

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING AGENDA
WEDNESDAY, FEBRUARY 16, 2022
7:30 PM COURTHOUSE COUNCIL CHAMBERS**

ROLL CALL

PRAYER AND PLEDGE

APPROVAL OF THE MINUTES

February 2, 2022 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 HEARING

1.COMMUNICATION NO. [2022-54](#)

Karen Maloughney, BSB Health Officer requesting Council of Commissioners authorization to schedule a public hearing for February 16, 2022 for the purpose of amending the fiscal year 2021-2022 budget to allow for increased expenditures of unanticipated revenue to hire a STD Disease Intervention Specialist and provide communicable disease investigation and intervention services.

2.COMMUNICIATION NO. [2022-58](#)

Eileen Joyce, BSB County Attorney requesting Council of Commissioners authorization for Chief Executive Gallagher sign a grant award for the Residential Substance Abuse Treatment Program (RSAT) program in our local detention facility and to schedule a public hearing for February 16, 2022 regarding this unanticipated revenue.

[2022-58 Grant Award](#)

BID OPENING

1.COMMUNICATION NO. [2022-56](#)

Dori Skrukrud, Greenway Service District Project Manager requesting Council of Commissioners concurrence to schedule a bid opening on February 16, 2022 for the Silver Bow Creek Greenway Reach O Trail and Cattle Bridge.



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. [2022-65](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence for the reappointment of Jeremy Hoscheid, 3040 Phillips Street Butte Mt to the Behavioral Health Local Advisory Council.

Concur and Place on File

2. COMMUNICATION NO. [2022-66](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence for the appointment of John Sorich, 1820 Wilson Street Butte Mt to the Fire Advisory Council.

Concur and Place on File

3. COMMUNICATION NO. [2022-67](#)

Mike Clague, Deputy County Attorney requesting Council of Commissioners authorize the Chief Executive to apply for a Montana Department of Transportation Highway Traffic Safety Funding grant. This is a one-year grant to assist the DUI Drug Court and does not require any monetary match from the City-County.

Concur and Place on File

4. COMMUNICATION NO. [2022-68](#)

Lori Baker-Patrick, BSB County Treasurer requesting Council of Commissioners authorization for Chief Executive Gallagher sign an agreement with the Title Company/Title Companies for the Title Litigation Guarantee (TLG) that must be completed on the 2018 delinquent Tax Lien for the 2022 Tax Deed.

[2022-68 Agreement](#)

Concur and Place on File

5. COMMUNICATION NO. [2022-69](#)

Mathew Boyle, Butte American Foundation Parade Director requesting Council of Commissioners concurrence to approve the 2022 Butte American Foundation (BAmF) St. Patrick's Day Parade application. The parade route we are submitting is the same route that was used in years past and has proven itself very successful.

Concur and Place on File

6. COMMUNICATION NO. [2022-70](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence for the reappointment of Sonya Rosenthal, 1155 W. Porphyry Butte Mt to the Parking Commission.

Concur and Place on File



7.COMMUNICATION NO. [2022-71](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence for the reappointment of JJ Adams, 100 East Broadway, and Desiree Shogren, 2777 Harrison Ave. Butte Mt to the TBID Board.

Concur and Place on File

8.COMMUNICATION NO. [2022-72](#)

Mike Clague, Deputy County Attorney requesting Council of Commissioners authorization for a Public Hearing on March 2, 2022 to amend the Fiscal Year 2021-2022 budget to receive grant funds from the Montana Office of Court Administrator (OCA) for the purpose of accepting the grant award of \$5,000.

Hold in Abeyance

9.COMMUNICATION NO. [2022-73](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners authorization for your authorization to sign an agreement with the National Museum of the United States Air Force Static Display Loan Program. This agreement is in reference to the Air Force Jet which is displayed at the Bert Mooney Airport.

[2022-73 Agreement](#)

Concur and Place on File

10.COMMUNICATION NO. [2022-74](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence for the reappointments of Sharon Curtis, 226 W. Broadway, Bill Robinson, 155 W. Granite, Diane Ragan, 25 W. Front Street, Butte Mt to the Insurance Committee.

Concur and Place on File

11.COMMUNICATION NO. [2022-75](#)

Linda Sajor-Joyce, Clerk & Recorder requesting Council of Commissioners authorization for Chief Executive Gallagher sign a purchase agreement with TextMyGov to provide services such as allowing voters to opt-in to receive web document links sent to their phones automatically.

[2022-75 Agreement](#)

Concur and Place on File

12.COMMUNICATION NO. [2022-76](#)

Danette Gleason, Finance & Budget Director requesting Council of Commissioners review the City-County of Butte-Silver Bow Mid-year Budget and Projected Revenue Report for Fiscal year 2022.

[2022-76 Finance Report](#)

Note and Place on File

13.COMMUNICATION NO. [2022-77](#)

Jim Merrifield, Emergency Management Director requesting Council of Commissioners concurrence to apply for the FY 2022 Homeland Security Grant on behalf of BSB Internet Technologies and BSB Fire Departments.

Concur and Place on File



SECTION 3: ORDINANCES AND RESOLUTIONS MOVED TO 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.

2.RESOLUTION NO. [2022-03](#)

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 CITY-COUNTY OF 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.

3.RESOLUTION NO. [2022-09](#)

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 RESERVE FUNDS FROM THE CITY-COUNTY OF BUTTE-SILVER BOW AMERICAN RESCUE PLAN ACT (ARPA) CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS TO BE USED WITHIN THE VARIOUS DEPARTMENTS OF THE LOCAL GOVERNMENT AS RECOMMENDED BY THE LOCAL GOVERNMENT ARPA COMMITTEE AND AS ATTACHED IN EXHIBIT "A" AND INCLUDED AS PART OF THE PUBLIC HEARING AT THE COUNCIL OF COMMISSIONERS REGULAR MEETING ON JANUARY 19, 2022 AND TO APPROPRIATE ADDITIONAL ARPA GRANT FUNDS RECEIVED FROM THE STATE OF MONTANA ARPA WATER & SEWER GRANTS.

4.RESOLUTION NO. [2022-10](#)

A RESOLUTION AUTHORIZING AND APPROVING THE TRANSFER OF THE REAL PROPERTY DESCRIBED AS LOT 2-A, A TRACT OF LAND CONTAINING APPROXIMATELY 11.5 ACRES AND LOCATED IN THE SE ¼ AND THE SW ¼ OF SECTION 24 AND THE NE ¼ AND THE NW ¼ OF SECTION 25, TOWNSHIP 3 NORTH, RANGE 9 W, AS SHOWN ON THE AMENDED PLAT OF THE SILICON MOUNTAIN NO. 1 MINOR SUBDIVISION TO THE CITY-COUNTY OF BUTTE-SILVER BOW, MONTANA TO SCOLAR COMPANY, IN ACCORDANCE WITH THE PROVISIONS OF THE BUTTE-SILVER BOW MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.



5.RESOLUTION NO. [2022-11](#)

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 FROM THE MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION FOR THE PURPOSE OF REMOVING DEAD AND DYING TIMBER IN THE BASIN CREEK WATERSHED FOR THE PUBLIC WORKS, WATER TREATMENT DIVISION AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA

CALENDAR OF OTHER MEETINGS AND EVENTS

- February 16, 2022, Parking Commission, 3:00 pm, Chief Executive Conference Room
- February 17, 2022, Zoning Board, 5:30 pm, Council Chambers
- February 21, 2022, Parks & Recreation, 11:30 am, Highland View Clubhouse
- February 22, 2022, Port of Montana, 12:00 pm, Hub Center, Silver Bow
- February 22, 2022, Urban Revitalization, 8:30 am, 1st Floor Conference Room
- February 23, 2022, South Butte TEDD, 3:30 pm, 1st Floor Conference Room
- February 23, 2022, Substance Abuse Task Force, 3:30 pm, Emergency Operations Center, 3615 Wynne
- February 23, 2022, Local Emergency Planning, 12:00 pm, Butte Justice Center
- February 24, 2022, Planning Board, 5:30 pm, Council Chambers
- February 28, 2022, Mental Health LAC, 1:00 pm, 3rd Floor, Library Bldg.
- March 1, 2022, Fire Advisory Committee, 5:30 pm, Butte 1st Floor Conference Room
- March 1, 2022, Historic Preservation Commission, 5:30 pm, Council Chambers
- March 1, 2022, Weed Board, 7:00 pm, Weed Office, 25 West Front

ADJOURN

MEETINGS

FINANCE & BUDGET COMMITTEE MEETING

FEBRUARY 16, 2022

7:00 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS

Expenditure report for the week of February 16, 2022 was reviewed and approved in the amount of \$ _____ for FY 2022.

REPORTS



COMMITTEE OF THE WHOLE REPORT

FEBRUARY 9, 2022

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

PUBLIC HEARING

1.RESOLUTION NO. [2022-07](#)

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 ON A CONTINUOUS BASIS ONE MILL LEVY TO BE ADJUSTED ANNUALLY TO RAISE APPROXIMATELY \$75,000.00 FOR SEARCH AND RESCUE OPERATIONS BEGINNING IN FISCAL YEAR 2023 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

Held

SECTION 2. COMMUNICATIONS

1.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

2.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

3.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.

Hold in Abeyance

4.COMMUNICATION NO. [2022-54](#)

Karen Maloughney, BSB Health Officer requesting Council of Commissioners authorization to schedule a public hearing for February 16, 2022 for the purpose of amending the fiscal year 2021-2022 budget to allow for increased expenditures of unanticipated revenue to hire a STD Disease Intervention Specialist and provide communicable disease investigation and intervention services.

Hold in Abeyance



5.COMMUNICATION NO. [2022-56](#)

Dori Skrukrud, Greenway Service District Project Manager requesting Council of Commissioners concurrence to schedule a bid opening on February 16, 2022 for the Silver Bow Creek Greenway Reach O Trail and Cattle Bridge.

Hold in Abeyance

6.COMMUNITION NO. [2022-58](#)

Eileen Joyce, BSB County Attorney requesting Council of Commissioners authorization for Chief Executive Gallagher sign a grant award for the Residential Substance Abuse Treatment Program (RSAT) program in our local detention facility and to schedule a public hearing for February 16, 2022 regarding this unanticipated revenue.

[2022-58 Grant Award](#)

Hold in Abeyance

7.COMMUNICATION NO. [2022-61](#)

Danette Gleason, Finance & Budget Director requesting Council of Commissioners authorization for a Presentation on February 23, 2022 to present the Fiscal Year 2021 audit Findings and Annual Financial report.

Hold in Abeyance

FINANCE & BUDGET COMMITTEE MEETING REPORT

FEBRUARY 9, 2022

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 February 9, 2022 was reviewed and approved in the amount of \$584,405.43 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

FEBRUARY 9, 2022

6:30 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS



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

NO MEETING WAS HELD

JUDICIARY COMMITTEE MEETING REPORT

FEBRUARY 9, 2022

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 to form Ad-Hoc Committee

2.RESOLUTION NO. [2022-07](#)

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 ON A CONTINUOUS BASIS ONE MILL LEVY TO BE ADJUSTED ANNUALLY TO RAISE APPROXIMATELY \$75,000.00 FOR SEARCH AND RESCUE OPERATIONS BEGINNING IN FISCAL YEAR 2023 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

Hold in Abeyance pending Public Hearing on February 9th.

3.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.

Move to Final Reading



4.RESOLUTION NO. [2022-03](#)

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6.RESOLUTION NO. [2022-10](#)

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Move to Final Reading

7.RESOLUTION NO. [2022-11](#)

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Move to Final Reading



Name	Amount	Reason	Approved	
CAMERON JAMES MOYLAN DELUXE ENT.	\$9,076.79	REFUND/REDEMPTION OF TAX ASSIGNMENT PARCEL #1433200	YES	
GUARDIAN TAX MT LLC	\$4264.93	REFUND/REDEMPTION OF TAX ASSIGNMENT PARCEL #318700	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

