

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING AGENDA
WEDNESDAY, MAY 4, 2022
7:30 PM COURTHOUSE COUNCIL CHAMBERS**

ROLL CALL

PRAYER AND PLEDGE

APPROVAL OF THE MINUTES

[April 20, 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

PRESENTATIONS

1.COMMUNICATION NO. [2022-181](#)

Carolina Balliew, Federal Superfund Section Supervisor, requesting Council of Commissioners authorization for time on the May 4, 2022, Regular Council of Commissioners meeting agenda for DEQ Project Officer, Dave Bowers to discuss the ongoing construction activities and answer questions that the Council of Commissioners may have.

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. [2022-199](#)

Danette Gleason, Finance & Budget Director, requesting Council of Commissioners and Chief Executive Gallagher review the Continuing Disclosure Undertaking Compliance with SEC Rule 15c2-12; City-County filing on the Electronic Municipal Market Access (EMMA) for Fiscal Year 2020. The attached documents demonstrate all required filings have been completed. Butte-Silver Bow is in compliance with the Continuing Disclosure Undertaking.

Note and Place on File



2.COMMUNICATION NO. [2022-200](#)

Danette Gleason, Finance & Budget Director, requesting Council of Commissioners and Chief Executive Gallagher review the Landfill Financial Assurance Test for Fiscal Year 2021. The document demonstrates Butte-Silver Bow's compliance related to closure/post closure costs for the landfill. Included in the document is the Chief Financial Officer letter confirming the financial ratios of Butte-Silver Bow; Engineer's estimate on closure/post closure cost; and the Independent Accountant's Report. This report must be submitted to the Department of Environmental Quality on an annual basis.

[Attachment](#)

Note and Place on File

3.COMMUNICATION NO. [2022-201](#)

Austin Knudsen, Montana Attorney General, requesting Council of Commissioners authorization for Chief Executive Gallagher to sign a Memorandum of Understanding with the State of Montana to facilitate allocation and disbursement of the first installment of opioid settlement funds. This is an Amended MOU to receive funds from the settlements when they are disbursed to the State.

[MOU](#)

Concur and Place on File

4.COMMUNICATION NO. [2022-203](#)

J.P. Gallagher, Chief Executive, requesting Council of Commissioners concurrence in the reappointments and appointments of the following people, to the Americans with Disabilities Act (ADA) Advisory Council: Reappointments: Lindy Ballard, Allice De Chelly, Lori Hamner, Bryon Higgins. Appointments: Kendra Brown, Dave Susanj, Theresa Rader, Jason Alexander and Brian Tocher.

Concur and Place on File

5.COMMUNICATION NO. [2022-204](#)

J.P. Gallagher, Chief Executive, requesting Council of Commissioners concurrence in the reappointment of Marko Lucich to the Civic Center Board.

Concur and Place on File

6.COMMUNICATION NO. [2022-205](#)

Doug Conway, Captain of the Butte-Silver Bow Law Enforcement Department, requesting Council of Commissioners authorization for Chief Executive Gallagher to sign a renewal of the Memorandum of Understanding (MOU) between Butte-Silver Bow and the Southwest Montana Drug Task Force (SWMDTF).

[MOU](#)

Concur and Place on File

7.COMMUNICATION NO. [2022-206](#)

John Rolich, R.S. Environmental Health Director, requesting Council of Commissioners authorization for time on the May 11, 2022, Committee of the Whole Council of Commissioners meeting agenda to conduct a presentation on the Butte-Silver Bow Wildfire Smoke Readiness Plan.

Hold in Abeyance



8.COMMUNICATION NO. [2022-207](#)

J.P. Gallagher, Chief Executive, requesting Council of Commissioners concurrence in the appointment of Roberta Pickett to the Fair Board.

Concur and Place on File

9.COMMUNICATION NO. [2022-208](#)

Doug Conway, Captain of the Butte-Silver Bow Law Enforcement Department, requesting Council of Commissioners authorization for Chief Executive Gallagher to sign a Memorandum of Understanding (MOU) with Butte-School District #1 for School Resource Officer for the period of July 1, 2022 through June 30, 2025.

[MOU](#)

Concur and Place on File

10.COMMUNICATION NO. [2022-209](#)

Elizabeth J. Warner, MD, Citizen, requesting Council of Commissioners and Chief Executive Gallagher to allow Elizabeth J Warner to purchase Silver Bow County land located off Lot 16B, on Certificate of Survey (COS) 1024A-RB, from the northwest corner of her house, 130 West Boardman Avenue, Butte, MT to the road (less any portion used by the neighbors to access the back of their houses).

Refer to Land Sales Committee

11.COMMUNICATION NO. [2022-210](#)

Zach Osborne, Fire Chief, requesting Council of Commissioners authorization to schedule a bid opening for May 18, 2022, for the new fire apparatus for the Fire Department.

Hold in Abeyance

12.COMMUNICATION NO. [2022-211](#)

Leslie Clark, Human Resources Director, requesting Council of Commissioners authorization for time on the May 11, 2022, Committee of the Whole Council of Commissioners meeting agenda to conduct a presentation on the July 1, 2022 Butte-Silver Bow health insurance renewal.

Hold in Abeyance

13.COMMUNICATION NO. [2022-212](#)

Aubrey Jaap, Archives Director, requesting Council of Commissioners authorization for time on the May 18, 2022, Regular Council of Commissioners meeting agenda to conduct a presentation on the Archives 2021 Annual Report.

Hold in Abeyance

14.COMMUNICATION NO. [2022-213](#)

Doug Conway, Captain of the Butte-Silver Bow Law Enforcement Department, requesting Council of Commissioners approve the Butte-Silver Bow Law Enforcement Department to apply for the grant funding in reference to the Bureau of Justice Assistance US Department of Justice Bulletproof Vest Partnership (BVP) - FY 2022 program. The award request for \$12,345 will require a 50% match (\$6,172.50).

Concur and Place on File



15.COMMUNICATION NO. [2022-214](#)

Bob Lazzari, Director of Park and Recreation, requesting Council of Commissioners and Chief Executive Gallagher review the attached agreement for informational purposes. On June 4, 2002, the voters of Butte-Silver Bow approved a ballot measure that authorized local government to enter a contractual commitment with the YMCA in the amount of \$40,000 annually for five years. This letter is to inform the Council that the extension of this agreement with the Butte Family YMCA is set to automatically renew for five more years, starting July 1, 2022 through June 30, 2027.

Concur and Place on File

16.COMMUNICATION NO. [2022-215](#)

Karen Byrnes, Community Development Director, requesting Council of Commissioners authorization for Chief Executive Gallagher to sign a Memorandum of Understanding (MOU) with EcoAdapt, Climate Workshop. Butte-Silver Bow, through a partnership with NCAT has been awarded the opportunity to collaborate in undertaking a stakeholder-driven climate change vulnerability assessment and adaptation planning workshop and developing a climate vulnerability and adaptation report. The workshop is scheduled for June 8-9, 2022.

[MOU](#)

Concur and Place on File

17.COMMUNICATION NO. [2022-216](#)

Michael Boysza, Citizen, requesting Council of Commissioners authorization for Chief Executive Gallagher (on behalf of Butte-Silver Bow) to donate the West 21' of Lot 9.A, Block 23, for the purpose of boundary adjustment of existing tracks of record to allow adequate space for a proposed exterior elevator on the east side of the Carpenters Union Hall, 156 W. Granite St., Butte, MT.

Refer to Land Sales Committee

18.COMMUNICATION NO. [2022-217](#)

Karen Byrnes, Community Development Director, requesting Council of Commissioners authorization for Chief Executive Gallagher to sign the attached contract amendment. Butte-Silver Bow has been awarded the CDBG Planning Grant to conduct a Preliminary Architectural Report related to the establishment of permanent supportive housing in our community. Action Inc has committed to provide the matching funds for this project. The grant has been granted an extension until September 30, 2022. This contract amendment will be routed for signatures through DocuSign initiated by the State of Montana.

[Contract Amendment](#)

Concur and Place on File

19.COMMUNICATION NO. [2022-218](#)

Angie Mullikin, Public Works, requesting Council of Commissioners authorization to schedule a bid opening for May 25, 2022, for refurbishing the Basin Creek Caretakers House.

Hold in Abeyance

20.COMMUNICATION NO. [2022-219](#)

Mark Neary, Public Works Director, requesting Council of Commissioners authorization to schedule a bid opening for May 25, 2022, for the curb projects on Ophir, Wells and Fairmont streets.

Hold in Abeyance



21.COMMUNICATION NO. [2022-220](#)

Lila Osborn, Senior Planner, requesting Council of Commissioners to conditionally approve the preliminary plat of the Aware Inc. Subdivision.

Concur and Place on File

22.COMMUNICATION NO. [2022-221](#)

Lila Osborn, Senior Planner, requesting Council of Commissioners approve Comprehensive Plan Amendment No. 22-000001. To the extent that the Council of Commissioners approves this communication, a resolution has been prepared and is also on the May 4, 2022 agenda.

Concur and Place on File

23.COMMUNICATION NO. [2022-222](#)

Dylan Pipinich, Planning Director, requesting Council of Commissioners authorization for Chief Executive Gallagher to sign a contract with a consultant to perform the 2022-2023 Zoning Ordinance Update.

[Contract](#)

Concur and Place on File

24.COMMUNICATION NO. [2022-223](#)

Lila Osborn, Senior Planner, requesting Council of Commissioners approve Comprehensive Plan Amendment No. 22-000002. To the extent that the Council of Commissioners approves this communication, a resolution has been prepared and is also on the May 4, 2022 agenda.

Concur and Place on File

25.COMMUNICATION NO. [2022-224](#)

Lila Osborn, Senior Planner, requesting Council of Commissioners approve Comprehensive Plan Amendment No. 22-000003. To the extent that the Council of Commissioners approves this communication, a resolution has been prepared and is also on the May 4, 2022 agenda.

Concur and Place on File

26.COMMUNICATION NO. [2022-225](#)

Lila Osborn, Senior Planner, requesting Council of Commissioners authorization to schedule a public hearing on May 25, 2022, on the change to the Butte-Silver Bow Zoning District Map.

Hold in Abeyance

27.COMMUNICATION NO. [2022-226](#)

Mark Neary, Public Works Director, requesting Council of Commissioners authorization for Chief Executive Gallagher to sign the agreement, renewing the transit service agreement with Belmont Senior Center.

Agreement

Concur and Place on File



28.COMMUNICATION NO. [2022-227](#)

Mark Neary, Public Works Director, requesting Council of Commissioners authorization for Chief Executive Gallagher to sign the agreement between Butte-Silver Bow and the State of Montana for the purpose of receiving transportation assistance for the disabled and elderly in the amount of \$76,907. The Agreement is with TransAde Funding.

[Agreement](#)

Concur and Place on File

29.COMMUNICATION NO. [2022-228](#)

Mark Neary, Public Works Director, requesting Council of Commissioners authorization for Chief Executive Gallagher to sign the Notice of Award to Diamond Construction for the Rocker Sewer Lift Station and Connection to Metro project.

[Notice of Award](#)

Concur and Place on File

30.COMMUNICATION NO. [2022-229](#)

Mark Neary, Public Works Director, requesting Council of Commissioners authorization for Chief Executive Gallagher to sign the amendment to HDR Engineering's contract for the design of the Moulton Dam #1 and Spillway rehabilitation project.

[Contract Amendment](#)

Concur and Place on File

31.COMMUNICATION NO. [2022-230](#)

Mark Neary, Public Works Director, requesting Council of Commissioners authorization for Chief Executive Gallagher to sign the Notice of Award and Agreement for the 2022 Chip Seal project. The Notice of Award is to Jim Gilman Excavating.

[Notice of Award](#)

[Agreement](#)

Concur and Place on File

32.COMMUNICATION NO. [2022-231](#)

Mark Neary, Public Works Director, requesting Council of Commissioners authorization for Chief Executive Gallagher to sign the Notice of Award and Agreement for the 2022 Mill/Fill project. The Notice of Award is to Jim Gilman Excavating.

[Notice of Award](#)

[Agreement](#)

Concur and Place on File

33.COMMUNICATION NO. [2022-232](#)

John Sullivan, Government Buildings Manager, requesting Council of Commissioners authorization for Chief Executive Gallagher to sign the agreement between Butte-Silver Bow and McKinstry Essention, LLC for the Investment Grade Audit (IGA) of selected government buildings for LED lighting upgrade opportunities.

[Agreement](#)

Concur and Place on File



34.COMMUNICATION NO. [2022-233](#)

J.P. Gallagher, Chief Executive, requesting Council of Commissioners concurrence in the appointments to the Silver Bow Development Disabilities Council. Bill Daily, Jamie Paul, Dan Dennehy, Jim Kambich, Callie Ahlborn, Hailey Crawford, Lisa Kopp, Arlene Welsh, Bob Whelan and Cassie Wick.

Concur and Place on File

35.COMMUNICATION NO. [2022-234](#)

Danette Gleason, Finance & Budget Director, requesting to schedule a public hearing before the Council of Commissioners on May 18, 2022 for the purpose of amending the Fiscal Year 2022 budget to appropriate District Court reserve funds to cover the unanticipated costs related to Juvenile Detention budget.

Hold in Abeyance

SECTION 3: ORDINANCES AND RESOLUTIONS INTRODUCED TO JUDICIARY

1.RESOLUTION NO. [2022-30](#)

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 UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE (BJA) FOR THE PURPOSE OF AMENDING THE BUDGET TO ACCEPT THE GRANT AWARD TO IMPROVE THE OPERATION OF THE BUTTE SILVER BOW VETERANS TREATMENT COURT AND THE BUTTE SILVER BOW DUI COURT AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2.RESOLUTION NO. [2022-31](#)

A RESOLUTION APPROVING COMPREHENSIVE PLAN AMENDMENT NO. 22-000001 TO APPROVE CHANGES TO THE 2020 BUTTE-SILVER BOW COMPREHENSIVE PLAN; INCORPORATING, BY REFERENCE, THE UPTOWN BUTTE MASTER PLAN INTO THE APPENDICES OF THE BUTTE-SILVER BOW COMPREHENSIVE PLAN, AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

3.RESOLUTION NO. [2022-32](#)

A RESOLUTION APPROVING COMPREHENSIVE PLAN AMENDMENT NO. 22-000002 TO APPROVE CHANGES TO THE BUTTE-SILVER BOW COUNTY COMPREHENSIVE PLAN LAND USE MAP OF THE 2020 BUTTE-SILVER BOW COMPREHENSIVE PLAN; INCORPORATING, BY REFERENCE, THE CHANGES TO THE MAP AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

4.RESOLUTION NO. [2022-33](#)

A RESOLUTION APPROVING COMPREHENSIVE PLAN AMENDMENT NO. 22-000002 TO APPROVE CHANGES TO THE BUTTE-SILVER BOW COUNTY COMPREHENSIVE PLAN LAND USE MAP OF THE 2020 BUTTE-SILVER BOW COMPREHENSIVE PLAN; INCORPORATING, BY REFERENCE, THE CHANGES TO THE MAP AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.



5.RESOLUTION NO. [2022-34](#)

A RESOLUTION SUPPORTING A BUTTE NATIONAL HISTORICAL PARK DESIGNATION.

SECTION 4: ORDINANCES AND RESOLUTIONS FOR SECOND READING

1.ORDINANCE [2022-02](#)

AN ORDINANCE AMENDING SECTION 1 OF BUTTE-SILVER BOW ORDINANCE NO. 266 AND SECTION 15.20.010 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC); REGARDING THE VIOLATION AND PENALTY SECTION OF TITLE 15 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2.ORDINANCE [2022-03](#)

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 0.687 ACRES FROM R-3 (MULTIFAMILY RESIDENTIAL) TO C-3 (CENTRAL COMMERCIAL), COMMONLY LOCATED AT THE WESTERN HALF OF BLOCK FIFTY (5), BETWEEN W MERCURY STREET AND W SILVER STREET JUST EAST OF S IDAHO STREET, IN SECTION 13, TOWNSHIP 03 NORTH, RANGE 08 WEST, 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.

3.ORDINANCE [2022-04](#)

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 350 ACRES FROM NOT ZONED TO RM-1 (RURAL INDUSTRIAL), COMMONLY LOCATED IMMEDIATELY SOUTHEAST OF THE MONTANA CONNECTIONS BUSINESS DEVELOPMENT PARK, IN SECTION 36, TOWNSHIP 03 NORTH, RANGE 09 WEST 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 EMERGENCY SUSPENSION OF THE RULES FOR FINAL PASSAGE

1.RESOLUTION NO. [2022-18](#)

A RESOLUTION CREATING SPECIAL IMPROVEMENT DISTRICT NO. 1029 FOR THE PURPOSE OF MAINTAINING AND INSTALLING AN ELECTRICAL LIGHTING SYSTEM; DESIGNATING AND DESCRIBING THE BOUNDARIES OF SAID PROPOSED SPECIAL IMPROVEMENT LIGHTING DISTRICT; STATING THE PURPOSE OF AND THE GENERAL CHARACTER OF THE IMPROVEMENTS TO BE MADE IN SAID SPECIAL IMPROVEMENT DISTRICT; ESTIMATING THE APPROXIMATE COST OF MAINTAINING AND SUPPLYING ENERGY THEREOF FOR THE FIRST YEAR; FINDING, DETERMINING, AND DECLARING



THAT SUCH PROPERTY SHOULD BE ASSESSED FOR COST THEREOF OF MAINTENANCE AND ENERGY AND EXTENDING SUCH ASSESSMENT TO BE IN SEMI-ANNUAL INSTALLMENTS AND PROVIDING FOR THE FUND UPON WHICH SAID SPECIAL IMPROVEMENT FUNDS SHALL BE DRAWN; WITHDRAWING ALL PROPERTY DESCRIBED IN EXHIBIT “A” FROM OTHER SPECIAL IMPROVEMENT LIGHTING ASSESSMENTS AND PROVIDING FOR THE EFFECTIVE DATE HEREOF.

2.RESOLUTION NO. [2022-29](#)

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 TO THE CITY-COUNTY OF BUTTE-SILVER BOW FROM THE DEPARTMENT OF HEALTH AND HUMAN SERVICES CHILD, AND FAMILY SERVICES DIVISION FOR LEGAL SERVICES TO REPRESENT YOUTH IN CASES OF CHILD ABUSE, NEGLECT AND DEPENDENCY MATTERS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION 6: ORDINANCES AND RESOLUTIONS FOR FINAL PASSAGE

1.RESOLUTION [2022-26](#)

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.

2.RESOLUTION [2022-28](#)

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 TO THE CITY-COUNTY OF BUTTE-SILVER BOW FROM THE STATE OF MONTANA MOTOR VEHICLE DIVISION TO BE USED WITHIN THE TREASURER’S MOTOR VEHICLE DEPARTMENT FOR MOTOR VEHICLE PAPER AND TONER AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA



CALENDAR OF OTHER MEETINGS AND EVENTS

May 5, 2022, Civic Center, 12:00 pm, Civic Center Hospitality Room
May 5, 2022, East Butte RRA, 9:00 am, 1st Floor Conference Room, *ad hoc basis*
May 9, 2022, Archives, 12:00 pm, Archives Center
May 10, 2022, Superfund Advisory (SARTA), 6:00 pm, Butte Justice Center
May 10, 2022, Land Sales Committee, 1:30 pm Archives Auditorium
May 11, 2022, Law Enforcement Commission, 4:00 pm, Chief Executive Conference Room
May 11, 2022, Public Library Board, 5:00 pm, 3rd Floor, Library Bldg.
May 11, 2022, Board of Health, 7:00 am, Health Dept. Conference Room
May 12, 2022, Greenway Service District Board, 4:30 pm, Butte 1st Floor Conference Room
May 13, 2022, TIFID, 12:00 pm, Business Development Center
May 16, 2022, Parks & Recreation, 11:30 am, Highland View Clubhouse
May 16, 2019, Animal Services, 5:30 pm, 1st Floor Conference Room
May 17, 2022, Urban Forestry Board, 1:00 pm, Business Development Center
May 17, 2022, Technical Review Committee, 1:30 pm, 3rd Floor, Water Building
May 17, 2022, Public Housing Authority, 5:00 pm, New Deal Community Center
May 18, 2022, Parking Commission, 3:00 pm, Chief Executive Conference Room

ADJOURN

MEETINGS

ECONOMIC DEVELOPMENT COMMITTEE MEETING

MAY 4, 2022

6:00 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS

FINANCE & BUDGET COMMITTEE MEETING

MAY 4, 2022

7:00 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS

Expenditure report for the week of May 4, 2022 was reviewed and approved in the amount of \$ _____ for FY 2022.

REPORTS

COMMITTEE OF THE WHOLE REPORT

APRIL 27, 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

BID OPENINGS

1.COMMUNICATION NO. [2022-162](#)

Mark Neary, Public Works Director, requesting Council of Commissioners authorization to schedule a bid opening for April 27, 2022, for chip sealing roads throughout Butte for the 2022 construction season.

HELD

2.COMMUNICATION NO. [2022-163](#)

Mark Neary, Public Works Director, requesting Council of Commissioners authorization to schedule a bid opening for April 27, 2022, for Mill/Fill roads throughout Butte for the 2022 construction season.

HELD

PUBLIC HEARINGS

1.COMMUNICATION NO. [2022-145](#)

Shawn Fredrickson, Commissioner District #1 requesting Council of Commissioners provide its concurrence to have the City-County of Butte-Silver Bow, Montana develop a resolution of intent to establish a C- PACE (Commercial Property Assessed Capital Enhancement) program within Butte-Silver Bow authorized by Title 90, Chapter 4, Part 13 (the “PACE Act”) of the Montana Code Annotated. I would also request that a public hearing be scheduled for April 27, 2022.

HELD

2.COMMUNICATION NO. [2022-152](#)

Dylan Pipinich, Planning Director, requesting Council of Commissioners authorization to schedule a public hearing on April 27, 2022, for the Aware Inc. Subdivision. On March 24, 2022, the Butte-Silver Bow Planning Board approved a motion to recommend that the Council of Commissioners conditionally approve the Aware In. Subdivision and variance request. This major subdivision would create nine (9) lots for residential development and associated infrastructure.

HELD

PRESENTATIONS

1.COMMUNICATION NO. [2022-153](#)

Shawn Fredrickson, Commissioner District #1 and Eric Mankins, Commissioner District #9, requesting Chief Executive Gallagher to coordinate a presentation on the street maintenance fee for April 27, 2022 to discuss assessing the fee per tax parcel or per unit.

POSTPONED TO MAY 18, 2022

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.



CROSS REFERENCE WITH COMMUNICATION NO. 2022-183 AND PLACE ON FILE

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](#)

CROSS REFERENCE WITH COMMUNICATION NO. 2022-184 AND PLACE ON FILE

3.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.

HOLD IN ABEYANCE

4.COMMUNICATION NO. [2022-144](#)

Mary Jo and Steve Stosich, Citizen's of Butte-Silver Bow, requesting Council of Commissioners reconsider allowing Mary Jo and Steve Stosich to purchase vacant Butte-Silver Bow owned property, identified as Tax Parcel No. 472700, north of and adjacent to 60 Oro Fino Gulch Rd.

HOLD IN ABEYANCE

5.COMMUNICATION NO. [2022-145](#)

Shawn Fredrickson, Commissioner District #1 requesting Council of Commissioners provide its concurrence to have the City-County of Butte-Silver Bow, Montana develop a resolution of intent to establish a C- PACE (Commercial Property Assessed Capital Enhancement) program within Butte-Silver Bow authorized by Title 90, Chapter 4, Part 13 (the "PACE Act") of the Montana Code Annotated. I would also request that a public hearing be scheduled for April 27, 2022.

HOLD IN ABEYANCE

6.COMMUNICATION NO. [2022-146](#)

Danette Gleason, Finance & Budget Director, requesting Council of Commissioners authorization to schedule a public hearing on April 20, 2022, to take public comment on amending the Fiscal Year 2022 District Court-Court Mandate Cost for legal services under Title IV-E funding. The grant funds from the State of Montana Department of Health and Human Services, Child, and Family Services Division are to be used for legal services to represent youth in cases of child abuse, neglect, and dependency matters as set forth in Section 41-3-01, et. Seq. MCA.

CONCUR AND PLACE ON FILE

7.COMMUNICATION NO. [2022-152](#)

Dylan Pipinich, Planning Director, requesting Council of Commissioners authorization to schedule a public hearing on April 27, 2022, for the Aware Inc. Subdivision. On March 24, 2022, the Butte-Silver Bow Planning Board approved a motion to recommend that the Council of Commissioners conditionally approve the Aware In. Subdivision and variance request. This major subdivision would create nine (9) lots for residential development and associated infrastructure.

CONCUR AND PLACE ON FILE

8.COMMUNICATION NO. [2022-153](#)



Shawn Fredrickson, Commissioner District #1 and Eric Mankins, Commissioner District #9, requesting Chief Executive Gallagher to coordinate a presentation on the street maintenance fee for April 27, 2022 to discuss assessing the fee per tax parcel or per unit.
CONCUR AND PLACE ON FILE

9.COMMUNICATION NO. [2022-158](#)

Karen Byrnes, Community Development Director, requesting Council of Commissioners authorization for time on the April 20, 2022, Regular Council of Commissioners meeting agenda to conduct a presentation on the Uptown Master Plan.
CONCUR AND PLACE ON FILE

10.COMMUNICATION NO. [2022-162](#)

Mark Neary, Public Works Director, requesting Council of Commissioners authorization to schedule a bid opening for April 27, 2022, for chip sealing roads throughout Butte for the 2022 construction season.
CONCUR AND PLACE ON FILE

11.COMMUNICATION NO. [2022-163](#)

Mark Neary, Public Works Director, requesting Council of Commissioners authorization to schedule a bid opening for April 27, 2022, for Mill/Fill roads throughout Butte for the 2022 construction season.
CONCUR AND PLACE ON FILE

12.COMMUNICATION NO. [2022-172](#)

Eileen Joyce, County Attorney, requesting Council of Commissioners authorization for Chief Executive Gallagher to sign a Memorandum of Understanding (MOU) between the City-County of Butte-Silver Bow and the Butte Rescue Mission. The MOU contemplates the City-County purchasing the property located at 123-125 E. Park Street from the Butte Rescue Mission, which shares a common wall with the property located at 135 E. Park Street, which is owned by the City-County.

[Attachment](#)
[MOU](#)

DENY AND PLACE ON FILE

13.COMMUNICATION NO. [2022-178](#)

Bob Lazzari, Parks and Recreation Director, requesting Council of Commissioners authorization for time on the May 11, 2022, Committee of the Whole Council of Commissioners meeting agenda to provide an informational presentation regarding the progress of the Parks and Recreation Master Plan.
HOLD IN ABEYANCE

14.COMMUNICATION NO. [2022-181](#)

Carolina Balliew, Federal Superfund Section Supervisor, requesting Council of Commissioners authorization for time on the May 4, 2022, Regular Council of Commissioners meeting agenda for DEQ Project Officer, Dave Bowers to discuss the ongoing construction activities and answer questions that the Council of Commissioners may have.
HOLD IN ABEYANCE



15.COMMUNICATION NO. [2022-182](#)

Michael W. Harris, Citizen, requesting Council of Commissioners and Chief Executive Gallagher's authorization to purchase the property located in the Buffalo Spur Lode Subdivision, Section 12, Township 3 North, Range 8 West, the east 30 feet of west 64 feet of Lots 8 & 9 in Block 1, Parcel No. 1905610. Harris owns the house located at 33 East Summit, on the east end of lots 8 & 9. He is requesting to purchase these remaining lots to have a yard and prevent someone else from building on the property above him.

HOLD IN ABEYANCE

PUBLIC COMMENT ON ANY MATTER NOT ON THE AGENDA

ADJOURN

MEETINGS

FINANCE AND BUDGET COMMITTEE MEETING

APRIL 27, 2022

6:00 PM BUTTE SILVER-BOW COURTHOUSE CHAMBERS

Expenditure report for the week of April 27, 2022 was reviewed and approved in the amount of \$883,267.48 For FY 2022.

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

JUDICIARY COMMITTEE MEETING

APRIL 27, 2022

7:00 PM BUTTE SILVER-BOW COURTHOUSE CHAMBERS

1.RESOLUTION [2022-26](#)

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.

MOVE TO FINAL READING



2.RESOLUTION [2022-27](#)

A RESOLUTION OF INTENT TO ESTABLISH A COMMERCIAL PROPERTY ASSESSED CAPITAL ENHANCEMENT PROGRAM (C-PACE) IN THE CITY-COUNTY OF BUTTE-SILVER BOW, MONTANA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

HOLD IN ABEYANCE

3.RESOLUTION [2022-28](#)

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 TO THE CITY-COUNTY OF BUTTE-SILVER BOW FROM THE STATE OF MONTANA MOTOR VEHICLE DIVISION TO BE USED WITHIN THE TREASURER'S MOTOR VEHICLE DEPARTMENT FOR MOTOR VEHICLE PAPER AND TONER AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

MOVE TO FINAL READING

4.ORDINANCE [2022-02](#)

AN ORDINANCE AMENDING SECTION 1 OF BUTTE-SILVER BOW ORDINANCE NO. 266 AND SECTION 15.20.010 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC); REGARDING THE VIOLATION AND PENALTY SECTION OF TITLE 15 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

MOVE TO SECOND READING

5.ORDINANCE [2022-03](#)

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 0.687 ACRES FROM R-3 (MULTIFAMILY RESIDENTIAL) TO C-3 (CENTRAL COMMERCIAL), COMMONLY LOCATED AT THE WESTERN HALF OF BLOCK FIFTY (5), BETWEEN W MERCURY STREET AND W SILVER STREET JUST EAST OF S IDAHO STREET, IN SECTION 13, TOWNSHIP 03 NORTH, RANGE 08 WEST, 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.

MOVE TO SECOND READING

6.ORDINANCE [2022-04](#)

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 350 ACRES FROM NOT ZONED TO RM-1 (RURAL INDUSTRIAL), COMMONLY LOCATED IMMEDIATELY SOUTHEAST OF THE MONTANA CONNECTIONS BUSINESS DEVELOPMENT PARK, IN SECTION 36, TOWNSHIP 03 NORTH, RANGE 09 WEST 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.
 MOVE TO SECOND READING

Name	Amount	Reason	Approved	
GUARDIAN TAX MT LLC	\$857.63	REFUND/REDEMPTION OF TAX ASSIGNMENT TAKEN/PARCEL #0000435100 INTEREST ON ASSIGNMENT	YES	
GUARDIAN TAX MT LLC	\$1,829.66	REFUND/REDEMPTION OF TAX ASSIGNMENT TAKEN/PARCEL #0000435100 INTEREST ON ASSIGNMENT	YES	
GUARDIAN TAX MT LLC	\$972.27	REFUND/REDEMPTION OF TAX ASSIGNMENT TAKEN/PARCEL #0000010900 INTEREST ON ASSIGNMENT	YES	
GUARDIAN TAX MT LLC	\$6,798.46	REFUND/REDEMPTION OF TAX ASSIGNMENT TAKEN/PARCEL #0000109600 INTEREST ON ASSIGNMENT	YES	

<i>Committee Members</i>	<i>Present/Absent</i>
Bill Andersen, Chair	P
Michele Shea, Vice-Chair	P
Dan Callahan	P
Eric Mankins	P
John Sorich	P
Hattie Thatcher	P

REPORTS

FINANCE & BUDGET COMMITTEE MEETING REPORT

APRIL 20, 2022



7:00 PM BUTTE SILVER-BOW COURTHOUSE CHAMBERS
to the honorable chief executive and members of the butte-silver bow commissioners

Ladies and Gentlemen,
We, your Committee of the Finance and Budget Committee, respectfully recommend as follows:
Expenditure report for the week of April 20, 2022 was reviewed and approved in the amount of
\$532,855.33 for FY 2022.

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

