

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING AGENDA
WEDNESDAY, MAY 3, 2023
7:30 PM COURTHOUSE COUNCIL CHAMBERS**

ROLL CALL

PRAYER AND PLEDGE

APPROVAL OF THE MINUTES

[April 19, 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

PUBLIC HEARINGS

1.COMMUNICATION NO. [2023-172](#)

Karen Maloughney, BSB Health Officer requesting Council of Commissioners approval to hold a Public Hearing on May 3, 2023, for the purpose of amending the fiscal year 2022-2023 budget to allow for increased expenditures of unanticipated revenue resulting from collection of fees in the Immunization Program.

BID OPENING

1.COMMUNICATION NO. [2023-217](#)

Mark Neary, Public Works Director requesting Council of Commissioners concurrence to schedule a bid opening for May 3, 2023, for sanitary sewer main replacements near Alaska and Holland Streets.

PRESENTATIONS

1.COMMUNICATION NO. [2023-219](#)

Dylan Pipinich, BSB Planning Director requesting Council of Commissioners permission to schedule a presentation on the May 3rd, Regular Meeting agenda to give a presentation on the Building Code program.



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. [2023-222](#)

Beth Wurm, Human Resources Director requesting Council of Commissioners authorization to have Chief Executive Gallagher sign an amendment to the current contract between the City-County of Butte-Silver Bow, Montana and the Pacific Northwest Regional Council of Carpenters, Local No. 82.

[2023-222 Amendment](#)

Concur and Place on File

2. COMMUNICATION NO. [2023-223](#)

Aubrey Jaap, Public Archives Director requesting Council of Commissioners for time on the May 24, 2023, Committee of the Whole Agenda to conduct a presentation on the Archives 2022 Annual Report.

Hold in Abeyance

3. COMMUNICATION NO. [2023-224](#)

Cindy Winston, Community Enrichment Coordinator requesting Council of Commissioners authorization to have Chief Executive Gallagher sign a Professional Services agreement between Butte-Silver Bow and CCCS, Inc for management and physical site of the Alley Rally Program.

[2023-224 Agreement](#)

Concur and Place on File

4. COMMUNICATION NO. [2023-225](#)

John Riordan, BSB Commissioner, District #8 requesting Council of Commissioners concurrence with the Economic Mill Levy Grant Award recommendations and authorization to prepare contracts for the 2022-2023 calendar year.

Concur and Place on File

5. COMMUNICATION NO. [2023-226](#)

Bob Lazzari, Parks & Recreation Director requesting Council of Commissioners authorization to have Chief Executive Gallagher sign an amendment for the Butte Elks Lodge which will increase the cost of renting the ballroom for Pickleball from \$100 to \$300 per month.

[2023-226 Amendment](#)

Concur and Place on File



6.COMMUNICATION NO. [2023-227](#)

Danette Gleason, Finance & Budget Director requesting Council of Commissioners authorization to have Chief Executive Gallagher sign an agreement with ClearGov for budget software for the local government that has been pro-rated for fiscal year 2023 so the implementation of the software can begin prior to the end of the fiscal year.

[2023-227 Agreement](#)

Concur and Place on File

7.COMMUNICATION NO. [2023-228](#)

Zach Osborne, BSB Fire Chief requesting Council of Commissioners authorization to have Chief Executive Gallagher sign a Long Range Master Plan provided by ESCI, Emergency Services Consulting International, and the Butte-Silver Bow Fire Department.

[2023-228 Agreement](#)

Concur and Place on File

8.COMMUNICATION NO. [2023-229](#)

Linda Sajor-Joyce, Clerk & Recorder requesting Council of Commissioners review two Records Destruction Documents (RM88). These records are less than 10-years-old and may be disposed of this year.

Concur and Place on File

9.COMMUNICATION NO. [2023-230](#)

Kristen Rosa, TIFID Administrator requesting Council of Commissioners authorization to have Chief Executive Gallagher sign a purchase and sale agreement with Cenate, Inc. for property in Montana Connections.

[2023-230 Agreement](#)

Concur and Place on File

10.COMMUNICATION NO. [2023-231](#)

Elizabeth Osborn, BSB Senior Planner requesting Council of Commissioners approval to hold a Public Hearing on May 10, 2023, for a Comprehensive Plan Amendment to adopt the Butte-Silver Bow Parks Master Plan as an addendum to the appendix.

Hold in Abeyance

11.COMMUNICATION NO. [2023-232](#)

Elizabeth Osborn, BSB Senior Planner requesting Council of Commissioners conditionally approve the preliminary plat of the Three Sisters Minor Subdivision. The Planning Board has found the preliminary plat to be in compliance with the review criteria established by the Montana Subdivision and Platting Act and the BSB Subdivision Regulations subject to six (6) conditions.

Concur and Place on File

12.COMMUNICATION NO. [2023-233](#)

Elizabeth Osborn, BSB Senior Planner requesting Council of Commissioners approval to hold a Public Hearing on May 17, 2023, for the Blacktail Creek Major Subdivision. Each proposed lot is between 1-2 acres in size and shall be serviced by individual well and septic systems.

Hold in Abeyance



13.COMMUNICATION NO. [2023-234](#)

Jim Keenan, Water Plant Superintendent requesting Council of Commissioners concurrence to schedule a bid opening for May 17, 2023, for supplying Orthophosphate Corrosion Inhibitor to be used at the Butte-Silver Bow Water Treatment Plants.

Hold in Abeyance

14.COMMUNICATION NO. [2023-235](#)

Mark Neary, Public Works Director requesting Council of Commissioners for time on the May 17, 2023, for the County Wide Maintenance District Workplan update for FY2023 and the Workplan for FY2024.

Hold in Abeyance

15.COMMUNICATION NO. [2023-236](#)

Jim Keenan, Water Plant Superintendent requesting Council of Commissioners for time on the May 24, 2023, Committee of the Whole meeting for a presentation on the Community Wildfire Protection Plan.

Hold in Abeyance

16.COMMUNICATION NO. [2023-237](#)

Jim Keenan, Water Plant Superintendent requesting Council of Commissioners authorization to have Chief Executive Gallagher sign an amendment #1 to the Great West Engineering Contract for Basin Creek Dam #1.

[2023-237 Amendment](#)

Concur and Place on File

17.COMMUNICATION NO. [2023-238](#)

Jim Keenan, Water Plant Superintendent requesting Council of Commissioners authorization to have Chief Executive Gallagher sign an agreement between Butte-Silver Bow and Morrison-Maierle for a capacity analysis of the Wastewater Treatment Plant.

[2023-238 Agreement](#)

Concur and Place on File

18.COMMUNICATION NO. [2023-239](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorization to have Chief Executive Gallagher sign an agreement between Butte-Silver Bow and Morrison-Maierle for a capacity analysis of the Wastewater Treatment Plant.

[2023-239 Agreement](#)

Concur and Place on File

19.COMMUNICATION NO. [2023-240](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorization to have Chief Executive Gallagher sign an agreement between Butte-Silver Bow and Northwestern Energy for the lighting in the Civic Center Parking Lot.

[2023-240 Agreement](#)

Concur and Place on File



20.COMMUNICATION NO. [2023-241](#)

Jim Keenan, Water Plant Superintendent requesting Council of Commissioners authorization to have Chief Executive Gallagher sign an agreement between Butte-Silver Bow and Trout Unlimited for construction, operation, and maintenance of fish passage improvements under the Silver Lake Water System Fish Passage Improvement Project.

[2023-241 Agreement](#)

Concur and Place on File

21.COMMUNICATION NO. [2023-242](#)

Katelyn Wood Accounting and Grants Manager requesting Council of Commissioners authorization to have Chief Executive Gallagher sign an agreement with CORE PeopleSoft Employer Monthly Maintenance Fee Billing Form. This agreement with BSB will pay the fees relating to the participation in a Health Savings Account for the Operators Union and Butte Police Protective Union.

[2023-242 Agreement](#)

Concur and Place on File

22.COMMUNICATION NO. [2023-243](#)

Kristen Rosa, Economic Development Director requesting Council of Commissioners approval to hold a Public Hearing on May 17, 2023, to hear public comment about the proposed Tax Abatement under MCA 15-24-1502, a 75% tax abatement for new or expanding Industry.

Hold in Abeyance

23.COMMUNICATION NO. [2023-244](#)

Kristen Rosa, Economic Development Director requesting Council of Commissioners for a presentation on May 10, 2023 by Cenate regarding their proposed development in the Montana Connections Park and to request a 75% tax abatement as per MCA 15-24-1402 - New or Expanding Industries.

Hold in Abeyance

24.COMMUNICATION NO. [2023-245](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners authorization to have Chief Executive Gallagher sign an agreement between Butte-Silver Bow and American Tower.

[2023-245 Agreement](#)

Concur and Place on File

25.COMMUNICATION NO. [2023-246](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence to appoint Chuck Richards, 3017 Harvard Avenue, Butte MT to the Tourism Business Improvement District Board of Trustees (TIBID).

Concur and Place on File

26.COMMUNICATION NO. [2023-247](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence to the re-appointments of Chuck Merrifield, 23 Holly Lane, Ristene Hall, 1900 Wall Street and Keegan McCarthy, 2220 South Drive, Butte MT to the Parks & Recreation Board.

Concur and Place on File



27.COMMUNICATION NO. [2023-248](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence to the re-appointments John Riordan, 1107 Iowa Street and Bob Lazzari, 2939 Burk Lane, Butte MT to the Greenway Authority Board.

Concur and Place on File

28.COMMUNICATION NO. [2023-249](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence to the re-appointments of Lowell Stuck, P.O. Box 3267, Steve McArthur, 2100 South Drive and Tom Little, 71 Rodeo Drive, Butte MT. to the Fire Commission.

Concur and Place on File

29.COMMUNICATION NO. [2023-250](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence to the re-appointments of Stephen Salusso, P.O. Box 115 and Carrol Harvey, P.O. Box 114, Divide MT to the Divide Refuse Board.

Concur and Place on File

30.COMMUNICATION NO. [2023-251](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence to the re-appointments of Barb Knapke, 108 South Montana and Cassie Wick, 3475 Monroe, Butte MT to the Americans with Disabilities Act (ADA) Council.

Concur and Place on File

31.COMMUNICATION NO. [2023-252](#)

Kristen Rosa, Economic Development Director requesting Council of Commissioners authorization to have Chief Executive Gallagher sign a Memorandum of Understanding (MOU) with McDermott-Parrish, LLC, and the City-County of Butte-Silver Bow.

[2023-252 MOU](#)

Concur and Place on File

32.COMMUNICATION NO. [2023-253](#)

Karen Byrnes, Community Development Director requesting Council of Commissioners authorization to have Chief Executive Gallagher sign a contract amendment on the BSTF Grant for Biosqueeze, LLC to December 31, 2023.

[2023-252 Amendment](#)

Concur and Place on File

SECTION 3: ORDINANCES AND RESOLUTIONS INTRODUCED TO JUDICIARY

1.COUNCIL BILL NO. [2023-03](#)

ORDINANCE NO. [2023-03](#)

AN ORDINANCE AMENDING CHAPTER 15.10 OF THE BUTTE-SILVER BOW MUNICIPAL CODE ENTITLED “FIRE CODE”, SPECIFICALLY AMENDING SECTIONS 15.10.010, 15.10.020, 15.10.060, 15.10.070, 15.10.080, AND DELETING SECTION 15.10.090, 15.10.100, 15.10.110, AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.



1.RESOLUTION NO. [2023-20](#)

A RESOLUTION AMENDING THE CITY-COUNTY OF BUTTE-SILVER BOW, FISCAL YEAR 2023 BUDGET 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 DICKEY’S FOUNDATION, TOWN PUMP AND NORTHWESTERN ENERGY. AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2.RESOLUTION NO. [2023-21](#)

A RESOLUTION DIRECTING THE BUTTE-SILVER BOW LAND RECORDS DEPARTMENT TO MAIL NOTICE OF PENDING TAX DEED ISSUANCE TO ALL PERSONS CONSIDERED INTERESTED PARTIES FOR EACH PROPERTY FOR WHICH THERE HAS BEEN ISSUED A TAX LIEN CERTIFICATE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 15-18-212, MCA; FURTHER DIRECTING THE TREASURER TO ISSUE A TAX DEED FOR THOSE PARCELS OF PROPERTY WHERE THERE HAS BEEN ISSUED A TAX LIEN CERTIFICATE AND THE EXPIRATION DATE OF THE REDEMPTION PERIOD HAS EXPIRED AND THE REQUIRED PAYMENTS HAVE NOT BEEN MADE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION 4: ORDINANCES AND RESOLUTIONS FOR FINAL READING

1.COUNCIL BILL NO. [2023-02](#)

ORDINANCE NO. [2023-02](#)

AN ORDINANCE AMENDING CHAPTER 12.17 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “PARKLET/PEDLET PERMITS AND SPECIFICALLY ADDING A NEW SECTION, 12.17.110 ENTITLED “VIOLATION-PENALTY” AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

CALENDAR OF OTHER MEETINGS AND EVENTS

- May 3, 2023, Airport Authority, 12:00 pm, Bert Mooney Airport Authority Admin. Office
- May 3, 2022, Butte AIDS Support Services, 7:00 pm, Community Center
- May 4, 2022, Civic Center, 12:00 pm, Civic Center Hospitality Room
- May 4, 2022, East Butte RRA, 9:00 am 1st Floor Conference Room
- May 8, 2022, Archives, 12:00 pm, Archives Center
- May 8, 2022, Fair Board, 6:00 pm, Mackenzie Pizza Meeting Room
- May 9, 2022, Land Sales Committee, 1:30 pm Archives Auditorium
- May 9, 2022, Superfund Advisory (SARTA), 6:00 pm, Butte Justice Center
- May 10, 2022, Public Library Board, 5:00 pm, 3rd Floor, Library Bldg.
- May 10, 2022, Board of Health, 7:00 am, Health Dept. Conference Room
- May 10, 2022, Law Enforcement Commission, 4:00 pm, Chief Executive Conference Room
- May 11, 2022, Greenway Service District Board, 4:30 pm, Butte
- May 12, 2022, TIFID, 12:00 pm, Business Development Center
- May 15, 2022, Parks & Recreation, 11:30 am, Highland View Clubhouse
- May 16, 2022, Public Housing Authority, 5:00 pm, New Deal Community Center



May 16, 2022, Technical Review Committee, 1:30 pm, 3rd Floor, Water Building
May 16, 2022, Urban Forestry Board, 1:00 pm, Business Development Center

PUBLIC COMMENT ON ANY MATTER NOT ON THE AGENDA

ADJOURN

MEETINGS

ECONOMIC DEVELOPMENT COMMITTEE MEETING

MAY 3, 2023

6:30 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS

Kelly Sullivan will be presenting on behalf of Butte Local Development Corporation.

FINANCE & BUDGET COMMITTEE MEETING

MAY 3, 2023

7:00 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS

Expenditure report for the week of May 3, 2023, was reviewed and approved in the amount of \$ _____ for FY 2023.

MEETING REPORTS

COMMITTEE OF THE WHOLE REPORT

APRIL 26, 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 PRESENTATIONS

1.COMMUNICATION NO. [2023-200](#)

Brayton Erickson, Butte Rescue Mission requesting Council of Commissioners for time on the April 26, 2023, agenda to give a presentation to request funding assistance from the City-County of Butte-Silver Bow in the 2023-2024 budget for the Butte Rescue Shelter to stay open year around.

Held

2.COMMUNICATION NO. [2023-201](#)

Beth Wurm, Human Resources Director requesting Council of Commissioners for time on the April 26, 2023, agenda to give a presentation regarding the July 1, 2023, Butte-Silver Bow health insurance renewal program.

Hold in Abeyance until May 10, 2023



3.COMMUNICATION NO. [2023-207](#)

Karen Byrnes, Community Development Director requesting Council of Commissioners for time on the April 26, 2023, agenda to conduct a presentation on the Uptown Master Plan.

Held

SECTION 2: 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.

Place on File

2.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](#)

Hold in Abeyance

3.COMMUNICATION NO. [2023-172](#)

Karen Maloughney, BSB Health Officer requesting Council of Commissioners approval to hold a Public Hearing on May 3, 2023, for the purpose of amending the fiscal year 2022-2023 budget to allow for increased expenditures of unanticipated revenue resulting from collection of fees in the Immunization Program.

Hold in Abeyance

4.COMMUNICATION NO. [2023-179](#)

Kristen Rosa, Economic Development Coordinator requesting Council of Commissioners for time on the April 19, 2023, agenda to give a presentation of the annual reports for the URA, HAS, and TEDD.

Place on File

5.COMMUNICATION NO. [2023-180](#)

Mike McAnulty, Atlantic Richfield Liability Manager requesting Council of Commissioners for time on the April 19, 2023, agenda to give a presentation on the work Atlantic Richfield (AR) plans to conduct in 2023 on Butte area parks and playgrounds.

Place on File

6.COMMUNICATION NO. [2023-200](#)

Brayton Erickson, Butte Rescue Mission requesting Council of Commissioners for time on the April 26, 2023, agenda to give a presentation to request funding assistance from the City-County of Butte-Silver Bow in the 2023-2024 budget for the Butte Rescue Shelter to stay open year around.

Place on File



7.COMMUNICATION NO. [2023-202](#)

Elizabeth Osborn, BSB Senior Planner requesting Council of Commissioners approve the Comprehensive Plan Amendment No. 23-000001. If the Council of Commissioners approves this communication, a resolution has been prepared and is also on the May 10, 2023, agenda.

[2023-202 Plan](#)

[2023-202 Staff Analysis](#)

Hold in Abeyance

8.COMMUNICATION NO. [2023-207](#)

Karen Byrnes, Community Development Director requesting Council of Commissioners for time on the April 26, 2023, agenda to conduct a presentation on the Uptown Master Plan.

Place on File

9.COMMUNICATION NO. [2023-217](#)

Mark Neary, Public Works Director requesting Council of Commissioners concurrence to schedule a bid opening for May 3, 2023, for sanitary sewer main replacements near Alaska and Holland Streets.

Hold in Abeyance

10.COMMUNICATION NO. [2023-219](#)

Dylan Pipinich, BSB Planning Director requesting Council of Commissioners permission to schedule a presentation on the May 3rd, Regular Meeting agenda to give a presentation on the Building Code program.

Hold in Abeyance

FINANCE AND BUDGET COMMITTEE MEETING REPORT

APRIL 26, 2023

6:00 PM BUTTE SILVER-BOW COURTHOUSE CHAMBERS

Expenditure report for the week of April 26, 2023, was reviewed and approved in the amount of \$538,292.87 for FY 2023.

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

JUDICIARY COMMITTEE MEETING REPORT

APRIL 26, 2023

7:00 PM BUTTE SILVER-BOW COURTHOUSE CHAMBERS



Name	Amount	Reason	Approved	
FRANCISCO VIRELLA	\$600.00	REFUND ON DEMO OF HOUSE ON 405 N MONTANA	YES	
DENISE REDINGER	\$200.00	REFUND OF BOND FOR GARAGE DEMO AT 1743 FARRAGUT	YES	
CMAERON JAMES MOYLEN	\$2458.89	REFUND/REDEMPTION OF TAX ASSIGNMENT #0000114900	YES	

1. COUNCIL BILL NO. [2023-02](#)
ORDINANCE NO. [2023-02](#)

AN ORDINANCE AMENDING CHAPTER 12.17 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “PARKLET/PEDLET PERMITS AND SPECIFICALLY ADDING A NEW SECTION, 12.17.110 ENTITLED “VIOLATION-PENALTY” AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

Move to Final Reading

2. RESOLUTION NO. [2023-18](#)

A RESOLUTION APPROVING COMPREHENSIVE PLAN AMENDMENT NO. 23-000001 TO APPROVE CHANGES TO THE 2020 BUTTE-SILVER BOW COMPREHENSIVE PLAN: INCORPORATING, BY REFERENCE, THE BUTTE-SILVER BOW PARKS MASTER PLAN INTO THE APPENDICES OF THE BUTTE-SILVER BOW COMPREHENSIVE PLAN AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

Hold in Abeyance Pending Public Hearing

<u>Committee Members</u>	<u>Present/Absent</u>
Bill Andersen, Chair	P
Hattie Thatcher, Vice-Chair	P
Dan Callahan	P
Eric Mankins	P
John Sorich	P
Tommy Walker	P

