

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING AGENDA
WEDNESDAY JANUARY 20, 2021
7:30 PM VIA WEB-EX**

ROLL CALL

PRAYER AND PLEDGE

APPROVAL OF THE MINUTES

[January 6, 2021 Regular Meeting](#)

ITEMS NOT ADDRESSED ON THE AGENDA

CHIEF EXECUTIVE'S REPORT

PUBLIC COMMENT ON ANY ITEMS ON THE AGENDA

CALL INS ARE WELCOME @ 497-5009

WRITTEN COMMENTS WELCOME:

public-input@bsb.mt.gov

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

PUBLIC HEARINGS

1. COMMUNICATION NO. 21-5

Cari Coe, Historic Clark Chateau Program Director requesting Council of Commissioners concurrence and authorization to schedule a Public Hearing for January 20, 2021 for the purpose of conducting a public hearing concerning amending the Fiscal year 2020-2021 budget to allow for increased expenditures of unanticipated revenue in the Archives-Clark Chateau budget.

[21-5 Agreement](#)

[21-5 Quote](#)

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. [2021-16](#)

Pat Cunneen, Public Works Senior Operations Engineer requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign the Storm Water Management/BMP Maintenance Agreement for the Nistler housing development on Wynne Avenue and Motor View road in Butte. This standard agreement has already been signed by Matt Nistler.

[2021-16 Agreement](#)

Concur and Place on File

2.COMMUNICATION NO. [2021-17](#)

Mike Clague, Deputy County Attorney requesting Council of Commissioners authorization to approve the Resolution to amend the Fiscal Year 2020-2021 budget, to receive funds received from the U.S. Department of Justice. Bureau of Justice Assistance (BJA) for the purpose of starting the Butte Veterans Treatment Court.

[2021-02 Proposed Resolution](#)

Concur and Place on File

3.COMMUNICATION NO. [2021-18](#)

Ed Banderob, 2601 Grand Avenue requesting Council of Commissioners to do whatever is necessary to implement under - POWERS AND DUTIES OF THE COUNCIL OF COMMISSIONERS of the Butte-Silver Bow City-County Charter clause: 3.01 © to employ an attorney for the purposes which the Council of Commissioners deems necessary to represent the interests of the citizens of BSB.

Note and Place on File

4.COMMUNICATION NO. [2021-19](#)

Lindsay Mulcahy, Administrative Assistant BSB Public Archives requesting Council of Commissioners concurrence and authorization for the Chief Executive to approve the forms of the Filming Location Agreement and accompanying Film Reservation Application for the Clark Chateau.

[2021-19 Application / Contract](#)

Concur and Place on File

5.COMMUNICATION NO. [2021-20](#)

Thomas Davis Jr., Silver-Bow Tavern Association requesting Council of Commissioners consider that this year's county licensing fees be waived, dramatically reduced, credited if already paid, and/or recommendations on other means to help mitigate the burden to our small business owners. This would be for all Beverage License or Beer and Wine License, Silver-Bow County Retail Food License and Catering Special Events License.

Refer to the Committee of the Whole

6.COMMUNICATION NO. [2021-22](#)

Mike Clague, Deputy County Attorney requesting Council of Commissioners concurrence and authorization for the Chief Executive to pursue a grant from the Montana Department of Transportation due March 1, 2021. The Court has received this grant for the last 8 years and is used to partially fund the program. There are no matching funds required.

Concur and Place on File



7.COMMUNICATION NO. [2021-23](#)

Aubrey Jaap, Assistant Archives Director requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign a disposal request for City-Court Cash Balance records from 2011-2012.

[2021-23 Disposal Request](#)

Concur and Place on File

8.COMMUNICATION NO. [2021-24](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence of my appointment to Mr. Eric Hassler, 2735 Aberdeen, Butte MT as the Superfund Department Director.

Concur and Place on File

9.COMMUNICATION NO. [2021-25](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence of my appointment of Ms. Hattie Thatcher, 2905 Kossuth Butte MT to serve on the Airport Authority Board.

Concur and Place on File

10.COMMUNICATION NO. [2021-26](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence of my re-appointment of Stephen Hennick, 100 E. Broadway Butte, Mt to serve on the Building Board of Appeals

Concur and Place on File

11.COMMUNICATION NO. [2021-27](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence of my appointment of John Riordan, 1107 Iowa Avenue, Butte Mt to serve on the East Butte RRA Board.

Concur and Place on File

12.COMMUNICATION NO. [2021-28](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence of my appointments of John Riordan, 1107 Iowa Avenue, Butte Mt and Bob Lazzari, 2939 Burk Lane, Butte MT to serve on the Greenway Authority Board.

Concur and Place on File

13.COMMUNICATION NO. [2021-29](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence of my appointment of Josh O'Neill, 2107 Gaylord Street, Butte MT to serve on the Port of Montana Board.

Concur and Place on File

14.COMMUNICATION NO. [2021-30](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence of my re-appointments of Joe Rask, 3120 Hannibal, Marlene McMillan, 4655 S. Wyoming and Mary Lou Jones, 3737 Augusta, Butte MT to serve on the Tax Appeal Board.

Concur and Place on File



15.COMMUNICATION NO. [2021-31](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence of my appointment of Shawn Fredrickson 3070 Atherton Lane, Butte MT and re-appointments of Todd Johnson 17 Redwood, and Andy Durkin 514 S. Clark Street, Butte MT to serve on the Tax Increment Financing Industrial District (TIFID).

Concur and Place on File

16.COMMUNICATION NO. [2021-32](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence of my re-appointments of John Rolich, 3441 Whiteway, Carl McQueary, 3200 Blacktail Loop and John Sorich, 1820 Wilson Avenue, Butte MT to serve on the Animal Service Board.

Concur and Place on File

17.COMMUNICATION NO. [2021-33](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence of my re-appointments of Carrie Kiely, 829 S. Colorado and Jim Larson, P.O Box 384 Butte MT to serve on the Butte-Silver Bow Public Library Board.

Concur and Place on File

18.COMMUNICATION NO. [2021-34](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence of my re-appointment of Cindi Shaw, 211 W. Quartz Street, Butte MT to serve on the Butte Local Development Corporation Board (BLDC).

Concur and Place on File

19.COMMUNICATION NO. [2021-35](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence of my appointment John Sorich, 1820 Wilson, Butte MT and re-appointments of Dave Micheletti, 4915 Harrison Avenue and Carter Anderson, 3505 Albany Avenue Butte MT to serve on the Targeted Economic Development District (TEDD).

Concur and Place on File

20.COMMUNICATION NO. [2021-36](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence of my re-appointments of Dan Callahan, 4900 Moulton Reservoir Butte MT and Kelly Lee, 3474 Hannibal Street Butte MT to serve on the Civic Center Board.

Concur and Place on File

21.COMMUNICATION NO. [2021-37](#)

Bob Lazzari, Recreation & Special Event Coordinator requesting Council of Commissioners concurrence and authorization give a brief presentation of the recently completed Highland View Clubhouse on January 27, 2021 Committee of the Whole meeting.

Hold in Abeyance



22.COMMUNICATION NO. [2021-38](#)

John Coles, BSB Computer Systems Support Specialist requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign the maintenance contract that provides maintenance service, repair, and labor along with materials and replacement parts to maintain in good working order, all telephone equipment in various departments of Butte-Silver Bow facilities.

[2021-38 Contract](#)

Concur and Place on File

23.COMMUNICATION NO. [2021-39](#)

Jim Keenan, Chief Water Operator requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign four agreements for chemicals for the Water Treatment Plant, Wastewater Treatment plant and Ridge Waters. Public Works opened bids on December 30, 2020 and these were the lowest bidders.

[2021-39 Kemira Agreement](#)

[2021-39 Environmental Operating Agreement](#)

[2021-39 Hawkins Agreement](#)

[2021-39 Shannon Agreement](#)

Concur and Place on File

24.COMMUNICATION NO. [2021-40](#)

Michele Shea, Commissioner District 2 requesting Council of Commissioners concurrence and authorization to have a presentation on January 27, 2021 from Cassie Wick and Todd Hoar to discuss their observations resulting from a walking audit around Whittier School.

Hold in Abeyance

25.COMMUNICATION NO. [2021-41](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence of my re-appointments of Daniel McGee, 1736 Longfellow #14 Butte MT and Steve Struznik, 1940 Carolina Butte MT to serve on the Fair Board.

Concur and Place on File

26.COMMUNICATION NO. [2021-42](#)

Karen Sullivan, BSB Health Officer requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign the memorandum of Understanding between the Butte-Silver Bow Health Department and the North American Indian Alliance.

[2021-42 MOU](#)

Concur and Place on File

27.COMMUNICATION NO. [2021-43](#)

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

[2021-43 Contract](#)

Concur and Place on File



28.COMMUNICATION NO. [2021-44](#)

Trevor Peterson, Arborist, Parks and Rec requesting Council of Commissioners concurrence and authorization to pursue a Montana DNRC, Forestry Division, FY2021 Arbor Day grant. Butte-Silver Bow is eligible to request \$750 to assist with planting new trees in celebration of Arbor Day.
Concur and Place on File

29.COMMUNICATION NO. [2021-45](#)

Leslie Clark, Human Resources Director requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign a Collective Bargaining Agreement between the City-County of Butte-Silver Bow and the Montana Nurses Association, Local No. 37.

[2021-45 Agreement](#)

[2021-45 Redline Agreement](#)

Concur and Place on File

30.COMMUNICATION NO. [2021-46](#)

Dylan Pipinich, Assistant Planning Director requesting Council of Commissioners concurrence and authorization to allow the Planning Department to submit a resolution to adopt the final plat of the Amended Plat of Lot 1B of the Davis/Enrooth IV Major Subdivision.

[2021-46 Plat Approval](#)

Concur and Place on File

31.COMMUNICATION NO. [2021-47](#)

Mike Sullivan, Chief Deputy, Treasurers Office requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign the account agreements for Justice Courts 1 & 2, City Court and Fair Board. There is also a Custodial Agreement to cover all our accounts in Glacier Bank. This custodial agreement will maintain our compliance with Montana statutes.

[2021-47 Agreement 1](#)

[2021-47 Agreement 2](#)

[2021-47 Agreement 3](#)

[2021-47 Agreement 4](#)

[2021-47 Agreement 5](#)

Concur and Place on File

32.COMMUNICATION NO. [2021-48](#)

Angie Mullikin, Public Works, Budget Analyst requesting Council of Commissioners concurrence and authorization to schedule a bid opening for February 3, 2021 for the Hot Mix Asphalt Supply for the 2021 Season. The Hot Mix is used to repair and resurface roads throughout Butte-Silver Bow.

Hold in Abeyance

33.COMMUNICATION NO. [2021-49](#)

Angie Mullikin, Public Works, Budget Analyst requesting Council of Commissioners concurrence and authorization to schedule a bid opening for February 10, 2021 for the Dig and Replacement of sewer lines on Clark, Zarelda, Alabama, Hornet Waukesha, Quartz, Rampart and Cedar Lake Streets.

Hold in Abeyance



34.COMMUNICATION NO. [2021-50](#)

Angie Mullikin, Public Works, Budget Analyst requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign the Holland Street Sanitary Sewer Main Replacement Engineering Agreement with Water an Environmental Technologies.

[2021-50 Agreement](#)

Concur and Place on File

35.COMMUNICATION NO. [2021-51](#)

Angie Mullikin, Public Works, Budget Analyst requesting Council of Commissioners review and approval of Fleet Fuel Card Program's Policies and Procedures.

[2021-51 Policies and Procedures](#)

Concur and Place on File

SECTION 3: COMMUNICATIONS TO BE READ AND ACTED UPON

1.COMMUNICATION NO. [2021-21](#)

Bill Markovich, Markovich Construction requesting Council of Commissioners authorization for a one-year extension of the Copper Fox Subdivision which will expire on January 13, 2021. Copper Fox Estates, Inc (Copper Fox) has completed the purchase of this preliminary plat along with the real property from the prior owners. Construction is slated to begin this spring 2021.

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

1.RESOLUTION NO. [2021-03](#)

A RESOLUTION ESTABLISHING THE BUTTE-SILVER BOW BEHAVIORAL HEALTH LOCAL ADVISORY COUNCIL TO REPLACE THE PREVIOUSLY ESTABLISHED MENTAL HEALTH LOCAL ADVISORY COUNCIL, THEREBY REPEALING COUNCIL RESOLUTION 15-45 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA

PLEASE CALL IN AT 497-5009

CALENDAR OF OTHER MEETINGS AND EVENTS

DUE TO COVID-19 PANDEMIC, COMMITTEE MEETINGS WILL BE BY WEB-EX.

January 20, 2021, Parking Commission, 3:00 pm, Chief Executive Conference Room

January 21, 2021, Zoning Board, 5:30 pm, Council Chambers

January 22, 2020, Substance Abuse Task Force, 3:30 pm, Emergency Operations Center, 3615 Wynne

January 24, 2019 Animal Services, 5:30 pm, 1st Floor Conference Room

January 25, 2021, Mental Health LAC, 1:00 pm, 3rd Floor, Library Bldg.

January 26, 2021, Port of Montana, 12:00 pm, Hub Center, Silver Bow

January 26, 2021, Superfund Advisory (SARTA), 6:00 pm, Butte Justice Center

January 26, 2021, Urban Revitalization, 8:30 am, 1st Floor Conference Room

January 27, 2021, South Butte TEDD, 3:30 pm, 1st Floor Conference Room



January 27, 2021, Local Emergency Planning, 12:00 pm, Butte Justice Center
January 28, 2021, Planning Board, 5:30 pm, Council Chambers
February 2, 2021, Fire Advisory Committee, 5:30 pm, Butte 1st Floor Conference Room
February 2, 2021, Historic Preservation Commission, 5:30 pm, Council Chambers
February 2, 2021, Weed Board, 7:00 pm, Weed Office, 25 West Front

ADJOURN

MEETINGS

ALL MEETINGS CAN BE VIEWED BY WEB-EX STARTING AT DESIGNATED TIMES, LISTED BY EACH MEETING. CALL INS ARE WELCOME @ 497-5009.

FINANCE & BUDGET COMMITTEE MEETING

JANUARY 20, 2021

7:00 PM VIA WEB-EX

Expenditure report for the week of January 20, 2021 was reviewed and approved in the amount of \$ _____ 2021.

We are still meeting remotely but will be taking Public Comment by calling 497-5009

REPORTS

COMMITTEE OF THE WHOLE REPORT

JANUARY 13, 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:

SECTION 1. COMMUNICATIONS

1. COMMUNICATION NO. [2020-492](#)

Mike Clague Deputy County Attorney requesting Council of Commissioners authorization to hold a Public Hearing for December 30, 2020 to amend the Fiscal Year 2020-2021 budget to receive funds from the U.S. Department of Justice, Bureau of Justice Assistance (BJA) for the purpose of starting the Butte Veterans Treatment Court.

Place on File

2. COMMUNICATION NO. [21-11](#)

Karen Byrnes, Community Development Director requesting Council of Commissioners concurrence and authorization for the Chief Executive to approve the 2020 Economic Mill Levy Fund proposals be opened on Wednesday January 6, 2021 at the Council of Commissioners Regular Meeting.

Place on File



3.COMMUNICATION NO. [2020-411](#)

Brendan McDonough, Commissioner District 8 requesting Council of Commissioners consideration that Butte-Silver Bow take over the outside maintenance of the Community Ice Center located at Clark Park. The original operating agreement had the Butte Amateur Hockey Association maintaining the grounds; however, I think BSB should assume the maintenance.

Hold in Abeyance

4.COMMUNICATION NO. [2020-472](#)

Carol Grigg and Phillip Barto, 818 Mountain Street Butte Mt. requesting Council of Commissioners permission to purchase Tax Parcel #1903000, a vacant City-County owned property north of and adjacent to my property, located at 818 Mountain Street Butte Montana.

[2020-472 Maps](#)

Cross Reference with communication 2021-6 and Place on File

5.COMMUNICATION NO. [2020-485](#)

Jeff Riggs, Butte Montana requesting Council of Commissioners authorization to purchase the city-owned parking lot located at 103 S. Washington Street (SW corner of W Galena Street and Washington Street).

[2020-485 Property Record](#)

Cross Reference with communication 2021-7 and Place on File

6.COMMUNICATION NO. [2020-518](#)

Jim Keenan, Chief Water Operator requesting Council of Commissioners approval to schedule a bid opening for December 30, 2020 for supplying chemicals to be used by the BSB Water and Wastewater Treatment Plants and Ridge Waters Water Park.

Place on File

7.COMMUNICATION NO. [21-4](#)

Demetrius Fassas, BSB Behavioral Health Local Advisory Council Streeting Committee requesting Council of Commissioners authorization for the introduction of the attached Resolution, which would repeal Resolution No. 15-45 and allow for the reformation of a more effective LAC structure.

[21-4 Resolution Request](#)

Hold in Abeyance

8.COMMUNICATION NO. [21-5](#)

Cari Coe, Historic Clark Chateau Program Director requesting Council of Commissioners concurrence and authorization to schedule a Public Hearing for January 20, 2021 for the purpose of conducting a public hearing concerning amending the Fiscal year 2020-2021 budget to allow for increased expenditures of unanticipated revenue in the Archives-Clark Chateau budget.

[21-5 Agreement](#)

[21-5 Quote](#)

Hold in Abeyance



FINANCE & BUDGET COMMITTEE MEETING REPORT

JANUARY 13, 2020

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 January 13, 2020 was reviewed and approved in the amount of \$1,292,351.57 for 2021

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

JANUARY 13, 2020

6:30 PM

1. COMMUNICATION NO. [2020-139](#)

Brendan, McDonough, Commissioner District 8 requesting Council of Commissioners to consider that a speed study be conducted by the Montana Department of Transportation on Highway 2 from the nine-mile to Pipestone Pass. With the upcoming recreational season approaching, I ask that a study and decision be made in a timely manner to address the safety concerns for the spring and summer season.

Hold in Abeyance

PUBLIC WORKS COMMITTEE MEMBERS PRESENT/ABSENT

Jim Fisher, Chairman	P
Eric Mankins, Vice Chairman	P
Dan Callahan	P
Justin Fortune	P
John Riordan	P

JUDICIARY COMMITTEE MEETING REPORT

JANUARY 13, 2020, 2020

7:00 PM



1.COMMUNICATION NO. [2020-503](#)

Dan Olsen, Commissioner District 5 requesting Council of Commissioners to address the following problem with Butte-Silver Bow Ordinance Chapter 6.16 - Livestock and Domesticated hoofed Animals as currently written is unenforceable by B-SB and does not interface seamlessly with MCA 81-4-201--81-4-401 to allow the State to provide enforcement.

Hold in Abeyance

<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

