

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING AGENDA
TUESDAY, MARCH 16, 2021
7:30 PM VIA WEB-EX**

ROLL CALL

PRAYER AND PLEDGE

APPROVAL OF THE MINUTES

March 3, 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

1.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.

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. [2021-121](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence of my appointment of Kim Kohn, 2835 Nettie Street, Butte MT 59701 to the World Museum of Mining Board.

Concur and Place on File



2.COMMUNICATION NO. [2021-122](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence of my re-appointments of Linda E. Palagi, 2925 Nettie Street and Sharon Cebul, 2630 Harvard Street, Butte MT 59701 to the Friends of the Urban Forest Board.

Concur and Place on File

3.COMMUNICATION NO. [2021-123](#)

Ed Banderob, GNCDC Inc President requesting Council of Commissioners concurrence and authorization for the Chief Executive to issue a Proclamation proclaiming March 21, 2021 to be "Butte-Silver Bow Racial Harmony Day".

Refer to Chief Executive Office and Place on File

4.COMMUNICATION NO. [2021-124](#)

Mary McCormick, Historic Preservation Officer requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign the grant application to the Montana State Historic Preservation Office for funds from its Certified Local Government (CLG) Program for the period beginning April 1, 2021 and ending March 31, 2022.

[2021-124 Grant Application](#)

Concur and Place on File

5.COMMUNICATION NO. [2021-125](#)

Michael and Kelly Anne Hovan, 241 Williams Street, Walkerville MT requesting Council of Commissioners concurrence to purchase a 10-acre parcel of vacant land owned by Butte-Silver Bow. We would like to survey and purchase the portion that includes our driveway and the adjacent property formerly owned by the Wyatts.

[2021-125 Maps and Legal Description](#)

Refer to Land Sales Committee

6.COMMUNICATION NO. [2021-126](#)

Kristen Rosa, TIFID Administrator requesting Council of Commissioners authorization to schedule a bid opening for on April 7, 2021 for the Port of Montana/Montana Connections Rail Expansion project.

Hold in Abeyance

7.COMMUNICATION NO. [2021-127](#)

Kristen Rosa, TIFID Administrator requesting Council of Commissioners authorization to schedule a bid opening for on April 7, 2021 for the Sugarloaf Loop construction project in Montana Connections.

Hold in Abeyance

8.COMMUNICATION NO. [2021-128](#)

Bob Lazzari, Parks and Recreation Director requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign the user Agreement between Skyhawks Sports Academy and Butte-Silver Bow. Skyhawks Sports Academy will staff and operate sports camps in Stodden Park during the 2021 summer season.

[2021-128 Agreement](#)

Concur and Place on File



9.COMMUNICATION NO. [2021-129](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence of my re-appointment of Cathy Tutty, 27 East Galena, Butte MT 59701 to the Park and Recreation Board.
Concur and Place on File

10.COMMUNICATION NO. [2021-130](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence of my re-appointments of Leo McCarthy, 13 Holly Lane and Chris Andersen, 8 Victoria Lane, Butte MT 59701 to the Mosquito Control District.
Concur and Place on File

11.COMMUNICATION NO. [2021-131](#)

Ed Lester, Butte-Silver Bow Sheriff requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign the Memorandum of Understanding (MOU) between Butte-Silver Bow and the Southwest Montana Drug Task Force.
[2021-131 MOU](#)
Concur and Place on File

12.COMMUNICATION NO. [2021-132](#)

James M. Manning, Greenway Management Chairperson requesting Council of Commissioners concurrence and authorization for the Butte-Silver Bow Local Government to accept the transfer of real property, Tract A of Certificate of Survey 1079A-RB for the Silver Bow Creek Greenway project and preparation of a Resolution of Transfer Acceptance.
[2021-132 Deed](#)
Concur to accept the transfer of property and hold in the COW pending Resolution.

13.COMMUNICATION NO. [2021-133](#)

Gary Shea, Broker/Owner Shea Realty requesting Council of Commissioners concurrence and authorization for a 1-year extension of the Conditional Approval of the Amended Plat - Buffalo Estates Temporary Open Space Phase I.
[2021-133 Letters and Map](#)
Refer to Planning Department

14.COMMUNICATION NO. [2021-134](#)

Mark Neary, Public Works Director requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign the agreement between Butte-Silver Bow and Hoffman's R&M for the TSEP Dig and Replace Sewer Lines Project.
[2021-134 Agreement](#)
Concur and Place on File

15.COMMUNICATION NO. [2021-135](#)

Mark Neary, Public Works Director requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign the Change Order # 1 for the 2020 Road Chip Sealing Project.
[2021-135 Change Order](#)
Concur and Place on File



16.COMMUNICATION NO. [2021-136](#)

Mark Neary, Public Works Director requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign Amendment # 1 for the Tap'er Lite Cleaning contract. We are adding the Metro Shower Trailer to this cleaning contract in the amount of \$200.00 per month.

[2021-136 Amendment](#)

Concur and Place on File

17.COMMUNICATION NO. [2021-137](#)

Mark Neary, Public Works Director requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign Change Order #1 between Butte-Silver Bow and H&H Contracting for the construction of the I-15 crossing Jack and Bore for the Big Hole Transmission Line Project.

[2021-137 Change Order](#)

Concur and Place on File

18.COMMUNICATION NO. [2021-138](#)

Mark Neary, Public Works Director requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign the agreement between Butte-Silver Bow and Northwestern Energy for the construction of a gas line to the new shops.

[2021-138 Agreement](#)

Concur and Place on File

19.COMMUNICATION NO. [2021-139](#)

Dylan Pipinich, Assistant Planning Director requesting Council of Commissioners authorization for the Planning Department to submit a Resolution to adopt the final plat of the Montana Connections Subdivision.

[2021-139 Staff Analysis](#)

Concur and Place on File

20.COMMUNICATION NO. [2021-140](#)

Dylan Pipinich, Assistant Planning Director requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign Markovich Construction Change Orders #8 and #9 for the County Shops Relocation Project.

[2021-140 Change Orders](#)

Concur and Place on File

SECTION 3: COMMUNICATIONS TO BE READ AND ACTED UPON

1.COMMUNICATION NO. [2021-120](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence of my appointment of Mr. Zach Osborne, 8 Cedar Lake Drive, Butte MT 59701 as Assistant Chief/Fire Marshall.



SECTION 4: ORDINANCES AND RESOLUTIONS INTRODUCED TO JUDICIARY

1.COUNCIL BILL NO. [2021-02](#)

ORDINANCE NO. [2021-02](#)

AN ORDINANCE AMENDING CHAPTER 2.16 OF THE BUTTE-SILVER BOW MUNICIPAL CODE ENTITLED “FIRE DEPARTMENT”, SPECIFICALLY AMENDING SECTIONS 2.16.030, 2.16.060, 2.16.320, 2.16.321, 2.16.327, 2.16.360, 2.16.380, 2.16.390, 2.16.391, 2.16.420 AND DELETING SECTION 2.16.395 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

[ORDINANCE NO. 2021-02 REDLINE](#)

2.COUNCIL BILL NO. [2021-03](#)

ORDINANCE NO. [2021-03](#)

AN ORDINANCE AMENDING SECTION 17.060.030 OF BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) WHICH SECTION ADOPTED THE ZONING MAP OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR A CHANGE TO THE OFFICIAL ZONING DISTRICT MAP BY REZONING APPROXIMATELY 18.5 ACRES FROM R1-S ONE-FAMILY SUBURBAN RESIDENCE) TO C-2 (COMMUNITY COMMERCIAL), COMMONLY LOCATED EAST OF HARRISON AVENUE AND NORTH OF FIVE MILE ROAD; LOCATED IN THE MCQUEENEY SUBDIVISION, SECTION 5, TOWNSHIP 2 NORTH, RANGE 7 WEST, OF THE P.M.M. OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, PROVIDING FOR THE REPEAL OF ALL PARTS OF ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION 5: ORDINANCES AND RESOLUTIONS FOR FINAL 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 6: ORDINANCES AND RESOLUTIONS SUSPENSION OF THE RULES FINAL PASSAGE

1.RESOLUTION NO. [2021-10](#)

A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR FEDERAL LAND ACCESS PROGRAM (FLAP) FUNDING WITH THE FEDERAL HIGHWAY ADMINISTRATION OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION, TO FINANCE IMPROVEMENTS FOR MOULTON ROAD IMPROVEMENTS.



2.RESOLUTION NO. 2021-11

A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR FEDERAL LAND ACCESS PROGRAM (FLAP) FUNDING WITH THE FEDERAL HIGHWAY ADMINISTRATION OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION, TO FINANCE IMPROVEMENTS FOR ROOSEVELT DRIVE 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 16, 2021, Urban Forestry Board, 1:00 pm, Business Development Center
- March 16, 2021, Technical Review Committee, 1:30 pm, 3rd Floor, Water Building
- March 16, 2021, Public Housing Authority, 5:00 pm, New Deal Community Center
- March 18, 2021, Zoning Board, 5:30 pm, Council Chambers
- March 21, 2019, Animal Services, 5:30 pm, 1st Floor Conference Room
- March 22, 2021, Mental Health LAC, 1:00 pm, 3rd Floor, Library Bldg.
- March 23, 2021, Port of Montana, 12:00 pm, Hub Center, Silver Bow
- March 23, 2021, Urban Revitalization, 8:30 am, 1st Floor Conference Room
- March 24, 2021, South Butte TEDD, 3:30 pm, 1st Floor Conference Room
- March 24, 2021, Local Emergency Planning, 12:00 pm, Butte Justice Center
- March 25, 2021, Planning Board, 5:30 pm, Council Chambers
- March 25, 2020, Substance Abuse Task Force, 3:30 pm, Emergency Operations Center, 3615 Wynne
- April 1, 2021, Civic Center, 12:00 pm, Civic Center Hospitality Room
- April 1, 2021, East Butte RRA, 9:00 am, 1st Floor Conference Room, *ad hoc basis*
- April 6, 2021, Fire Advisory Committee, 5:30 pm, Butte 1st Floor Conference Room
- April 6, 2021, Historic Preservation Commission, 5:30 pm, Council Chambers
- April 6, 2021, Weed Board, 7:00 pm, Weed Office, 25 West Front

ADJOURN

MEETINGS

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

FINANCE & BUDGET COMMITTEE MEETING

MARCH 16, 2021

7:00 PM VIA WEB-EX

Expenditure report for the week of March 16, 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

MARCH 10, 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. [2021-103](#)

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.

Held

BID OPENINGS

1.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.

Held

SECTION 2. COMMUNICATIONS

1.COMMUNICATION NO. [19-582](#)

Ed Banderob, Greeley Neighborhood Community Development Corporation requesting Council of Commissioners to invite a Montana DPHHS' Toxicologist to give a Presentation relative to the Hazards/Risks to human health of heavy metals contaminates present in the Butte-Silver Bow Community.

Move to Suspense File for 90 days

2.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



3.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.

Concur and Place on File

4.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.

Concur and Place on File

5.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.

6.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.

7.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.

8.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.

Concur and Place on File

FINANCE & BUDGET COMMITTEE MEETING REPORT

MARCH 10, 2021

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 March 10, 2021 was reviewed and approved in the amount of \$544,786.12 for 2021.

FINANCE AND BUDGET COMMITTEE MEMBERS PRESENT/ ABSENT



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

PUBLIC WORKS COMMITTEE MEETING REPORT

MARCH 10, 2021

6:30 PM

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

This meeting was not held this week.

JUDICIARY COMMITTEE MEETING REPORT

MARCH 10, 2021,

7:00 PM

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

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](#)

Move to Final Reading

<u>JUDICIARY COMMITTEE MEMBERS</u>	<u>PRESENT/ABSENT</u>
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Bill Andersen, Chairman	P
Michele Shea, Vice Chairman	A
Dan Callahan	P
Hattie Thatcher	P
Eric Mankins	P
John Sorich	P

