

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

ROLL CALL

PRAYER AND PLEDGE

APPROVAL OF THE MINUTES

[March 2, 2022 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

PRESENTATION

1. 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.

PUBLIC HEARING

2. 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.

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. [2022-110](#)

Karen Byrnes, Community Development Director requesting Council of Commissioners authorization for Chief Executive Gallagher to sign a contract amendment for the Montana State Historic Preservation Office Grant awarded to Butte - Silver Bow, related to the Certified Local Government (CLG) to assist the HPO to accomplish preservation goals.

[Agreement](#)

Concur and Place on File

2.COMMUNICATION NO. 2022-111

Karen Byrnes, Director of Community Development requesting Council of Commissioners authorization for Chief Executive Gallagher to sign the Professional Services Agreement on behalf of Butte Silver-Bow with SMA Architects. SMA Architect will provide inventory and assessments of existing courthouse bathrooms, preliminary opinions of probable costs for renovations and project prioritization assistance for the courthouse restroom renovation project.

[Agreement](#)

Concur and Place on File

3.COMMUNICATION NO. [2022-112](#)

Shelby Anderson, Zero to Five BSB Project Manager requesting Council of Commissioners to for time on the March 23, 2022 agenda to propose the use of the Transit Center property on the corner of Harrison Avenue and Civic Center Road for a Learning Landscape installation.

Hold in Abeyance

4.COMMUNICATION NO. [2022-113](#)

Lori Baker-Patrick, BSB Treasurer requesting Council of Commissioners to for time on the April 6, 2022 agenda for the purpose of amending the fiscal year 2021-2022 budget to allow for increased expenditures of unanticipated revenue from the Montana Motor Vehicle Division.

Hold in Abeyance

5.COMMUNICATION NO. [2022-114](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners to for time on the March 23, 2022 agenda for Montana Facility Finance Authority to do an informational presentation regarding the C-PACE (Commercial Property Assessed Capital Enhancement Program).

Hold in Abeyance

6.COMMUNICATION NO. [2022-115](#)

Jean Bergeson, Suenram & Bergeson Associate Attorney requesting Council of Commissioners consent to the recordation of, and all of the provisions contained in that certain Third Amendment to Declarations, Restrictions, Protective Covenants and Conditions for Meriwether Ranch Homeowners Association Inc.

[Amendment](#)

Concur and Place on File



7.COMMUNICATION NO. [2022-116](#)

George Everett, Montana Folk Festival Director requesting Council of Commissioners authorization for street closures for the upcoming 2022 Montana Folk Festival that will be held July 8-10. We hope to make this year's return festival event bigger and better.

Concur and Place on File

8.COMMUNICATION NO. [2022-117](#)

Joan Martin, Montessori School Race Coordinator requesting Council of Commissioners permission to host a Fun Run, Saturday, April 2, 2022 in Butte as a fundraiser and promotional event for the Montessori School.

Concur and Place on File

9.COMMUNICATION NO. [2022-118](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners authorization for the appointment of Patricia Lienhard, 1125 S. Main Street Butte MT to the Public Housing Authority Board.

Concur and Place on File

10.COMMUNICATION NO. [2022-119](#)

Mike Boyza, Carpenters' Union Hall requesting Council of Commissioners authorization to relocate a boundary for the Carpenters Hall, located at 156 W. Granite. With this boundary relocation, you would give permission for us to build our elevator.

Refer to Planning Department

11.COMMUNICATION NO. [2022-120](#)

Mike Clague, Deputy County Attorney requesting Council of Commissioners authorization to schedule a public hearing for April 6, 2022 for the purpose of obtaining comment on amending the fiscal year 2022-2023 budget in order to receive grant funds from the BJA in the amount of \$566,110 for the Veterans Treatment Court and the BSB DUI Court to improve its operation.

Hold in Abeyance

12.COMMUNICATION NO. [2022-121](#)

Dave Aguirre, Land Records Coordinator requesting Council of Commissioners accept the recommendation of the Land Sales Committee to approve Communication No. 2022-02, a request from Melissa O'Dell to purchase City-County owned property identified as tax parcel No. 441800, commonly known as 322 West Gold St.

Concur and Place on File

13.COMMUNICATION NO. [2022-122](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorization to schedule a bid opening for April 13, 2022, for the Rocker Water and Sewer Lift Station and Connection to Butte Silver-Bow's Wastewater Treatment Plant project.

Hold in Abeyance



14.COMMUNICATION NO. [2022-123](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorization to schedule a bid opening for April 6, 2022, for hot asphalt and polymer for the 2022 construction season.
Hold in Abeyance

15.COMMUNICATION [2022-124](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorization to schedule a public hearing on April 6, 2022, for Sole Source of SmartSensor Traffic Control for Traffic Lights throughout Butte. A resolution will be introduced on April 20, 2022 Regular meeting. We would like to update the traffic lights throughout the city as needed for Fiscal Years 2022, 2023 and 2024.
Hold in Abeyance

16.COMMUNICATION [2022-125](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorization for Chief Executive Gallagher to sign an agreement between Butte Silver-Bow and B Squared Turf and Pest. This agreement is quarterly monitoring of the rat and mouse infestation in the house by the Big Hold pumpstation. The contract runs from March 2022 to March 2023 and has a total value of \$800 for the year.
[Agreement](#)
Concur and Place on File

17.COMMUNICATION [2022-126](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorization for Chief Executive Gallagher to sign an agreement between Butte Silver-Bow and Deluxe Engineering for water line replacements for the 2022 summer season. This agreement will allow for design of water lines that need to be replaced or rehabilitated throughout the City of Butte.
[Agreement](#)
Concur and Place on File

18.COMMUNICATION [2022-127](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorization to schedule a public hearing on April 6, 2022, for Sole Source of UV Disinfection Replacement Materials for the Wastewater Treatment Plant (WWTP). A resolution will be introduced on April 20, 2022, Regular meeting. This is to extend this Sole Source to cover repair materials needed for the system in Fiscal Years 2022, 2023 and 2024.
Hold in Abeyance

19.COMMUNICATION [2022-128](#)

The Montana Tech Chapter of the Society of Women Engineers requesting Council of Commissioners authorization to allow an event on April 9, 2022, at 9:00 AM for The Montana Tech Chapter of Society of Women Engineers. This event will begin at the Three Bears parking lot.
Concur and Place on File



20.COMMUNICATION [2022-129](#)

Karen Maloughney, BSB Health Officer requesting Council of Commissioners authorization for Chief Executive Gallagher to sign an agreement between Butte - Silver Bow and Breastfeeding Peer Counselor as an independent contractor to perform breastfeeding services to WIC clients as described in the Scope of Services.

[2022-129 Agreement](#)

Concur and Place on File

21.COMMUNICATION [2022-130](#)

Karen Maloughney, BSB Health Officer requesting Council of Commissioners authorization for Chief Executive Gallagher to sign an amendment to the contract between the Montana Department of Public Health and Human Services and the Butte - Silver Bow Health Department to extend the contract through June 30, 2022 with \$177,670.65 in operational funding.

[2022-130 Amendment](#)

Concur and Place on File

22.COMMUNICATION [2022-131](#)

Karen Maloughney, BSB Health Officer requesting Council of Commissioners authorization for Chief Executive Gallagher to sign an MOU between St. James Healthcare Foundation and the Butte - Silver Bow Health Department to allow the health department to serve as a community collaborator in support of the foundation's Health Resources and Services Administration (HRSA) Rural Community Opioid Response Program (RCORP) Implementation project to support prevention, treatment and recovery services and programs for substance use disorders. Term of agreement is from signature date through August 31, 2024.

[2021-131 MOU](#)

Concur and Place on File

23.COMMUNICATION [2022-132](#)

Michele Shea, BSB Commissioner, District #2 requesting Council of Commissioners concurrence with the ED Mill Levy Grant award recommendations and authorization to prepare contracts and enable award checks to be processed and distributed to the applicants.

Concur and Place on File

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA

SECTION 3: ORDINANCES AND RESOLUTIONS INTRODUCED TO JUDICIARY

1.RESOLUTION NO. [2022-17](#)

A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR AUDACITER CONSULTING, LLC, WITH THE DEPARTMENT OF COMMERCE OF THE STATE OF MONTANA, FOR BIG SKY ECONOMIC DEVELOPMENT TRUST FUND PROGRAM UNDER THE TERMS OF THE COMMUNITY DEVELOPMENT ACT OF 1974 (42 USC 5301) AS AMENDED.



2.ORDINANCE NO. [2022-01](#)

COUNCIL BILL NO. [2022-01](#)

AN ORDINANCE REPEALING TITLE 18 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "FLOODPLAIN REGULATIONS" Ord. 89, 1979, IN ITS ENTIRETY AND REPLACING IT WITH A NEW TITLE REFERENCING THE MODEL REGULATIONS ENTITLED "FLOODPLAIN HAZARD MANAGEMENT REGULATIONS" AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

[2022-01 Attachment 1](#)

[2022-01 Attachment 2](#)

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

1.RESOLUTION NO. [2022-16](#)

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, OFFICE OF COURT ADMINISTRATOR (OCA), FOR THE PURPOSE OF ACCEPTING THE AWARD OF \$5,000 FOR PARTICIPANT INCENTIVES FOR THE BUTTE SILVER BOW VETERANS' TREATMENT COURT AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION 5: ORDINANCES AND RESOLUTIONS FOR FINAL PASSAGE

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.

CALENDAR OF OTHER MEETINGS AND EVENTS

March 16, 2022, Parking Commission, 3:00 pm, Chief Executive Conference Room

March 21, 2019, Animal Services, 5:30 pm, 1st Floor Conference Room



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

ADJOURN

MEETINGS

FINANCE & BUDGET COMMITTEE MEETING

MARCH 16, 2022

7:00 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS

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

REPORTS

COMMITTEE OF THE WHOLE REPORT

MARCH 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

PRESENTATIONS

1. 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.

Held



2.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.

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. [2022-72](#)

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.

Concur and Place on File

5. 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

6. 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



7. 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.

Concur and Place on File

8. 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

9. 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

10.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

FINANCE & BUDGET COMMITTEE MEETING REPORT

MARCH 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 March 9, 2022 was reviewed and approved in the amount of \$519,900.70 for FY 2022.

FINANCE AND BUDGET COMMITTEE MEMBERS PRESENT/ ABSENT

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



PUBLIC WORKS COMMITTEE MEETING REPORT

MARCH 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

MARCH 9, 2022

7:00 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS

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

Name	Amount	Reason	Approved	
NEIL J LYNCH	\$200.00	REFUND DEMO BOND #BDEM-22-000002-1933	YES	
700 KEITH BROWN % KEITH BROWN	\$400.00	REFUND DEMO BOND #BDEM-21-000048-1924	YES	
GUARDIAN TAX MT LLC	\$891.28	REFUND/REDEMPTION OF TAX ASSIGNMENT – TAKEN/PARCEL #0000427300 & INTEREST ON ASSIGNMENT	YES	
JASON J CHRISTENSEN	\$200.00	REFUND OF DEMO BOND #522	YES	

JUDICIARY COMMITTEE MEMBERS

PRESENT/ABSENT

Bill Andersen, Chairman

P

Michele Shea, Vice Chairman

P

Dan Callahan

P

Hattie Thatcher

P

Eric Mankins

P

John Sorich

A

