

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING AGENDA
WEDNESDAY, MAY 5, 2021
7:30 PM COURTHOUSE COUNCIL CHAMBERS**

ROLL CALL

PRAYER AND PLEDGE

APPROVAL OF THE MINUTES

[April 21, 2021 Regular Meeting Minutes](#)

ITEMS NOT ADDRESSED ON THE AGENDA

CHIEF EXECUTIVE’S REPORT

PUBLIC COMMENT ON ANY ITEMS ON THE AGENDA

PLEASE CALL IN AT 497-5009

WRITTEN COMMENTS WELCOME:

public-input@bsb.mt.gov

SECTION 1: BID OPENINGS, PUBLIC HEARINGS, AND/OR PRESENTATIONS

PUBLIC HEARINGS

1.COMMUNICATION NO. [2021-188](#)

Dylan Pipinich, Assistant Planning Director requesting Council of Commissioners authorization to schedule a Public Hearing on May 5, 2021 to hear public comment on Zone Change Application No. 182

[2021-188 Staff Report](#)

PRESENTATION

1.COMMUNICATION NO. [2021-195](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorization to schedule a presentation for May 5, 2021 for the Rocker Water and Sewer District.

2.COMMUNICATION NO. [2021-214](#)

Paul Babb, NorthWestern Energy Community Relations Manager requesting Council of Commissioners concurrence to give a presentation on May 5, 2021 Regular agenda for the meter upgrade project that will be taking place in our community.



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. [2021-206](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence of my appointments of Jamie Lynch 600 Dewey Blvd, and Jason Speer 405 Roosevelt Dr., Butte MT 59701 to the Fair Board.

Concur and Place on File

2. COMMUNICATION NO. [2021-207](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence of my re-appointments of Kevin Goroski 106 Laurel Rd., Jaclyn Casagrande 2059 Carolina, and Wayne Chiamulera PO Box 38, Butte MT 59701 to the Fair Board.

Concur and Place on File

3. COMMUNICATION NO. [2021-208](#)

Lori Baker-Patrick, BSB County Treasurer requesting Council of Commissioners to direct the County Attorney to prepare a Council Resolution authorizing the mailing of Tax Deed Notifications.

Hold in Abeyance

4. COMMUNICATION NO. [2021-209](#)

Ellen Crain, BSB Public Archives Director requesting Council of Commissioners concurrence to make a presentation at the May 19th, 2021 Council of Commissioners Meeting. The presentation will provide a report on the activities of the Archives/Chateau department for the year 2020.

Hold in Abeyance

5. COMMUNICATION NO. [2021-210](#)

Mollie Maffei, Deputy County Attorney requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign an Easement for a waste-water line for the Rocker Water and Sewer District that is making improvements to its system. We have approval from the Public Works Department.

[2021-210 Easement](#)

Concur and Place on File



6.COMMUNICATION NO. [2021-211](#)

Doug Conway, BSB Law Enforcement Captain requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign the Contract for the Provision of Supplemental Law Enforcement Services between the Butte-Silver Bow LED and Public Housing Authority of Butte.

[2021-211 Contract](#)

Concur and Place on File

7.COMMUNICATION NO. [2021-212](#)

Kathy Kenison, BSB IT Manager requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign the Byrne Software Services Agreement. Byrne Software is currently completing the Accela software implementation. Byrne will also be providing services not included in the original contract, such as custom reporting.

[2021-212 Agreement](#)

Concur and Place on File

8.COMMUNICATION NO. [2021-213](#)

Mike Clague, Deputy County Attorney requesting Council of Commissioners concurrence and authorization for the Chief Executive to execute the following contracts for the Butte-Silver Bow Veterans Treatment Court BVTC: Addictions Consulting Group Inc., Public Health Management Corporation, Datagain, All Systems Monitoring a Montana LLC.

[2021-213 Addictions Consulting Group](#)

[2021-213 Public Health Management](#)

[2021-213 All Systems Monitoring a Montana](#)

[2021-213 Datagain](#)

Concur and Place on File

9.COMMUNICATION NO. [2021-215](#)

Robert Whelan, District Court Judge requesting Council of Commissioners concurrence and authorization for the Chief Executive to execute the agreement for the Butte-Silver Bow Veterans Treatment Court (BVTC).

[2021-215 Agreement](#)

Concur and Place on File

10.COMMUNICATION NO. [2021-216](#)

Ed Randall, Community Enrichment Director requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign the Professional Services Agreement between Stahly Engineering & Associates Inc and Butte-Silver Bow for shoring of a shared wall located at 135 E. Park Street and the building to the west.

[2021-216 Agreement](#)

Concur and Place on File

11.COMMUNICATION NO. [2021-217](#)

Jim Fisher, BSB Commissioner District 6 requesting Council of Commissioners authorization for the Chief Executive J.P. Gallagher to invite someone from the DEQ and EPA to our Council Meeting to update and explain the clean-up and future use of the Montana Pole site.

Refer to the Chief Executive's Office



12.COMMUNICATION NO. [2021-218](#)

Selina Pankovich, M&M Bar and Café requesting Council of Commissioners authorization to request a street closure on Thursday nights starting June 24, 2021 through August 26, 2021 from 6pm-9pm. This would be for the block of Main Street between Park and Broadway Streets to host Music on Main.

[2021-218 Applications](#)

Concur and Place on File

13.COMMUNICATION NO. [2021-219](#)

Angie Mullikin, Public Works Budget Analyst requesting Council of Commissioners authorization for the Chief Executive J.P. Gallagher to sign two agreements with Systems Northwest for monitoring and security alarms for the new shops.

[2021-219 Monitoring Agreement](#)

[2021-219 Systems Agreement](#)

Concur and Place on File

14.COMMUNICATION NO. [2021-220](#)

Padraig Cunneen, Public Works Operations Engineer requesting Council of Commissioners authorization for the Chief Executive J.P. Gallagher to sign the Storm Water Management/BMP Maintenance Agreement for Copper Fox Estates subdivision bounded by South Arizona Street, Meadowlark lane, Electric Street and Western Boulevard in Butte.

[2021-220 Agreement](#)

Concur and Place on File

15.COMMUNICATION NO. [2021-222](#)

Pat Holland, Government Buildings Manager requesting Council of Commissioners authorization for the Chief Executive J.P. Gallagher to sign the Professional Services Agreement between the City-County of Butte-Silver Bow and R.H.R. Construction to repair the columns located at the Kelly Warehouse.

[2021-222 Agreement](#)

Concur and Place on File

16.COMMUNICATION NO. [2021-223](#)

Karen Byrnes, Community Development Director requesting Council of Commissioners authorization for the Chief Executive J.P. Gallagher to sign the Extension Amendment NAHN Development Agreement related to the construction of the Uptown Parking Garage.

[2021-223 Agreement](#)

Concur and Place on File

SECTION 3: COMMUNICATION TO BE READ AND ACTED UPON

1.COMMUNICATION NO. [2021-204](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners to accept this letter as my formal request for your concurrence in the appointment of Brandt Bristol, 451 Little Basin Creek Road, Butte Mt as the Butte-Silver Bow Fire Department Captain.



2.COMMUNICATION NO. [2021-205](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners to accept this letter as my formal request for your concurrence in the appointment of Pat Doherty 182 Carousel Way, Butte Mt as the Butte-Silver Bow Fire Department Captain.

3.COMMUNICATION NO. [2021-221](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners to accept this letter as my formal request for you to consider the use of \$500,000 of CARES Act Funds. I am requesting fund that are in reserve to run a COVID 19 Public Education Vaccination campaign.

SECTION 4: ORDINANCES AND RESOLUTIONS INTRODUCED TO JUDICIARY

1.RESOLUTION NO. [2021-15](#)

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 SUPERFUND PROGRAM TRUST ACCOUNT PROCEEDS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2.RESOLUTION NO. [2021-16](#)

A RESOLUTION AMENDING THE FISCAL YEAR 2020-2021 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 BUILDING CODE RESERVE FUNDS TO THE PLANNING -BUILDING AND CODE DEPARTMENT FOR THE PURPOSE OF HIRING A BUIDLING INSPECTOR AND COVERING THE ASSOCIATED COSTS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

3.RESOLUTION NO. [2021-17](#)

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 WILDLAND FIRE DEPLOYMENTS EMERGENCY MANAGEMENT ASSISTANCE COMPACTS TO CALIFORNIA (EMAC) TO BE USED ON THE WAGES AND BENEFITS FOR THOSE MEMBERS WHO PARTICIPATED IN THE DEPLOYMENTS AND FOR EQUIPMENT PURCHASES FOR THE FIRE DEPARTMENT AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION 5: ORDINANCES AND RESOLUTIONS FOR FINAL READING

1.COUNCIL BILL NO. [2021-04](#)

ORDINANCE NO. [2021-04](#)

AN ORDINANCE AMENDING TITLE 15 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “BUILDINGS AND CONSTRUCTION”; AMENDING CHAPTER 15.05 ENTITLED “ADOPTION OF INTERNATIONAL ENERGY CONSERVATION CODE” AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.



PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA
PLEASE CALL IN AT 497-5009

CALENDAR OF OTHER MEETINGS AND EVENTS

May 5, 2021, Airport Authority, 12:00 pm, Bert Mooney Airport Authority Admin. Office
May 5, 2021, Butte AIDS Support Services, 7:00 pm, Community Center
May 6, 2021, Civic Center, 12:00 pm, Civic Center Hospitality Room
May 6, 2021, East Butte RRA, 9:00 am, 1st Floor Conference Room
May 10, 2021, Fair Board, 6:00 pm, Perkins or HOPS Meeting Room
May 10, 2021, Archives, 12:00 pm, Archives Center
May 11, 2021, Superfund Advisory (SARTA), 6:00 pm, Butte Justice Center
May 12, 2021, Board of Health, 7:00 am, Health Dept. Conference Room
May 12, 2021, Land Sales Committee, 1:30 pm, First Floor Conference Room
May 12, 2021, Public Library Board, 5:00 pm, 3rd Floor, Library Bldg.
May 13, 2021, Law Enforcement Commission, 4:00 pm, Chief Executive Conference Room
May 13, 2021, Greenway Service District Board, 4:30 pm, Butte 1st Floor Conference Room
May 14, 2021, TIFID, 12:00 pm, Business Development Center
May 16, 2019, Animal Services, 5:30 pm, 1st Floor Conference Room
May 17, 2021, Parks & Recreation, 11:30 am, Highland View Clubhouse
May 18, 2021, Technical Review Committee, 1:30 pm, 3rd Floor, Water Building
May 18, 2021, Urban Forestry Board, 1:00 pm, Business Development Center
May 18, 2021, Public Housing Authority, 5:00 pm, New Deal Community Center

ADJOURN

MEETINGS

ECONOMIC DEVELOPMENT COMMITTEE MEETING

MAY 5, 2021

6:00 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS

1. Butte Local Development Report- Joe Willauer

FINANCE & BUDGET COMMITTEE MEETING

MAY 5, 2021

7:00 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS

Expenditure report for the week of May 5, 2021 was reviewed and approved in the amount of
\$ _____ 2021.



REPORTS

COMMITTEE OF THE WHOLE REPORT

APRIL 28, 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 PUBLIC HEARING

1. Resolution No. 2021-13

A public hearing regarding a Resolution of Intent to extend Special Tourism Business Improvement District No. 1 for the for the purpose of promoting tourism, conventions, trade shows and travel to the City-County of Butte-Silver Bow and designating and describing the boundaries of said proposed Special Tourism Business Improvement District.

Held

SECTION 1. COMMUNICATIONS

1. 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](#)

Hold in Abeyance.

2. COMMUNICATION NO. [2021-150](#)

Brian Doherty, Fire Chief requesting Council of Commissioners permission to schedule a Public Hearing for Wednesday, April 21, 2021 for the purpose of amending the Fiscal Year 2020-2021 Fire Department budget to allow for increased expenditures of unanticipated revenue.

Concur and Place on File

3. COMMUNICATION NO. [2021-164](#)

Lori Casey, Planning Director requesting Council of Commissioners authorization to schedule a Public Hearing on April 21, 2021 for the purpose of amending the FY2020-2021 Code Enforcement budget.

Concur and Place on File

4. COMMUNICATION NO. [2021-168](#)

Eric Hassler, requesting Council of Commissioners authorization to schedule a Public Hearing on April 21, 2021 for the purpose of amending the Fiscal Year 2021 ARCO Source Area and Stormwater budget.

Concur and Place on File



5.COMMUNICATION NO. [2021-182](#)

Carrie Keane, on behalf of Geo. Steele Co. requesting Council of Commissioners authorization to purchase the vacant Butte-Silver Bow property located at 750 S. Wyoming Street. It is our intention, upon approval of our application to use this property for a new metal sided garage which will house our new delivery vans.

[2021-182 Maps](#)

Hold in Abeyance

6.COMMUNICATION NO. [2021-188](#)

Dylan Pipinich, Assistant Planning Director requesting Council of Commissioners authorization to schedule a Public Hearing on May 5, 2021 to hear public comment on Zone Change Application No. 182

[2021-188 Staff Report](#)

Hold in Abeyance

7.COMMUNICATION NO. [2021-195](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorization to schedule a presentation for May5, 2021 for the Rocker Water and Sewer District.

Hold in Abeyance

FINANCE & BUDGET COMMITTEE MEETING REPORT

APRIL 28, 2021

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 April 28, 2021 was reviewed and approved in the amount of \$648,052.68 for 2021.

FINANCE AND BUDGET COMMITTEE MEMBERS PRESENT/ ABSENT

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

PUBLIC WORKS COMMITTEE MEETING REPORT

APRIL 28, 2021

6:30 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS



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

This meeting was not held this week.

JUDICIARY COMMITTEE MEETING REPORT

APRIL 14, 2021

7:00 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS

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

1.COUNCIL BILL NO. [2021-04](#)

ORDINANCE NO. [2021-04](#)

AN ORDINANCE AMENDING TITLE 15 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “BUILDINGS AND CONSTRUCTION”; AMENDING CHAPTER 15.05 ENTITLED “ADOPTION OF INTERNATIONAL ENERGY CONSERVATION CODE” AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

Move to Final Reading

2.RESOLUTION NO. [2021-13](#)

A RESOLUTION DECLARING THE INTENTION OF THE COUNCIL OF COMMISSIONERS OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, MONTANA TO EXTEND SPECIAL TOURISM BUSINESS IMPROVEMENT DISTRICT NO. 1, FOR THE PURPOSE OF PROMOTING TOURISM, CONVENTIONS, TRADE SHOWS AND TRAVEL TO THE CITY-COUNTY OF BUTTE-SILVER BOW; DESIGNATING AND DESCRIBING THE BOUNDARIES OF SAID PROPOSED SPECIAL TOURISM BUSINESS IMPROVEMENT DISTRICT; PROVIDING FOR THE PUBLICATION AND GIVING OF NOTICE OF THE PASSAGE AND ADOPTION OF THIS RESOLUTION AND PROVIDING FOR THE EFFECTIVE DATE HEREIN.

Hold in Abeyance

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	P

