

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING AGENDA
WEDNESDAY, MARCH 2, 2022
7:30 PM COURTHOUSE COUNCIL CHAMBERS**

ROLL CALL

PRAYER AND PLEDGE

APPROVAL OF THE MINUTES

[February 16, 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. [2022-72](#)

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.

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.COMMUNICATIONS NO. [2022-81](#)

Ed Banderob, 2601 Grand Avenue requesting Council of Commissioners to have Chief Executive to send a letter to the USA National Congressional Delegation from Montana requesting the Montana National Congressional Delegation send a letter to the National AmeriCorps Agency requesting that AmeriCorps consider including in the AmeriCorps program a Harmony In Our Communities Across American component.

Refer to Chief Executive Gallagher



2.COMMUNICATIONS NO. [2022-82](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence for the reappointment of Dave Holman, 2 Holly Lane Butte Mt to the Airport Authority Board.
Concur and Place on File

3.COMMUNICATIONS NO. [2022-83](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence for the appointments of Eva Curry, 1204 W. Woolman and Kay S. Vang, 2828 Goodwin Butte Mt to the BSB Public Library Board.
Concur and Place on File

4.COMMUNICATIONS NO. [2022-84](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence for the appointment of John Riordan, 1107 Iowa Ave. Butte Mt to the Local emergency Planning Committee (LEPC).
Concur and Place on File

5.COMMUNICATIONS NO. [2022-85](#)

Sean Peterson, Deputy County Attorney requesting Council of Commissioners authorization for Chief Executive Gallagher sign an access agreement allowing Northwestern Energy to access BSB Property to perform sampling as requested by the DEQ due to an oil sheen that was encountered when NWE excavated for the new substation.

[2022-85 Easement](#)

Concur and Place on File

6.COMMUNICATIONS NO. [2022-86](#)

Kristen Rosa, TIFID Administrator requesting Council of Commissioners authorization for Chief Executive Gallagher to sign a purchase and sale agreement with Stace McGee Group for a 37.58-acre parcel of property in the Montana Connections Business Development Park.

[2022-86 Agreement](#)

Concur and Place on File

7.COMMUNICATIONS NO. [2022-87](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence for the appointment of Bo Wilkins, Air Quality Bureau Helena MT to the BSB Health Study Advisory Committee.

Concur and Place on File

8.COMMUNICATIONS NO. [2022-88](#)

Linda Sajor-Joyce, Clerk & Recorder requesting Council of Commissioners to have Chief Executive to sign a use contract for ExpressVotes for School District 3's election.

[2022-88 Contract](#)

Concur and Place on File



9.COMMUNICATIONS NO. [2022-89](#)

Aubrey Jaap, Assistant Director BSB Public Archives requesting Council of Commissioners to have Chief Executive to sign a Request for Records Disposal for Justice Court and City Court monthly reports for the years 2012-2014.

[2022-89 Records Disposal](#)

Concur and Place on File

10.COMMUNICATION NO. [2022-91](#)

Jenny Chambers, Waste Management and Remediation Division Administrator requesting Council of Commissioners concurrence to have a presentation on March 16, 2022 on the Blacktail Creek Remediation pre-design investigation phase of this project.

Hold in Abeyance

11.COMMUNICATION NO. [2022-92](#)

Board of Directors, Uptown Hoops Inc. requesting Council of Commissioners authorization to have our 2022 basketball tournament event on June 18th and 19th, 2022. We aim to provide Butte with an outdoor 3 on 3 basketball tournament of 10 different courts that will be dispersed on Granite, stretching East and West from Main to Ohio Streets.

Concur and Place on File

12.COMMUNICATION NO. [2022-93](#)

George Everett, Mainstreet Uptown Butte Executive Director requesting Council of Commissioners authorization to temporarily close to vehicle traffic one block of West Park Street between the intersection of Park and Main and Dakota street to hold the Butte Farmers' Market each Saturday from 8:00 to 1:00 pm from May 14 through October 8, 2022.

Concur and Place on File

13.COMMUNICATION NO. [2022-94](#)

Cari Coe, Historic Clark Chateau Program Director requesting Council of Commissioners authorization to schedule a public hearing for March 16, 2022, concerning amending the Fiscal year 2021-2022 budget to allow for increased expenditures of unanticipated revenue in the Archives-Clark Chateau budget.

Hold in Abeyance

14.COMMUNICATION NO. [2022-95](#)

Linda Sajor-Joyce, Clerk & Recorder requesting Council of Commissioners authorization for Chief Executive Gallagher sign a use contract of ExpressVotes for School District 1's Election.

[2022-95 Contract](#)

Concur and Place on File

15.COMMUNICATION NO. [2022-96](#)

Leslie Clark, Human Resources Director requesting Council of Commissioners authorization for Chief Executive Gallagher sign a Memorandum of Understanding between the City-County of Butte-Silver Bow and the Laborers' International Union of North America (LIUNA), Local No. 1686.

Concur and Place on File



16.COMMUNICATION NO. [2022-97](#).

Linda Sajor-Joyce, Clerk & Recorder requesting Council of Commissioners authorization for a Public Hearing on March 9, 2022 (approved at the Special Meeting on February 23, 2022 Communication No. 2022-90), so that we can accept a HAVA grant from the Secretary of State's Office to be used to support parallel testing of the ElectMT voter database.

Hold in Abeyance

17.COMMUNICATION NO. [2022-98](#)

Dylan Pipinich, Planning Director requesting Council of Commissioners grant a one-year extension to the Board of Directors for the Our Lady of the Rockies organization, on behalf of the Sisters of Charity of Leavenworth Health Services Inc., for their Conditional Approval of the "Preliminary Plat of the OLR Minor Subdivision" to finish preliminary engineering and planning.

Concur and Place on File

18.COMMUNICATION NO. [2022-99](#)

Dylan Pipinich, Planning Director requesting Council of Commissioners authorization to schedule a public hearing for March 23, 2022, on the proposed changes to the Butte-Silver Bow Zoning District Map. On Zone Change Application No. 21-000004.

Hold in Abeyance

19.COMMUNICATION NO. [2022-100](#)

Dylan Pipinich, Planning Director requesting Council of Commissioners authorization to schedule a public hearing for March 23, 2022, on the proposed changes to the Butte-Silver Bow Zoning District Map. On Zone Change Application No. 22-000001.

Hold in Abeyance

20.COMMUNICATION NO. [2022-101](#)

Dylan Pipinich, Planning Director requesting Council of Commissioners concur with the use of the remaining Woodville Hill Abandonment Funds on the Mercury St. Improvements project and sign the concurrence letter for MDT.

[2022-101 Approval Letter](#)

Concur and Place on File

21.COMMUNICATION NO. [2022-102](#)

Kristin Rose, TIFID Administrator requesting Council of Commissioners authorization for Chief Executive Gallagher to sign an amendment to the contract for engineering and construction oversight services with Everly and Associates.

[2022-102 Agreement](#)

Concur and Place on File

22.COMMUNICATION NO. [2022-103](#)

County Attorney, Eileen Joyce requesting Council of Commissioners authorization for Chief Executive Gallagher to sign a Professional Services Agreement between the City-County of Butte-Silver Bow, Montana and Community Counseling and Correctional Services, Inc. (CCCS).

[2022-103 Agreement](#)

Concur and Place on File



23.COMMUNICATION NO. [2022-104](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorization for Chief Executive Gallagher to submit Butte-Silver Bows Annual Transit, Federal Transit Administration (FTA) Section 5311 Operating and Capital Application, Montana TransADE Funding.

Concur and Place on File

24.COMMUNICATION NO. [2022-105](#)

Mark Neary, Public Works Director requesting time on the March 9th, 2022 Committee of the whole meeting to present on the Rocker Water and Sewer District.

Concur and Place on File

25.COMMUNICATION NO. [2022-106](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorization for Chief Executive Gallagher to sign the agreement between Water and Environmental Technologies (WET) and Butte-Silver Bow (BSB) for the N7 West Elementary Sanitary Sewer Reroute Project.

[2022-106 Agreement](#)

Concur and Place on File

26.COMMUNICATION NO. [2022-107](#)

Mike Sheehy, 423 S. Colorado Street Butte MT requesting Council of Commissioners to please consider moving the annual fireworks extravaganza away from the dangers of wildfire and to the Bell Diamond Mine.

Refer to the Committee of the Whole

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA

SECTION 3: ORDINANCES AND RESOLUTIONS INTRODUCED TO JUDICIARY

1.RESOLUTION NO. [2022-12](#)

A RESOLUTION DECLARING THE INTENTION OF THE COUNCIL OF COMMISSIONERS OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, MONTANA TO CREATE A SPECIAL LIGHTING DISTRICT, TO BE KNOWN AS SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 1029, FOR THE PURPOSE OF DIRECTING, EQUIPPING, MAINTAINING, AND INSTALLING AN ELECTRICAL LIGHTING SYSTEM; DESIGNATING AND DESCRIBING THE BOUNDARIES OF SAID PROPOSED SPECIAL IMPROVEMENT LIGHTING DISTRICT; STATING THE PURPOSE OF AND GENERAL CHARACTER OF THE IMPROVEMENTS TO BE MADE IN SAID SPECIAL IMPROVEMENT DISTRICT; ESTIMATING THE APPROXIMATE COST THEREOF FOR THE FIRST YEAR; FINDING, DETERMINING AND DECLARING THAT PROPERTY WITHIN SAID SPECIAL IMPROVEMENT DISTRICT WILL BE ESPECIALLY BENEFITED AND AFFECTED BY SUCH PROPOSED IMPROVEMENT; DECLARING THAT SUCH PROPERTY SHOULD BE ASSESSED FOR THE COST THEREOF OF MAINTENANCE AND ENERGY AND EXTENDING SUCH ASSESSMENTS TO BE IN ANNUAL INSTALLMENTS AND PROVIDING FOR THE FUNDS UPON WHICH SAID SPECIAL IMPROVEMENT ENERGY AND MAINTENANCE FUNDS SHALL BE DRAWN;



PROVIDING FOR THE PUBLICATION AND GIVING OF NOTICE OF THE PASSAGE AND ADOPTION OF THIS RESOLUTION AND PROVIDING FOR THE EFFECTIVE DATE HEREOF.

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

1. RESOLUTION NO. [2022-13](#)

A RESOLUTION 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. [2022-14](#)

A RESOLUTION 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.

3. RESOLUTION NO. [2022-15](#)

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 STATE OF MONTANA BOARD OF CRIME CONTROL, FOR THE PURPOSE OF MAINTAINING THE RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM AT THE BUTTE-SILVER-BOW DETENTION CENTER AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

CALENDAR OF OTHER MEETINGS AND EVENTS

- March 2, 2022, Butte AIDS Support Services, 7:00 pm, Community Center
- March 2, 2022, Airport Authority, 12:00 pm, Bert Mooney Airport Authority Admin. Office
- March 3, 2022, Civic Center, 12:00 pm, Civic Center Hospitality Room
- March 3, 2022, East Butte RRA, 9:00 am, 1st Floor Conference Room
- March 8, 2022, Land Sales Committee, 1:30 pm, Archives Auditorium
- March 8, 2022, Superfund Advisory (SARTA), 6:00 pm, Butte Justice Center
- March 9, 2022, Public Library Board, 5:00 pm, 3rd Floor, Library Bldg.
- March 9, 20122, Board of Health, 7:00 am, Health Dept. Conference Room
- March 9, 2022, Law Enforcement Commission, 4:00 pm, Chief Executive Conference Room



March 10, 2022, Greenway Service District Board, 4:30 pm, Butte 1st Floor Conference Room

March 11, 2022, TIFID, 12:00 pm, Business Development Center

March 14, 2022, Archives, 12:00 pm, Archives Center

March 14 2022, Fair Board, 6:00 pm, Perkins or HOPS Meeting Room

March 15, 2022, Public Housing Authority, 5:00 pm, New Deal Community Center

March 15, 2022, Technical Review Committee, 1:30 pm, 3rd Floor, Water Building

March 15, 2022, Urban Forestry Board, 1:00 pm, Business Development Center

ADJOURN

MEETINGS

ECONOMIC DEVELOPMENT COMMITTEE MEETING

MARCH 2, 2022

6:00 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS

1.BLDC- Joe Willauer

FINANCE & BUDGET COMMITTEE MEETING

MARCH 2, 2022

7:00 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS

Expenditure report for the week of March 2, 2022 was reviewed and approved in the amount of \$ _____ for FY 2022.

REPORTS

COMMITTEE OF THE WHOLE REPORT

FEBRUARY 23, 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

PRESENTATION

1.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.

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.

Placed on File

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.

Placed on File

6.COMMUNIAION 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](#)

Placed on File

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.

Placed 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

FINANCE & BUDGET COMMITTEE MEETING REPORT

FEBRUARY 23, 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 23, 2022 was reviewed and approved in the amount of \$524,614.37 for FY 2022.

FINANCE AND BUDGET COMMITTEE MEMBERS PRESENT/ ABSENT

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

PUBLIC WORKS COMMITTEE MEETING REPORT

FEBRUARY 23, 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 23, 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.

Move to Suspense file for 3 months

Name	Amount	Reason	Approved	
CAMERON JAMES MOYLAN DELUXE ENT.	\$1319.55	REFUND/REDEMPTION OF TAX ASSIGNMENT PARCEL #1433200	YES	
GUARDIAN TAX MT LLC	\$1539.39	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	A
Dan Callahan	P
Hattie Thatcher	P
Eric Mankins	P
John Sorich	P

