

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS  
REGULAR MEETING AGENDA  
WEDNESDAY, MARCH 15, 2023  
7:30 PM COURTHOUSE COUNCIL CHAMBERS**

**ROLL CALL**

**PRAYER AND PLEDGE**

**APPROVAL OF THE MINUTES**

[March 1, 2023 Regular 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**

**BID OPENINGS**

**1.COMMUNICATION NO. [2023-121](#)**

Mark Neary, Public Works Director requesting Council of Commissioners approval to schedule a bid opening for March 15, 2023 for Doors and Openers for the Shop Buildings-Road Division.

**PUBLIC HEARINGS**

**1.COMMUNICATION NO. [2023-107](#)**

Danette Gleason, Finance & Budget Director requesting Council of Commissioners approval of the use of up to \$60,000 in ARPA grant funds for the development of the preliminary master plan and to set a public hearing on March 15, 2023 to amend the FY2023 budget to use the ARPA grant fund this project.

**2.COMMUNICATION NO. [2023-113](#)**

Lisa Carey, Office of Emergency Management requesting Council of Commissioners approval to hold a Public Hearing on March 15, 2023 for the purpose of amending the Fiscal Year 2022-2023 budget to allow for increased expenditures of unanticipated revenue to attend the annual IAFC Hazmat Conference in Baltimore, MD.

**3.COMMUNICATION NO. [2023-114](#)**

Lisa Carey, Office of Emergency Management requesting Council of Commissioners approval to hold a Public Hearing on March 15, 2023 for unanticipated revenue-Hazardous Material Emergency Preparedness (HMEP) grant to host a 40-hour ERTI Hazmat Response Regional Training in Butte, MT.



4.COMMUNICATION NO. [2023-115](#)

Lisa Carey, Office of Emergency Management requesting Council of Commissioners approval to hold a Public Hearing on March 15 2023 for unanticipated revenue-Hazardous Material Emergency Preparedness (HMEP) grant to facilitate a Command-and-Control Seminar in Butte MT.

5.COMMUNICATION NO. [2023-134](#)

Karen Maloughney BSB Health Officer requesting Council of Commissioners approval to hold a Public Hearing on March 15, 2023 for the purpose of amending the Fiscal Year 2022-2023 budget to allow for increased expenditures of unanticipated revenue resulting from Pathways to Recognition Program task order.

**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. [2023-135](#)

Ed Lester, BSB Sheriff requesting Council of Commissioners approval to hold a Public Hearing on April 19, 2023 regarding the acceptance of monetary donations from Charitable Foundations of Dickeys, Northwestern Energy and Town Pump.

*Hold in Abeyance*

2.COMMUNICATION NO. [2023-136](#)

John Riordan, BSB Commissioner, District No. 8 requesting Council of Commissioners approval for ten of the recipients of the Economic Mill Levy Monies to give a presentation within 90 days of project completion on Wednesday, March 22, 2023.

*Hold in Abeyance*

3.COMMUNICATION NO. [2023-137](#)

Linda Sajor-Joyce, Clerk & Recorder requesting Council of Commissioners for time on the Committee of the Whole agenda for March 22, 2023, to present the findings and impacts of the State's final redistricting maps.

*Hold in Abeyance*

4.COMMUNICATION NO. [2023-138](#)

Karen Byrnes, Community Development Director requesting Council of Commissioners authorization to have Chief Executive Gallagher sign a contract amendment extension to the BSTF Grant for Montana Craft Malt to January 7, 2023. The contract was approved by the Montana Department of Commerce to be extended and the job creation requirement has been amended.

[2023-138 Contract](#)

*Concur and Place on File*



5.COMMUNICATION NO. [2023-139](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence in the reappointments of Laurel Egan, 306 Blacktail Canyon Road and Marissa Newman, 3060 Atherton Lane, Butte MT to the Archives Board.

*Concur and Place on File*

6.COMMUNICATION NO. [2023-140](#)

Abbey Peltomaa, Reclamation & Environmental Services Date Manager requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the State of Montana Department of Justice Natural Resource Damage Program Contract No. 80007-10293, Modification No. 6 for the Butte Hill Tree Planting Program.

[2023-140 Agreement](#)

*Concur and Place on File*

7.COMMUNICATION NO. [2023-141](#)

Linda Sajor-Joyce, Clerk & Recorder requesting Council of Commissioners concurrence in the cancelation of the Special Purpose District Elections, for May 2, 2023.

*Concur and Place on File*

8.COMMUNICATION NO. [2023-142](#)

Bill Melvin, Butte Civic Center Manager requesting Council of Commissioners authorization to have Chief Executive Gallagher sign an agreement with Career Futures, Inc for work to be performed at the Butte Civic Center.

[2023-142 Agreement](#)

*Concur and Place on File*

9.COMMUNICATION NO. [2023-143](#)

Steve Maloney, Butte Montana requesting Council of Commissioners approval to purchase property adjacent to the property he owns at 109 N. Montana Street, legally described as the North Twenty-Five (25) feet of lots Eleven and Twelve Block Twenty-Two of the Butte Townsite, Tax Parcel No. 0001505300.

*Refer to Land Sales Committee*

10.COMMUNICATION NO. [2023-144](#)

Aubrey Jaap, BSB Public Archives Director requesting Council of Commissioners authorization to have Chief Executive Gallagher sign an agreement with Fox Alarm and Technology for a security system monitoring for the Clark Chateau.

[2023-144 Agreement](#)

*Concur and Place on File*

11.COMMUNICATION NO. [2023-145](#)

Karen Maloughney, BSB Health Officer requesting Council of Commissioners authorization to have Chief Executive Gallagher sign an agreement between the Montana Department of Public Health and Human Services and BSB Health Department to develop a three-year strategic plan to address substance use disorder and opioid use disorder for the Injury Prevention Program.

[2023-145 Agreement](#)

*Concur and Place on File*



12.COMMUNICATION NO. [2023-146](#)

Karen Maloughney, BSB Health Officer requesting Council of Commissioners authorization to have Chief Executive Gallagher sign an agreement between the Montana State University-Bozeman and BSB Health Department to provide clinical experience to nursing students in its baccalaureate and graduate programs.

[2023-145 Agreement](#)

*Concur and Place on File*

13.COMMUNICATION NO. [2023-147](#)

Karen Maloughney, BSB Health requesting Council of Commissioners authorization to have Chief Executive Gallagher sign a professional service agreement between Butte Native Wellness Center and Butte-Silver Bow Health Department.

[2023-147 Agreement](#)

*Concur and Place on File*

14.COMMUNICATION NO. [2023-148](#)

Karen Maloughney, BSB Health Officer requesting Council of Commissioners authorization to have Chief Executive Gallagher sign an agreement between Bridgercare and Butte-Silver Bow Health Department to define business associate, covered entity, and HIPAA rules.

[2023-148 Agreement](#)

*Concur and Place on File*

15.COMMUNICATION NO. [2023-149](#)

Karen Maloughney, BSB Health Officer requesting Council of Commissioners authorization to have Chief Executive Gallagher sign an agreement between Bridgercare and Butte-Silver Bow Health Department to fund the Montana Family Planning Program in the amount of \$138,000.

[2023-149 Agreement](#)

*Concur and Place on File*

16.COMMUNICATION NO. [2023-150](#)

Karen Maloughney, BSB Health Officer requesting Council of Commissioners authorization to have Chief Executive Gallagher sign an agreement between the Lee Enterprises, Inc DBA The Montana Standard and Independent Record and Butte-Silver Bow Health Department.

[2023-150 Agreement](#)

*Concur and Place on File*

17.COMMUNICATION NO. [2023-151](#)

Mike Clague, Deputy County Attorney requesting Council of Commissioners authorization to have Chief Executive Gallagher sign an agreement with the Helen McCarthy, Esq. for services provided to the Butte-Silver Bow DUI Court.

[2023-151 Agreement](#)

*Concur and Place on File*



18.COMMUNICATION NO. [2023-152](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorization to have Chief Executive Gallagher sign an agreement between Butte-Silver Bow and Spangler Ranch for gravel for the 2022, 2023, and 2024 construction season.

[2023-152 Agreement](#)

*Concur and Place on File*

19.COMMUNICATION NO. [2023-153](#)

Angie Mullikin, Public Works Budget & Grants Manager requesting Council of Commissioners authorization to have Chief Executive Gallagher sign an agreement with HDR for doing the lead service line inventory that is required by the EPA to be completed by October 16, 2024.

[2023-153 Agreement](#)

*Concur and Place on File*

20.COMMUNICATION NO. [2023-154](#)

Bob Lazzari, Parks & Recreation Director requesting Council of Commissioners authorization to have Chief Executive Gallagher sign access agreements with Hollow Contracting, Custom Construction, and Continental Fence to improve the softball facilities at the Longfellow Softball Complex.

[2023-154 Hollow](#)

[2023-154 Continental Fence](#)

[2023-154 Custom Construction](#)

*Concur and Place on File*

21.COMMUNICATION NO. [2023-155](#)

Jim Merrifield, BSB Office of Emergency Management Director requesting Council of Commissioners approval to apply for the Department of Homeland Security's Emergency Management Performance Grant in the amount of \$110,000.

*Concur and Place on File*

22.COMMUNICATION NO. [2023-156](#)

Jim Keenan, Water Plant Superintendent requesting Council of Commissioners concurrence to schedule a bid opening for April 5, 2023, for supplying Orthophosphate Corrosion Inhibitor to be used at the Butte-Silver Bow Water Treatment Plants.

*Hold in Abeyance*

23.COMMUNICATION NO. [2023-157](#)

Kristen Rosa, TIFID Administrator requesting Council of Commissioners authorization to have Chief Executive Gallagher sign an amendment for the Pioneer Technical Rail Park Subdivision Professional Services Agreement.

[2023-157 Amendment](#)

*Concur and Place on File*



24.COMMUNICATION NO. [2023-158](#)

Kristen Rosa, TIFID Administrator requesting Council of Commissioners authorization to have Chief Executive Gallagher sign a Professional Services Agreement with MJD Contracting for Dirt Moving in Montana Connections.

[2023-158 Amendment](#)

*Concur and Place on File*

**SECTION 3: ORDINANCES AND RESOLUTIONS FOR FINAL READING**

1.RESOLUTION NO. [2023-07](#)

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF REAL PROPERTY OWNED BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, DESCRIBED AS TWO THOUSAND FOUR HUNDRED SEVENTY-NINE AND ONE QUARTER (2,479.25) SQAURE FEET OF NEWLY CREATED LOT A-1 ON CERTIFICATE OF SURVEY \_\_\_\_\_, LOCATED IN THE SOUTHEAST ¼ AND THE SOUTHWEST ¼ OF SECTION 12, TOWNSHIP 3 NORTH, RANGE 8 WEST WITHIN THE CITY-COUNTY OF BUTTE-SILVER BOW MONTANA TO THE ADJOINING OWNERS, CAROL A. GRIGG AND PHILLIP BARTO, PURSUANT TO POLICIES ADOPTED BY THE COUNCIL OF COMMISSIONERS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2.RESOLUTION NO. [2023-08](#)

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE AMENDED PLAT OF LOT 3 DAVIS/ENROOTH II MINOR 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.

**CALENDAR OF OTHER MEETINGS AND EVENTS**

- March 15, 2022, Parking Commission, 3:00 pm, Chief Executive Conference Room
- March 20, 2022, Parks & Recreation, 11:30 am, Highland View Clubhouse
- March 21, 2022, Technical Review Committee, 1:30 pm, 3rd Floor, Water Building
- March 21, 2022, Urban Forestry Board, 1:00 pm, Business Development Center
- March 21, 2022, Public Housing Authority, 5:00 pm, New Deal Community Center
- March 22, 2022, South Butte TEDD, 3:30 pm, 1st Floor Conference Room
- March 22, 2022, Substance Abuse Task Force, 3:30 pm, Emergency Operations Center, 3615 Wynne
- March 22, 2022, Local Emergency Planning, 12:00 pm, Butte Justice Center
- March 23, 2022, Zoning Board, 5:30 pm, Council Chambers
- March 26, 2022, Mental Health LAC, 1:00 pm, 3rd Floor, Library Bldg.
- March 28, 2022, Port of Montana, 12:00 pm, Hub Center, Silver Bow
- March 28, 2022, Urban Revitalization, 8:30 am
- March 30, 2022, Planning Board, 5:30 pm, Council Chambers
- April 4, 2022, Weed Board, 7:00 pm, Weed Office, 25 West Front
- April 4, 2022, Fire Advisory Committee, 5:30 pm



April 4, 2022, Historic Preservation Commission, 5:30 pm, Council Chambers

**PUBLIC COMMENT ON ANY MATTER NOT ON THE AGENDA**

**ADJOURN**

**MEETINGS**

**FINANCE & BUDGET COMMITTEE MEETING**

*MARCH 15, 2023*

*7:00 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS*

Expenditure report for the week of March 15, 2023 was reviewed and approved in the amount of \$ \_\_\_\_\_ for FY 2023.

**MEETING REPORTS**

**COMMITTEE OF THE WHOLE REPORT**

*MARCH 8, 2023*

*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. [2023-83](#)

Kristen Rosa, TIFID Administrator requesting Council of Commissioners approval for a bid opening for March 8, 2023 for a bid relocating a dirt pile in Montana Connections Park to Solvay property.

*Refer to Public Works Department*

**PRESENTATION**

1.COMMUNICATION NO. [2023-86](#)

Danette Gleason, Finance & Budget Director requesting Council of Commissioners approval for a presentation on March 8, 2023, to present the Fiscal Year 2022 Annual Comprehensive Financial Report, Schedule of Federal Awards, and related Audit Opinions.

*Held*

**SECTION 2: COMMUNICATIONS**

1. COMMUNICATION NO. [2023-45](#)

Chief Executive, J.P. Gallagher requesting Council of Commissioners concurrence in the establishment of the Property Demolition Assistance Program in Butte Silver Bow.

[DEMO GRANT APP 2023-45](#)

[Revised Demo Grant App 2023-45](#)

*Concur and Place on File*





2.COMMUNICATION NO. [2023-79](#)

Dori Skrukrud, Greenway Service District Project Manager requesting Council of Commissioners approval for a bid opening for February 22, 2023 Committee of the Whole meeting for the Silver Bow Creek Greenway Reach Q and R Trail.

Revised Demo Grant App 2023-45

*Concur and Place on File*

3.COMMUNICATION NO. [2023-86](#)

Danette Gleason, Finance & Budget Director requesting Council of Commissioners approval for a presentation on March 8, 2023, to present the Fiscal Year 2022 Annual Comprehensive Financial Report, Schedule of Federal Awards, and related Audit Opinions.

*Concur and Place on File*

4.COMMUNICATION NO. [2023-113](#)

Lisa Carey, Office of Emergency Management requesting Council of Commissioners approval to hold a Public Hearing on March 15, 2023 for the purpose of amending the Fiscal Year 2022-2023 budget to allow for increased expenditures of unanticipated revenue to attend the annual IAFC Hazmat Conference in Baltimore, MD.

*Hold in Abeyance*

5.COMMUNICATION NO. [2023-114](#)

Lisa Carey, Office of Emergency Management requesting Council of Commissioners approval to hold a Public Hearing on March 15, 2023 for unanticipated revenue-Hazardous Material Emergency Preparedness (HMEP) grant to host a 40-hour ERTI Hazmat Response Regional Training in Butte, MT.

*Hold in Abeyance*

6.COMMUNICATION NO. [2023-115](#)

Lisa Carey, Office of Emergency Management requesting Council of Commissioners approval to hold a Public Hearing on March 15 2023 for unanticipated revenue-Hazardous Material Emergency Preparedness (HMEP) grant to facilitate a Command-and-Control Seminar in Butte MT.

*Hold in Abeyance*

7.COMMUNICATION NO. [2023-121](#)

Mark Neary, Public Works Director requesting Council of Commissioners approval to schedule a bid opening for March 15, 2023 for Doors and Openers for the Shop Buildings-Road Division.

*Hold in Abeyance*

8.COMMUNICATION NO. [2023-127](#)

Angie Mullikin, Public Works Budget Manager requesting Council of Commissioners approval to hold a Public Hearing on March 22, 2023 for unanticipated revenue - Department of Natural Resources and Conservation Grant for the Community Wildfire Protection Plan.

*Hold in Abeyance*





9.COMMUNICATION NO. [2023-128](#)

Angie Mullikin, Public Works Budget Manager requesting Council of Commissioners approval to hold a Public Hearing on March 22, 2023 for unanticipated revenue - Department of Natural Resources and Conservation for the Landscape Scale Restoration Grant for the Basin Creek Watershed Restoration Project.

*Hold in Abeyance*

10.COMMUNICATION NO. [2023-129](#)

Angie Mullikin, Public Works Budget Manager requesting Council of Commissioners approval to hold a Public Hearing on March 22, 2023 for unanticipated revenue - Department of Natural Resources and Conservation Grant for Phase II of the Fuels Reduction Project for the Basin Creek Watershed.

*Hold in Abeyance*

11.COMMUNICATION NO. [2023-134](#)

Karen Maloughney BSB Health Officer requesting Council of Commissioners approval to hold a Public Hearing on March 15, 2023 for the purpose of amending the Fiscal Year 2022-2023 budget to allow for increased expenditures of unanticipated revenue resulting from Pathways to Recognition Program task order.

*Hold in Abeyance*

12.COMMUNICATION NO. [2023-107](#)

Danette Gleason, Finance & Budget Director requesting Council of Commissioners approval of the use of up to \$60,000 in ARPA grant funds for the development of the preliminary master plan and to set a public hearing on March 15, 2023 to amend the FY2023 budget to use the ARPA grant fund *Concur and Place on File and Hold Public Hearing in Abeyance*

**FINANCE AND BUDGET COMMITTEE MEETING REPORT**

*MARCH 8, 2023*

*6:00 PM BUTTE SILVER-BOW COURTHOUSE CHAMBERS*

Expenditure report for the week of March 8, 2023, was reviewed and approved in the amount of \$1,678,650.09 for FY 2023.

| <u>Committee Members</u> | <u>Present /Absent</u> |
|--------------------------|------------------------|
| Hattie Thatcher, Chair   | P                      |
| Jim Fisher, Vice Chair   | P                      |
| Josh O’Neill             | A                      |
| Tommy Walker             | P                      |
| John Riordan             | P                      |
| Justin Fortune           | P                      |



**PUBLIC WORKS COMMITTEE MEETING REPORT**

MARCH 8, 2023

6:30 PM BUTTE SILVER-BOW COCOURTHOUSE CHAMBERS

No Meeting was Held.

**JUDICIARY COMMITTEE MEETING REPORT**

MARCH 8, 2023

7:00 PM BUTTE SILVER-BOW COURTHOUSE CHAMBERS

1.RESOLUTION NO. 2023-07

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF REAL PROPERTY OWNED BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, DESCRIBED AS TWO THOUSAND FOUR HUNDRED SEVENTY-NINE AND ONE QUARTER (2,479.25) SQAURE FEET OF NEWLY CREATED LOT A-1 ON CERTIFICATE OF SURVEY \_\_\_\_\_, LOCATED IN THE SOUTHEAST ¼ AND THE SOUTHWEST ¼ OF SECTION 12, TOWNSHIP 3 NORTH, RANGE 8 WEST WITHIN THE CITY-COUNTY OF BUTTE-SILVER BOW MONTANA TO THE ADJOINING OWNERS, CAROL A. GRIGG AND PHILLIP BARTO, PURSUANT TO POLICIES ADOPTED BY THE COUNCIL OF COMMISSIONERS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

Move to Final Reading

2.RESOLUTION NO. 2023-08

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE AMENDED PLAT OF LOT 3 DAVIS/ENROOTH II MINOR 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.

Move to Final Reading

| Name                                  | Amount    | Reason   | Approved |  |
|---------------------------------------|-----------|--|----------|--|
| CAMERON MOYLAN DELUXE ENTERPRISES LLC | \$1827.51 | REFUND/REDEMPTION OF TAX ASSIGNMENT PARCEL0001166400 | YES      |  |

Committee Members Present/Absent

|                             |   |
|-----------------------------|---|
| Bill Andersen, Chair        | P |
| Hattie Thatcher, Vice-Chair | P |
| Dan Callahan                | P |
| Eric Mankins                | P |
| John Sorich                 | P |
| Tommy Walker                | P |

