care license first (6-12mo process). A grandparent on a fixed income would need to primarily support the child(ren) in there care and pay this fee. We shouldn't be adding hurdles in front of families willing to step up for children.

Thank you,

Sincerely

Carmen Hunter

Sent from my iPhone

Titus and Jacqueline Bergren
16 Cedar Lake Drive
Butte, MT 59701

June 16, 2020

Council of Commissioners,

Please accept this letter as our written statement **against Zone Change #180**. As foster parents we feel that this zoning change would negatively affective kinship and non-kinship foster families as well children in foster care.

We believe that this zoning change will infringe on the privacy of foster families as well as the children in their care. Having names and addresses listed in the paper when a permit is required and purchased will eliminate privacy and safety. It could give those we are trying to keep children safe from access to where we live. Having a sign posted on our front lawn would also eliminate privacy and safety. Disgruntled birth family could retaliate on homes identified as foster homes. Children in foster care will be labeled by both adult neighbors as well as neighborhood children as "foster kids". This could potentially alienate them from peers and impact self esteem.

We believe our community should wrap around our vulnerable children and the families that care for them rather than cause another hoop to jump through or financial burden. Requiring a permit could make the already long licensing process even longer. Kinship families who receive little notice before a child is placed with them and no financial help until they have gone through the licensing process may struggle to pay the \$100 required. We have a great need for foster families in our community and we see this zoning change as a change that will greatly impact the number of foster families in our community in a negative way.

Single home families that are licensed through the state already go through rigorous back ground checks, paperwork and training to become foster homes . CPS workers participate in monthly home visits and assess how things are going with the children placed in the home. There is accountably for kinship and non-kinship foster families. If things become challenging in the home these families need support from their friends, family and neighbors; not shame and ridicule. We appreciate privacy and support as much as our neighbors do.

Please vote against zone change #180 as it would negatively affect foster families and our community's abused and neglected children.

Thank you for your consideration,

Titus and Jacqueline Bergren