

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING AGENDA
WEDNESDAY FEBRUARY 3, 2021
7:30 PM VIA WEB-EX**

ROLL CALL

PRAYER AND PLEDGE

APPROVAL OF THE MINUTES

[January 20, 2021 Regular Meeting Minutes](#)

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

BID OPENINGS

1.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.

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. [2021-52](#)

Brian Doherty, Fire Marshal/Assistant Fire Chief requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign a contract with ESO Firehouse Software, more particularly; Invoice # ESO-47221 dated 01/02/2021 in the amount of \$3855.32. This request is an annual invoice amount but is in the form of a contract requiring a signature.

[2021-52 Contract](#)

Concur and Place on File

2.COMMUNICATION NO. [2021-53](#)

Ellen Crain, BSB Public Archives Director requesting Council of Commissioners have the County Attorney revise the Archives Ordinance #2.56. The ordinance revision is necessary to reflect the actual Archives responsibilities and activities.

Concur and request County Attorney to draft amendments as needed and hold in COW

3.COMMUNICATION NO. [2021-54](#)

Mollie Maffei, Deputy County Attorney requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign the easement granting Northwestern Energy an easement for an overhead power line project off Brown's Gulch Road and heading north back to the MDT ROW.

[2021-54 Easement](#)

Concur and Place on File

4.COMMUNICATION NO. [2021-55](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence of my re-appointment of Rod Alne, 111 Airport Road Butte Mt to serve on the Airport Authority Board.

Concur and Place on File

5.COMMUNICATION NO. [2021-56](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence of my re-appointments of John Morgan, Larry Driscoll, Gary Rowe, Michelle Bennetts, and Michelle Robinson to serve on the Housing Authority Board.

Concur and Place on File

6.COMMUNICATION NO. [2021-57](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence of my re-appointments of Michael Kujawa, Wendy Grace, Bill Joyce and Stella Copoccia to serve on the Superfund Advisory and Redevelopment Trust Authority Board.

Concur and Place on File

7.COMMUNICATION NO. [2021-58](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence of my re-appointments of Ted Ackerman and Steve Luebeck to serve on the Tourism Business Improvement District Board of Trustees.

Concur and Place on File



8.COMMUNICATION NO. [2021-59](#)

Dan Dennehy, BSB Emergency Management Director requesting Council of Commissioners concurrence and authorization to pursue an Emergency Management Performance Grant. The grant if awarded, will provide one half of the office of Emergency Management's operating budget for Fiscal Year 2021-22.

Concur and Place on File

9.COMMUNICATION NO. [2021-60](#)

Ed Banderob, GNCDC INC. President, 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: 3.03 (e) to authorize community councils to advise the Council of Commissioners.

Note and Place on File

10.COMMUNICATION NO. [2021-61](#)

Mollie Maffei, Deputy County Attorney requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign an easement granting Northwestern Energy an easement for groundwater test wells near its substation off Montana Street. We will receive a check for \$250.00 for the easement.

[2021-61 Easement](#)

Concur and Place on File

11.COMMUNICATION NO. [2021-62](#)

Michele Shea, District 2 Commissioner and Chairwoman for the Economic Development Committee, requesting Council's concurrence with the Economic Development Committee's award recommendations for the Economic Development Mill Levy Grants and authorization for Community Development department to prepare contracts for the awards.

Concur and Place on File

12.COMMUNICATION NO. [2021-63](#)

Madeline Gregg, Thomas Development Associate requesting Council of Commissioners concurrence and authorization to schedule a Public Hearing for February 17, 2021 for Affordable Housing & Property Tax Exemption for Aspen Place Apartments: 68-Unit Senior Affordable Housing Community, located at 4500 Continental Drive, Butte MT 59701.

Hold in Abeyance

13.COMMUNICATION NO. [2021-64](#)

Shane Worley, BSB Fire Department Battalion Chief requesting Council of Commissioners concurrence and authorization to pursue the FEMA Assistance to Firefighters Grant (AFG) Program requesting federal assistance in purchasing wildland firefighting equipment and personal protective equipment (PPE).

Concur and Place on File



14.COMMUNICATION NO. [2021-65](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence of my appointment of Assistant Chief/Fire Marshall Mr. Brian Doherty, 4090 East Ridge Road, Butte MT to the position of Director of Fire Services in the Butte-Silver Bow Fire Department.

Concur and Place on File

15.COMMUNICATION NO. [2021-66](#)

Ed Randall, Community Enrichment Director requesting Council of Commissioners concurrence and authorization to deny a Class 2 Kennel License (6.08.030) for Linda and Frank Waddell. The Waddell's do not meet the requirements of the Class 2 Kennel License.

Concur and Place on File

16.COMMUNICATION NO. [2021-67](#)

Leslie Clark, Human Resource Director requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign the settlement agreement between the City-County of Butte-Silver Bow and the International Union of Operating Engineers (IUOE), Local No. 400.

[2021-67 Agreement](#)

Concur and Place on File

17.COMMUNICATION NO. [2021-68](#)

Carrie Coe, Historic Clark Chateau Program Director requesting Council of Commissioners concurrence and authorization to pursue a National Endowment for the Arts (NEA) grant under the Grants for Arts Projects program, for \$19,250.

[2021-68 Grant App and Budget](#)

Concur and Place on File

18.COMMUNICATION NO. [2021-69](#)

Pat Holland, Government Buildings Manager requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign the Professional Services agreement between the City-County of Butte-Silver Bow and Butte Tin Shop, Inc to furnish and replace two high efficiency furnaces at the Mother Lode Theater. Butte Tin Shop Inc was the lowest bid at \$7000.

[2021-69 Agreement](#)

Concur and Place on File

19.COMMUNICATION NO. [2021-70](#)

Lori Casey, Planning Director requesting Council of Commissioners concurrence and authorization to schedule a Public Hearing for February 17, 2021 to hear comments on Zone Change application #181 - a Proposed Amendment to the official Butte-Silver Bow Zoning Map.

[2021-70 Staff Analysis and Budget](#)

Concur and Place on File

20.COMMUNICATION NO. [2021-71](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence of my appointment of Justin Fortune, 96 Liberty Lane Butte MT, to the friends of the Urban Forest Board.

Concur and Place on File



21.COMMUNICATION NO. [2021-72](#)

Leslie Clark, Human Resource Director requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign the Memorandum of Understanding between the City-County of Butte-Silver Bow and the Montana Federation of Public Employees, Local No. 4372.

[2021-72 MOU](#)

Concur and Place on File

22.COMMUNICATION NO. [2021-73](#)

Kristen Rosa, TIFID Administrator requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign an Amendment to the Purchase and Sale Agreement with Warehouse Distribution of Butte.

[2021-73 Agreement](#)

Concur and Place on File

23.COMMUNICATION NO. [2021-74](#)

Mark Neary, Public Works Director requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign an agreement between Water & Environmental Technologies (WET) Professional Service Agreement for a limited construction inspection for the existing structure on 135 E. Park Street.

[2021-74 Agreement](#)

Concur and Place on File

SECTION 3: ORDINANCES AND RESOLUTION REFERRED TO JUDICIARY

1.RESOLUTION NO. [2021-02](#)

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 FROM THE UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE (BJA) GRANT AWARD NO. 2020-VC-BX-0057, FOR THE PURPOSE OF STARTING THE BUTTE SILVER BOW VETERANS TREATMENT COURT AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2.RESOLUTION NO. [2021-04](#)

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE AMENDED PLAT OF LOT 1B OF THE DAVIS/ENROOTH IV MAJOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.



3.RESOLUTION NO. [2021-05](#)

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED GRANT REVENUE TO THE BUTTE-SILVER BOW ARCHIVES-CLARK CHATEAU FROM THE SUPERFUND ADVISORY AND REDEVELOPMENT TRUST AUTHORITY (SARTA) FOR THE PURPOSE OF BUILDING INFRASTRUCTURE IMPROVEMENTS.

4.RESOLUTION NO. [2021-06](#)

A RESOLUTION AUTHORIZING AND APPROVING THE TRANSFER OF THE REAL PROPERTY DESCRIBED AS LOTS ONE, TWO AND THREE OF BLOCK FORTY-SEVEN OF THE BUTTE TOWNSITE ADDITION, LOCATED AT 103 SOUTH WASHINGTON STREET, IN THE CITY-COUNTY OF BUTTE-SILVER BOW, MONTANA TO QUAGFOR LLC, WHOSE PRINCIPAL OWNER IS JEFF RIGGS, IN ACCORDANCE WITH THE PROVISIONS OF THE BUTTE-SILVER BOW MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

5.RESOLUTION NO. [2021-07](#)

A RESOLUTION AUTHORIZING AND APPROVING THE TRANSFER OF THE REAL PROPERTY GENERALLY DESCRIBED AS TRACT 7C OF CERTIFICATE OF SURVEY 1037B-RB, S25, T03 N, R09 W WITHIN THE CITY-COUNTY OF BUTTE-SILVER BOW, MONTANA TO ROCKY MOUNTAIN RETAIL, LLC IN ACCORDANCE WITH THE PROVISIONS OF THE BUTTE-SILVER BOW MUNICIPAL CODE 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.

February 3, 2021; Airport Authority, 12:00 pm, Bert Mooney Airport Authority Admin. Office

February 3, 2021, Butte AIDS Support Services, 7:00 pm, Community Center

February 4, 2021, Civic Center, 12:00 pm, Civic Center Hospitality Room

February 4, 2021, East Butte RRA, 9:00 am, 1st Floor Conference Room,

February 8, 2021, Archives, 12:00 pm, Archives Center

February 8, 2021, Fair Board, 6:00 pm, Perkins or HOPS Meeting Room

February 9, 2021, Superfund Advisory (SARTA), 6:00 pm, Butte Justice Center

February 10, 2021, Board of Health, 7:00 am, Health Dept. Conference Room



February 10, 2021, Land Sales Committee, 1:30 pm, First Floor Conference Room
February 10, 2021, Law Enforcement Commission, 4:00 pm, Chief Executive Conference Room
February 10, 2021, Public Library Board, 5:00 pm, 3rd Floor, Library Bldg.
February 11, 2021, Greenway Service District Board, 4:30 pm, Anaconda Comm. Service Bldg.
February 12, 2021, TIFID, 12:00 pm, Business Development Center
February 15, 2021, Parks & Recreation, 11:30 am, Butte Justice Center
February 16, 2021, Public Housing Authority, 5:00 pm, New Deal Community Center
February 16, 2021, Technical Review Committee, 1:30 pm, 3rd Floor, Water Building
February 16, 2021, Urban Forestry Board, 1:00 pm, Business Development Center

ADJOURN

MEETINGS

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

ECONOMIC DEVELOPMENT COMMITTEE MEETING

FEBRUARY 3, 2021

6:00 PM VIA WEB-EX

1. Butte Local Development Report- Joe Willauer,

FINANCE & BUDGET COMMITTEE MEETING

FEBRUARY 3, 2021

7:00 PM VIA WEB-EX

Expenditure report for the week of February 3, 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 27, 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. [2021-37](#)

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.

Held

2.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.

Held

SECTION 2. COMMUNICATIONS

1.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

2.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](#)

Cross Reference Communication 2021-04 with Resolution No. 2021-03 and Place on File

3.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](#)

Concur and Place on File

4.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.

Hold in Abeyance



5.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

6.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

FINANCE & BUDGET COMMITTEE MEETING REPORT

JANUARY 27, 2021

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 20, 2020 was reviewed and approved in the amount of \$582,502.70 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	P

PUBLIC WORKS COMMITTEE MEETING REPORT

JANUARY 27, 2021

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



1.COMMUNICATION NO. [2020-402](#)

Michele Shea, District 2 Commissioner requesting Council of Commissioners concurrence to place this communication in the Public Works Committee, to review the traffic calming methods around the Whittier School area. Many citizens have expressed concerns about the safety of the children in this area.

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
Shawn Fredrickson Guest	P
Mark Neary Guest	P

JUDICIARY COMMITTEE MEETING REPORT

JANUARY 27, 2021,

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

JUDICIARY COMMITTEE MEMBERS PRESENT/ABSENT

Bill Andersen, Chairman	P
Michele Shea, Vice Chairman	P
Dan Callahan	P
Hattie Thatcher	P
Eric Mankins	P
John Sorich	P

