

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

ROLL CALL

PRAYER AND PLEDGE

APPROVAL OF THE MINUTES

[February 17, 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: 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. [2021-97](#)

Eldon Beall, 315 S. Dakota Street Butte Mt requesting Council of Commissioners, the Judiciary Committee and Bill Andersen to enact a task force or Committee to stop the public drunkenness and to prohibit Action Inc, from feeding the homeless in Emma Park.

Note and Place on File

2.COMMUNICATION NO. [2021-98](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence and 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.

[2021-98 Agreement](#)

Concur and Place on File



3.COMMUNICATION NO. [2021-99](#)

Mike Clague, Deputy County Attorney requesting Council of Commissioners authorize the Courts to apply for a grant from the Department of Justice Adult Drug Court Discretionary Grant Program for the necessary funds to enhance the programs. The Montana Healthcare Foundation has agreed to hire a grant writer at no cost to BSB and requires the Chief Executive to execute the contract.

[2021-99 Agreement](#)

Concur and Place on File

4.COMMUNICATION NO. [2021-100](#)

Leslie Clark, Human Resources Director requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign the Plan amendment to the Health Insurance Plan Document and Summary Plan Description and the attached amendment to the Administrative Services Agreement.

[2021-100 Amendment Appendix A](#)

[2021-100 Amendment Six](#)

Concur and Place on File

5.COMMUNICATION NO. [2021-101](#)

Ancient Order of Hibernians, Division No. 1 requesting Council of Commissioners concurrence and authorization for the Chief Executive through Proclamation, to declare the month of March 2021, as Irish American Heritage Month.

[2021-101 Proclamation](#)

Refer to the Chief Executive's Office and Place on File

6.COMMUNICATION NO. [2021-102](#)

Lori Baker-Patrick, BSB Treasurer requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign an agreement with the Title Company/Title Companies for the Title Litigation guarantee (TLG) that must be completed on the 2017 Tax Lien for the 2021 Tax Deed.

[2021-102 Agreement](#)

Concur and Place on File

7.COMMUNICATION NO. [2021-103](#)

Danette Gleason, Finance and Budget Director requesting Council of Commissioners concurrence and authorization to schedule a Presentation on March 10, 2021 to present the Fiscal Year 2020 Audit Findings and Financial Report.

Hold in Abeyance

8.COMMUNICATION NO. [2021-104](#)

Mark Fisher, Golf Pro/Manager of Highland View Golf Course requesting Council of Commissioners authorization to add \$300 of petty cash for Highland View Golf Course in order to accommodate the second register located at the Bar/Simulator Commons Area.

Concur and Place on File



9.COMMUNICATION NO. [2021-105](#)

Karen Byrnes, Community Development Director requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign the contract amendment to CDBG Contract #-MT-CDBG-PL-18_03A Planning Grant to conduct a Preliminary Architectural Report related the establishment of permanent supportive housing in our community.

[2021-105 Amendment](#)

Concur and Place on File

10.COMMUNICATION NO. [2021-106](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorization to schedule a bid opening for March 10, 2021 for the CIPP Project for Sewer Lines in Uptown Butte.

Hold in Abeyance

11.COMMUNICATION NO. [2021-107](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorization to schedule a bid opening for March 24, 2021 for the 2021 Roads Mill/Fill Project. This project will Mill/Fill street in Uptown Butte including West Platinum, Colorado, and Dakota Streets.

Hold in Abeyance

12.COMMUNICATION NO. [2021-108](#)

Mark Neary, Public Works Director requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign the Notice of Award to Hoffman's R & M Services for the 2019/2021 TSEP Sewer Lines Dig and Replace Project. This project is funded through the Treasure State Endowment Program with a 50% match requirement from BSB.

[2021-108 Notice of Award](#)

Concur and Place on File

13.COMMUNICATION NO. [2021-109](#)

Mark Neary, Public Works Director requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign the Purchase Agreement with Hollow Contracting Inc for the 2021 Hot Mix Asphalt Supply.

[2021-109 Agreement](#)

Concur and Place on File

14.COMMUNICATION NO. [2021-110](#)

Trevor Peterson, Arborist Parks and Rec Department requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign the amended DNRC Arbor Day Grant. This is to be cross referenced with Communication No. 2021-44.

[2021-110 Amendment](#)

Concur and Place on File

15.COMMUNICATION NO. [2021-111](#)

Dylan Pipinich, Assistant Planning Director requesting Council of Commissioners authorization to approve Zoning change Application No. 181 and prepare an ordinance adopting the proposed change to the Butte-Silver Bow Zoning District Map.

Concur and Place on File



16.COMMUNICATION NO. [2021-112](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorization to schedule a bid opening for March 16, 2021 for a Backhoe for the Water Utility Division.

Hold in Abeyance

17.COMMUNICATION NO. [2021-113](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence of my appointment of Kami Johnson, Best Western Plus Butte Plaza Inn, Butte MT to the Tourism Business Improvement District Board of Trustees (TIBID).

Concur and Place on File

18.COMMUNICATION NO. [2021-114](#)

Eric Hassler, Reclamation & Environmental Services Director requesting Council of Commissioners authorization to schedule a Public Hearing on March 24, 2021 to take public comment on amending the Fiscal Year 2021 ARCO Source Area and Stormwater budget (2278.200.4306.35). The source of revenue is from the Allocation Agreement Source Area Programs Trust between BSB and Atlantic Richfield.

Hold in Abeyance

19.COMMUNICATION NO. [2021-116](#)

Linda Sajor-Joyce, Clerk and Recorder and Election Administrator requesting Council of Commissioners to be advised that the Ramsay Water Sewer Board accepted the resignation of Jim Hunt and accepted Jim Ayers' to fulfill the term. Mr. Ayers' term runs through June1, 2023. Gary Robinson and Brittney Hintz were elected by acclamation. These terms expire in June 2025. The next election is in June 2023.

Concur and Place on File

20.COMMUNICATION NO. [2021-119](#)

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 that was executed on September 2nd, 2020.

[2021-119 Agreement](#)

SECTION 2: COMMUNICATIONS TO BE READ AND ACTED UPON

1.COMMUNICATION NO. [2021-115](#)

Jennifer Mitchell, 2509 State Street Butte MT requesting Council of Commissioners concurrence to appeal the February 8, 2021 decisions by HPO and HPC on the Determination of Eligibility and Demolition COA for 2505 State Street, Butte MT.

2.COMMUNICATION NO. [2021-118](#)

Mike Nasheim, Building Codes Official requesting Council of Commissioners to be advised that on January 12, 2021 the building at 56 E. Mercury was posted as a Dangerous Building pursuant of the Butte-Silver Bow Municipal Code. Prior to the posting the owner had already entered into a buy sell agreement for this property. Deputy County Attorney, Mollie Maffei informed us that the HPC did not have the authority to intervene in an already existing contract for sale. I am providing the Council with this written notice that the building qualifies for the public safety exclusion pursuant to BSBMC 2.64.150 and I am now invoking the exclusion.



SECTION 3: ORDINANCES FOR SECOND READING

1. COUNCIL BILL NO. [2021-01](#)
ORDINANCE NO. [2021-01](#)

AN ORDINANCE AMENDING CHAPTER 2.56 OF THE BUTTE-SILVER BOW MUNICIPAL CODE ENTITLED “PUBLIC ARCHIVES”, SPECIFICALLY AMENDING SECTIONS 2.56.010, 2.56.100, 2.56.110, 2.56.130 AND 2.56.160 AND ADDING SECTION 2.56.080 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

[ORDINANCE NO. 2021-REDLINE](#)

SECTION 4: SUSPENSION OF THE RULES FINAL PASSAGE

1. RESOLUTION NO. [2021-08](#)

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR IN ACCORDANCE WITH SECTION 7-6-4032, MONTANA CODE ANNOTATED (MCA) PROVIDING FOR AN EMERGENCY BUDGET APPROPRIATION; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW HEALTH DEPARTMENT FROM THE MONTANA DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2. RESOLUTION NO. [2021-09](#)

RESOLUTION RELATING TO CERTAIN WATER SYSTEM IMPROVEMENTS UNDERTAKEN IN CONJUNCTION WITH A MONTANA DEPARTMENT OF TRANSPORTATION PROJECT; AMENDING AND SUPPLEMENTING RESOLUTION NO. 11-71 TO CREATE A SUBACCOUNT WITHIN THE SURPLUS ACCOUNT OF THE WATER SYSTEM FUND FOR THE PURPOSE OF PROVIDING SECURITY FOR COMPLETION OF THE IMPROVEMENTS

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.

March 3, 2021, Airport Authority, 12:00 pm, Bert Mooney Airport Authority Admin. Office
March 3, 2021, Butte AIDS Support Services, 7:00 pm, Community Center
March 4, 2021, Civic Center, 12:00 pm, Civic Center Hospitality Room
March 4, 2021, East Butte RRA, 9:00 am, 1st Floor Conference Room, *ad hoc basis*
March 8, 2021, Archives, 12:00 pm, Archives Center
March 8, 2021, Fair Board, 6:00 pm, Perkins or HOPS Meeting Room
March 9, 2021, Superfund Advisory (SARTA), 6:00 pm, Butte Justice Center
March 10, 2021, Board of Health, 7:00 am, Health Dept. Conference Room
March 10, 2021, Land Sales Committee, 1:30 pm, First Floor Conference Room
March 10, 2021, Law Enforcement Commission, 4:00 pm, Chief Executive Conference Room
March 10, 2021, Public Library Board, 5:00 pm, 3rd Floor, Library Bldg.



March 11, 2021, Greenway Service District Board, 4:30 pm, Butte 1st Floor Conference Room

March 12, 2021, TIFID, 12:00 pm, Business Development Center

March 15, 2021, Parks & Recreation, 11:30 am, Highland View Clubhouse

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

MARCH 3, 2021

6:00 PM VIA WEB-EX

1. Butte Local Development Report- Joe Willauer

FINANCE & BUDGET COMMITTEE MEETING

MARCH 3, 2021

7:00 PM VIA WEB-EX

Expenditure report for the week of March 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

FEBRUARY 24, 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

BID OPENINGS

1. COMMUNICATION NO. [2021-75](#)

Mike Clague, Deputy County Attorney requesting Council of Commissioners concurrence and authorization to schedule a Request for Proposal (RFP) opening on February 24, 2021. The RFP is to provide for Electronic Monitoring for Veteran Court participants. The monitoring will be paid for from the Veterans Court BJA award.

Held



SECTION 2. COMMUNICATIONS

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

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.

Cross Reference Communication No. 2021-53 with Council Bill 2021-01 and Place on File

3.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.

Concur and Place on File

4.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](#)

Concur and Place on File

5.COMMUNICATION NO. [2021-75](#)

Mike Clague, Deputy County Attorney requesting Council of Commissioners concurrence and authorization to schedule a Request for Proposal (RFP) opening on February 24, 2021. The RFP is to provide for Electronic Monitoring for Veteran Court participants. The monitoring will be paid for from the Veterans Court BJA award.

Concur and Place on File

6.COMMUNICATION NO. [2021-94](#)

Danette Gleason, Finance and Budget Director requesting Council of Commissioners to review the Mid-year Budget and Projected Revenue Report for fiscal year 2021.

[2021-94 Report](#)

Concur and Place on File

7.COMMUNICATION NO. [2021-95](#)

Larry Hoffman, 56 East Mercury Street Butte Mt. requesting Council of Commissioners to override the Historic Commission recommendation, allow plans for demolition to move forward and clear the way for the work to proceed as soon as weather permits.

Concur and Place on File



FINANCE & BUDGET COMMITTEE MEETING REPORT

FEBRUARY 24, 2021

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

Ladies and Gentlemen,

We, your Council of Commissioners, and Chairman Cindi Shaw, respectfully recommends as follows: Expenditure report for the week of February 24, 2021 was reviewed and approved in the amount of \$859,812.51 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

FEBRUARY 24, 2021

6:30 PM

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

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.

Put in Suspense File for 45 days

2.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.

Note and Place on File

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

FEBRUARY 24, 2021,

7:00 PM

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

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ORDINANCE NO. [2021-01](#)

AN ORDINANCE AMENDING CHAPTER 2.56 OF THE BUTTE-SILVER BOW MUNICIPAL CODE ENTITLED “PUBLIC ARCHIVES”, SPECIFICALLY AMENDING SECTIONS 2.56.010, 2.56.100, 2.56.110, 2.56.130 AND 2.56.160 AND ADDING SECTION 2.56.080 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

[ORDINANCE NO. 2021-REDLINE](#)

Move to Second Reading

<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

