

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING AGENDA
WEDNESDAY, JANUARY 5, 2022
7:30 PM COURTHOUSE COUNCIL CHAMBERS**

ROLL CALL

PRAYER AND PLEDGE

APPROVAL OF THE MINUTES

[December 15, 2021 Meeting Minutes](#)

ITEMS NOT ADDRESSED ON THE AGENDA

CHIEF EXECUTIVE’S REPORT

PUBLIC COMMENT ON ANY ITEMS ON THE AGENDA

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

PUBLIC HEARINGS

1.COMMUNICATION NO. [2021-598](#)

Mark Neary, Public Works Director requesting Council of Commissioners concurrence to schedule a Public Hearing for January 5, 2022 for the purpose of amending the Fiscal Year 2021-2022 budget to allow for increased expenditures of unanticipated revenue.

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

B. COMMUNICATIONS

1.COMMUNICATION NO. [2022-01](#)

Dan Dennehy, BSB Office of Emergency Management requesting Council of Commissioners authorization for a bid opening on January 19, 2022 for (1) 400 Kw Diesel Generator and (1) Automatic Transfer Switch for the Butte Civic Center.

Hold in Abeyance



2.COMMUNICATION NO. [2022-02](#)

Melissa O'Dell, 21 Holly Lane Butte MT requesting Council of Commissioners authorization to purchase a small lot that BSB currently owns. The land owned by BSB is located at 322 W Gold, parcel number 441800 where I would like to build a small garage.

Refer to Land Sales

3.COMMUNICATION NO. [2022-03](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence in the appointment of Kaitlyn McGrath, 1188 Stagecoach Rd. Butte Mt to the Local Emergency Planning Committee (LEPC).

Concur and Place on File

4.COMMUNICATION NO. [2022-04](#)

Ivy Fredrickson, BSB Board of Health requesting Council of Commissioners concurrence in the appointment of Karen Maloughney as Health Officer for Butte-Silver Bow.

Concur and Place on File

5.COMMUNICATION NO. [2022-05](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence in the appointment of Karen Maloughney, P.O. Box 42, Ramsey MT, Vicky Stallman, 402 S Montana Street Apt. 10, Butte MT, Chad Lacey, 3370 Quincy St. Butte MT, and Kristie Matule 22 W Park, Butte MT to the Behavioral Health Local Advisory Council.

Concur and Place on File

6.COMMUNICATION NO. [2022-06](#)

Danette Gleason, Finance & Budget Director requesting Council of Commissioners authorization to schedule a public hearing on January 19, 2022 to amend the Fiscal Year 2022 budget to appropriate American Rescue Plan Act (ARPA) funds.

Hold in Abeyance

7.COMMUNICATION NO. [2022-07](#)

Sean Peterson, Deputy County Attorney requesting Council of Commissioners authorization for Chief Executive Gallagher to sign an easement for a small portion of overhead electric line on BSB property to get some power to an adjacent property.

[2022-07 Easement](#)

[2022-07 Existing Easement](#)

Concur and Place on File

8.COMMUNICATION NO. [2022-08](#)

Karen Maloughney, BSB Health Officer requesting Council of Commissioners authorization to schedule a public hearing on January 19, 2022 for the purpose of amending the fiscal year 2021-2022 budget to allow for increased expenditures of unanticipated revenue resulting from an amendment to the Public Health Emergency Preparedness Grant.

Hold in Abeyance



9.COMMUNICATION NO. [2022-09](#)

Karen Byrnes, Community Development Director requesting Council of Commissioners authorization for Chief Executive Gallagher to sign a Memorandum of Understanding between Butte-Silver Bow and Action Inc and the commitment of matching funds from Action Inc.

[2022-09 MOU](#)

Concur and Place on File

10.COMMUNICATION NO. [2022-10](#)

Brad Belke, Search & Rescue Commander requesting Council of Commissioners authorization to approve the 15-90 Search & Rescue request for funding by Mill Levy effective for 2022 and direct the BSB County Attorney to prepare a resolution proposing that the question be placed on the 2022 primary election ballot.

Concur and Place on File

11.COMMUNICATION NO. [2022-11](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorization for Chief Executive Gallagher to sign the Change Order #1 for the 2020 CIPP project for sewer lines. This change order changes the final completion date from 12/31/2021 to 3/31/2022.

[2022-11 Change Order](#)

Concur and Place on File

12.COMMUNICATION NO. [2022-12](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorization for Chief Executive Gallagher to sign a lease agreement with Jefferson Line for the Bus Transfer Station. This lease allows Jefferson Lines to occupy the transfer Center.

[2022-12 Lease Agreement](#)

Concur and Place on File

13.COMMUNICATION NO. [2022-13](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorization for Chief Executive Gallagher to sign an agreement with WET for the design and construction oversight for sewer mains on Oklahoma and Empire Streets.

[2022-13 Agreement](#)

Concur and Place on File

14.COMMUNICATION NO. [2022-14](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorization to approve the Preliminary Engineering Report (PER) for the Moulton Dam #1 Rehabilitation Project.

Concur and Place on File

15.COMMUNICATION NO. [2022-15](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorization to approve the Preliminary Engineering Report (PER) for the effluent reuse system at the Metro Wastewater Treatment Plant.

Concur and Place on File



16.COMMUNICATION NO. [2022-16](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorization to approve the Preliminary Engineering Report (PER) for the dewatering equipment at the Metro Wastewater Treatment Plant.

Concur and Place on File

17.COMMUNICATION NO. [2022-17](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorization to approve the Preliminary Engineering Report (PER) for the Filter Replacement Project at the Moulton Water Treatment Plant.

Concur and Place on File

18.COMMUNICATION NO. [2022-18](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorization to submit a grant application to the Montana ARPA Competitive Grant program at the Moulton WTP Filter Replacement Project.

Concur and Place on File

19.COMMUNICATION NO. [2022-19](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorization to submit a grant application to the Montana ARPA Competitive Grant program for the Moulton Dam #1 Rehabilitation Project.

Concur and Place on File

20.COMMUNICATION NO. [2022-20](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorization to submit a grant application for the Metro Wastewater Treatment Plant Solids Handling Improvement Project.

Concur and Place on File

21.COMMUNICATION NO. [2022-21](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorization to submit a grant application for the Metro Wastewater Effluent Management Project.

Concur and Place on File

22.COMMUNICATION NO. [2022-22](#)

Christine Martin, Clark Chateau Curator requesting Council of Commissioners authorization to apply for a Montana History Foundation Grant. This grant would provide a complete 3D Matterport image of the museum including all the displayed artifacts and exhibits.

Concur and Place on File

SECTION 4: ORDINANCES AND RESOLUTIONS BEING INTRODUCED TO JUDICIARY



1.RESOLUTION NO. [2022-01](#)

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW HEALTH DEPARTMENT FROM THE MONTANA DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES PUBLIC HEALTH EMERGENCY PREPAREDNESS GRANT AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2.RESOLUTION NO. [2022-02](#)

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW HEALTH DEPARTMENT FROM THE MONTANA DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES IMMUNIZATION GRANT AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

3.RESOLUTION NO. [2022-04](#)

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE FROM THE AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS (ASPCA), FOR THE PURPOSE OF PURCHASING CAT KENNELS FOR THE BUTTE-SILVER BOW ANIMAL SHELTER AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION 6: ORDINANCES AND RESOLUTIONS FOR FINAL READING

1.RESOLUTION NO. [2021-55](#)

A RESOLUTION OF INTENT TO PRESENT TO THE QUALIFIED ELECTORS OF THE CITY-COUNTY OF BUTTE-SILVER BOW, MONTANA THE QUESTION OF WHETHER TO IMPOSE A 3% LOCAL-OPTION EXCISE TAX ON THE RETAIL VALUE OF ALL NON-MEDICAL MARIJUANA AND ALL NON-MEDICAL MARIJUANA PRODUCTS SOLD IN THE CITY-COUNTY OF BUTTE-SILVER BOW AND THE SEPARATE QUESTION OF WHETHER TO IMPOSE A 3% LOCAL-OPTION EXCISE TAX ON THE RETAIL VALUE OF ALL MEDICAL MARIJUANA AND ALL MEDICAL MARIJUANA PRODUCTS SOLD IN THE CITY-COUNTY OF BUTTE-SILVER BOW AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION 7: ORDINANCES AND RESOLUTIONS FOR EMERGENCY SUSPENSION OF THE RULES

1.RESOLUTION NO. [2022-05](#)

A RESOLUTION TO ADOPT A DETAILED PRELIMINARY ENGINEERING REPORT PREPARED BY HDR ENGINEERING, INC. FOR THE WATER UTILITY MASTER PLAN AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.



PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA

CALENDAR OF OTHER MEETINGS AND EVENTS

January 5, 2022 Airport Authority, 12:00 pm, Bert Mooney Airport Authority Admin. Office

January 5, 2022, Butte AIDS Support Services, 7:00 pm, Community Center

January 6, 2022, Civic Center, 12:00 pm, Civic Center Hospitality Room

January 6, 2022, East Butte RRA, 9:00 am, 1st Floor Conference Room

January 10, 2022, Archives, 12:00 pm, Archives Center

January 10, 2022, Fair Board, 6:00 pm, Perkins or HOPS Meeting Room

January 11, 2022, Superfund Advisory (SARTA), 6:00 pm, Butte Justice Center

January 12, 2022, Board of Health, 7:00 am, Health Dept. Conference Room

January 11, 2022, Land Sales Committee, 1:30 pm, Archives Auditorium

January 12, 2022, Law Enforcement Commission, 4:00 pm, Chief Executive Conference Room

January 12, 2022, Public Library Board, 5:00 pm, 3rd Floor, Library Bldg.

January 13, 2022, Greenway Service District Board, 4:30 pm, Butte 1st Floor Conference Room

January 14, 2022, TIFID, 12:00 pm, Business Development Center

January 17, 2022, Parks & Recreation, 11:30 am, Highland View Clubhouse

January 18, 2022, Technical Review Committee, 1:30 pm, 3rd Floor, Water Building

January 18, 2022, Urban Forestry Board, 1:00 pm, Business Development Center

January 18, 2022, Public Housing Authority, 5:00 pm, New Deal Community Center

ADJOURN

MEETINGS

FINANCE & BUDGET COMMITTEE MEETING

JANUARY 5, 2022

7:00 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS

Expenditure report for the week of January 5, 2022 was reviewed and approved in the amount of \$ _____ for FY 2022.

REPORTS

COMMITTEE OF THE WHOLE REPORT

December 29, 2021

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:

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

PRESENTATIONS

1.COMMUNICATION NO. [2021-581](#)

Brad L. Belke, Commander 15-90 Search & Rescue requesting Council of Commissioners concurrence for time on the December 29, 2021, agenda to present on the 15-90 Search and Rescue request by Mill Levy pursuant to Montana Code Annotated 7-32-235(3) AND approval for one mill annually and to place the matter on the primary ballot in 2022.

Held

2.COMMUNICATION NO. [2021-583](#)

Mike Thatcher, CCCS Chief Executive Officer requesting Council of Commissioners concurrence for time on the December 29, 2021, agenda to present on the comprehensive array of mutually beneficial, contractual services and programs that CCCS delivers, in partnership with Butte - Silver Bow. Presenting will be: SMART Program Administrator, Dan Parish, Director of CCCS' Mental Health Programs & Services, Kathy Dunks and Chief Executive Officer, Mike Thatcher.

Held

SECTION 2. COMMUNICATIONS

1.COMMUNICATION NO. [2021-131](#)

Ed Lester, Butte-Silver Bow Sheriff requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign the Memorandum of Understanding (MOU) between Butte-Silver Bow and the Southwest Montana Drug Task Force.

[2021-131 MOU](#)

Place on File

2.COMMUNICATION NO. [2021-299](#)

Tristian Thomas, residing in Butte, MT, requesting Council of Commissioners to authorize Tristian Thomas to purchase the following property, located at 2422 Pine St., Butte, MT 59701.

Hold in Abeyance

3.COMMUNICATION NO. [2021-335](#)

Michael & Kelly Anne Hovan, 241 Williams Street, Walkerville MT requesting Council of Commissioners authorization to purchase vacant land currently owned by BSB. The land we are hoping to acquire includes one .06-acre parcel and a segment of another 10- acre tract.

[2021-335 Attachments](#)

Hold in Abeyance



4.COMMUNICATION NO. [2021-570](#)

Karen Maloughney BSB Interim Health Officer requesting Council of Commissioners authorization to schedule a public hearing for December 15, 2021 for the purpose of amending the fiscal year 2021-2022 budget to allow for increased expenditures of unanticipated revenue resulting from an amendment to the Public Health Emergency Preparedness Grant.

Place on File

5.COMMUNICATION NO. [2021-571](#)

Karen Maloughney BSB Interim Health Officer requesting Council of Commissioners authorization to schedule a public hearing for December 15, 2021 for the purpose of amending the fiscal year 2021-2022 budget to allow for increased expenditures of unanticipated revenue resulting from an amendment to the Immunization Grant.

Place on File

6.COMMUNICATION NO. [2021-574](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorization to schedule a Public Hearing for December 15, 2021 for the purpose of soliciting comments on the Preliminary Engineering Report for the 2021 Water Master Plan.

Place on File

7.COMMUNICATION NO. [2021-581](#)

Brad L. Belke, Commander 15-90 Search & Rescue requesting Council of Commissioners concurrence for time on the December 29, 2021, agenda to present on the 15-90 Search and Rescue request by Mill Levy pursuant to Montana Code Annotated 7-32-235(3) AND approval for one mill annually and to place the matter on the primary ballot in 2022.

Place on File

8.COMMUNICATION NO. [2021-583](#)

Mike Thatcher, CCCS Chief Executive Officer requesting Council of Commissioners concurrence for time on the December 29, 2021, agenda to present on the comprehensive array of mutually beneficial, contractual services and programs that CCCS delivers, in partnership with Butte - Silver Bow. Presenting will be: SMART Program Administrator, Dan Parish, Director of CCCS' Mental Health Programs & Services, Kathy Dunks and Chief Executive Officer, Mike Thatcher.

Place on File

9.COMMUNICATION NO. [2021-597](#)

Bob Lazzari, Parks and Rec Director requesting Council of Commissioners authorization for Chief Executive Gallagher to sign a renewal of the lease agreement between the City and County of BSB and Rocky Mountain Martial Arts. The lease is for the Longfellow Center Building at 3233 Kennedy Avenue.

[2021-597 Agreement](#)

Concur and Place on File



10.COMMUNICATION NO. [2021-598](#)

Mark Neary, Public Works Director requesting Council of Commissioners concurrence to schedule a Public Hearing for January 5, 2022 for the purpose of amending the Fiscal Year 2021-2022 budget to allow for increased expenditures of unanticipated revenue.

Hold in Abeyance

FINANCE & BUDGET COMMITTEE MEETING REPORT

DECEMBER 29, 2021

6:00 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS

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

Ladies and Gentlemen,

We, your Council of Commissioners, and Madame Chairman Cindi Shaw, respectfully recommends as follows: Expenditure report for the week of December 29, 2021, was reviewed and approved in the amount of \$796,518.14 for FY 2022.

FINANCE AND BUDGET COMMITTEE MEMBERS PRESENT/ ABSENT

John Sorich, Chair	P
Josh O’Neill, Vice Chair	P
Hattie Thatcher	P
Jim Fisher	P
John Riordan	P
Justin Fortune	P

PUBLIC WORKS COMMITTEE MEETING REPORT

DECEMBER 29, 2021

6:30 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS

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

No meeting held.

JUDICIARY COMMITTEE MEETING REPORT

DECEMBER 29, 2021

7:00 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS

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

1.COMMUNICATION NO. [2021-296](#)

Michele Shea, District 2 Commissioner requesting Council of Commissioners to create a new ordinance, or amend an existing ordinance, if appropriate, to allow for the identification and abatement of public nuisances on properties on which there have been, or continue to be, repeated disruptive activities including but not limited to, disturbances of the peace, public drunkenness, harassment of passerby, sale, storage, or possession of stolen goods, theft, assaults, batteries, acts of vandalism, excessive littering, illegal parking, loud noises, traffic and other code violations, or police detentions and arrests.



Hold in abeyance

2.COUNCIL BILL NO. [2021-08](#)
ORDINANCE NO. [2021-08](#)

AN ORDINANCE AMENDING TITLE 15 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “BUILDINGS AND CONSTRUCTION”; AMENDING CHAPTER 15.10 ENTITLED “FIRE CODE”; AND SPECIFICALLY AMENDING SECTION 15.10.060 ENTITLED ARTICLE 78 AMENDED - SALE OF FIREWORKS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

Hold in abeyance

1.RESOLUTION NO. [2021-55](#)

A RESOLUTION OF INTENT TO PRESENT TO THE QUALIFIED ELECTORS OF THE CITY-COUNTY OF BUTTE-SILVER BOW, MONTANA THE QUESTION OF WHETHER TO IMPOSE A 3% LOCAL-OPTION EXCISE TAX ON THE RETAIL VALUE OF ALL NON-MEDICAL MARIJUANA AND ALL NON-MEDICAL MARIJUANA PRODUCTS SOLD IN THE CITY-COUNTY OF BUTTE-SILVER BOW AND THE SEPARATE QUESTION OF WHETHER TO IMPOSE A 3% LOCAL-OPTION EXCISE TAX ON THE RETAIL VALUE OF ALL MEDICAL MARIJUANA AND ALL MEDICAL MARIJUANA PRODUCTS SOLD IN THE CITY-COUNTY OF BUTTE-SILVER BOW AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

Moved to Final Reading

Name	Amount	Reason	Approved	
WATKINS & SONS	\$112,194.00	REFUND BOND FIRE SUPPRESSION / PAVING/ SIDEWALKS	YES	
GUARDIAN TAX MT LLC	\$717.40	REFUND/REDEMPTION OF TAX ASSIGNMENT TAKEN/PARCEL INTEREST	YES	
GUARDIAN TAX MT LLC	\$1359.18	REFUND/REDEMPTION OF TAX ASSIGNMENT TAKEN/PARCEL INTEREST	YES	
GUARDIAN TAX MT LLC	\$734.60	REFUND/REDEMPTION OF TAX ASSIGNMENT TAKEN/PARCEL INTEREST	YES	
GUARDIAN TAX MT LLC	\$1497.75	REFUND/REDEMPTION OF TAX ASSIGNMENT TAKEN/PARCEL INTEREST	YES	



GUARDIAN TAX MT LLC	\$572.80	REFUND/REDEMPTION OF TAX ASSIGNMENT TAKEN/PARCEL INTEREST	YES	
GUARDIAN TAX MT LLC	\$1307.13	REFUND/REDEMPTION OF TAX ASSIGNMENT TAKEN/PARCEL INTEREST	YES	

<u>JUDICIARY COMMITTEE MEMBERS</u>	<u>PRESENT/ABSENT</u>
Bill Andersen, Chairman	P
Michele Shea, Vice Chairman	P
Dan Callahan	P
Hattie Thatcher	P
Eric Mankins	P
John Sorich	P

