

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING AGENDA
WEDNESDAY, MAY 19, 2021
7:30 PM COURTHOUSE COUNCIL CHAMBERS**

ROLL CALL

PRAYER AND PLEDGE

APPROVAL OF THE MINUTES

[May 5, 2021 Regular Meeting Minutes](#)

ITEMS NOT ADDRESSED ON THE AGENDA

CHIEF EXECUTIVE'S REPORT

PUBLIC COMMENT ON ANY ITEMS ON THE AGENDA

WRITTEN COMMENTS WELCOME:

public-input@bsb.mt.gov

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

PRESENTATION

1.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.

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. [2021-224](#)

Ellan Crain, Public Archives Director requesting Council of Commissioners authorization for the Chief Executive J.P. Gallagher to sign the Montana Museum of Art and Culture (MMAC) to host an exhibition of William A. Clark's Art from May 24th through August 20th at the BSB Archives.

[2021-224 Agreement](#)

Concur and Place on File

2.COMMUNICATION NO. [2021-225](#)

Ed Lester, BSB Sheriff requesting Council of Commissioners authorization for the Chief Executive J.P. Gallagher to sign the DUI Task Force FY 21-22 Annual Agreement. This Task Force is funded from one-half of the reinstatement fees from suspended licenses.

[2021-225 Agreement](#)

Concur and Place on File

3.COMMUNICATION NO. [2021-226](#)

Doug Conway, BSB Law Enforcement Captain requesting Council of Commissioners authorization to apply for grant funding in reference to the Bureau of Justice Assistance US Department of Justice Bulletproof Vest Partnership (BVP) - FY 2021 Program.

Concur and Place on File

4.COMMUNICATION NO. [2021-227](#)

Linda Sajor, Clerk & Recorder requesting Council of Commissioners authorization for the Chief Executive J.P. Gallagher to sign a Records Destruction Document (RM88) for a series of records scheduled for disposal. These records are less than 10 years old and may be disposed of this year.

[2021-227 Records Disposal](#)

Concur and Place on File

5.COMMUNICATION NO. [2021-228](#)

Ed Banderob, 2601 Grant Avenue requesting Council of Commissioners to do whatever is necessary to establish the Butte-Silver Bow Council of Commissioner Chair position as a full-time position.

Note and Place on File

6.COMMUNICATION NO. [2021-229](#)

Trevor Peterson, Arborist, Parks & Recreation Department requesting Council of Commissioners authorization to apply for grant funding in reference to the Department of Natural Resources & Conservation (DNRC) Montana Urban Forest Innovation Award program. Our 2021 application proposes an Edible Tree Planting project located at Basin Creek Park.

Concur and Place on File

7.COMMUNICATION NO. [2021-230](#)

Dori Skrukud, Greenway Project Manager requesting Council of Commissioners authorization to request time on your May 26, 2021 Committee of the Whole meeting to present an update on the Silver Bow Creek Greenway.

Hold in Abeyance



8.COMMUNICATION NO. [2021-231](#)

Karen Byrnes, Community Development Director requesting Council of Commissioners authorization to request time on your May 26, 2021 Committee of the Whole meeting to present information on the Uptown Master Plan.

Hold in Abeyance

9.COMMUNICATION NO. [2021-232](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners to accept this letter as my formal request for your concurrence of the appointment of Mike Mcanulty, 317 Anaconda Road, Butte MT 59701 to the BSB Health Study Advisory Committee.

Concur and Place on File

10.COMMUNICATION NO. [2021-233](#)

Bill Fisher, The Butte Depot requesting Council of Commissioners permission to hold a concert event on July 3, 2021 at the Original Mine Yard. We would allow 2 food vendors on site and The Butte Depot will cater the bar.

[2021-223 Communication](#)

Concur and Place on File

11.COMMUNICATION NO. [2021-234](#)

Karen Sullivan, BSB Health Officer requesting Council of Commissioners authorization for the Chief Executive J.P. Gallagher to sign a Memorandum of Understanding (MOU) between the Montana Department of Public Health and Human Services and the Butte-Silver Bow Health Department, governing the referral of HIV-positive clients from the Health Department to the Ryan White program.

[2021-234 MOU](#)

Concur and Place on File

12.COMMUNICATION NO. [2021-235](#)

Karen Sullivan, BSB Health Officer requesting Council of Commissioners authorization for the Chief Executive J.P. Gallagher to sign a contract amendment between the Montana Department of Public Health and Human Services and the Butte-Silver Bow Health Department for continued provision of reproductive health services in Butte-Silver Bow.

[2021-235 Amendment](#)

Concur and Place on File

13.COMMUNICATION NO. [2021-236](#)

Karen Sullivan, BSB Health Officer requesting Council of Commissioners authorization for the Chief Executive J.P. Gallagher to sign a contract amendment between the Montana Department of Public health and Human Services and the Butte-Silver Bow Health Department, providing additional funding to the department for COVID-19 vaccination planning.

[2021-236 Amendment](#)

Concur and Place on File



14.COMMUNICATION NO. [2021-237](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners to accept this letter as my formal request for your concurrence of the re-appointments of Jim Kennedy, 1825 Carolina, and John Amtmann, 1041 Steele Street Butte MT 59701 to the Fire Commission.

Concur and Place on File

15.COMMUNICATION NO. [2021-238](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners to accept this letter as my formal request for your concurrence of the re-appointments of Ray Ueland, 8 West Park St., and Tim Dick, 17 South Main St. Butte MT 59701 to the Parking Commission.

Concur and Place on File

16.COMMUNICATION NO. [2021-239](#)

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. I will be moving the event one block north between Granite and Broadway Streets.

[2021-239 Agreements](#)

Concur and Place on File

17.COMMUNICATION NO. [2021-240](#)

Lori Casey, Planning Director requesting Council of Commissioners to approve Communication No. 2021-182, a request from Geo Steele Co. to purchase City-County owned property located at 750 S. Wyoming.

Concur and Place on File

18.COMMUNICATION NO. [2021-241](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorization for the Chief Executive J.P. Gallagher to sign an agreement with Deluxe Engineering for water main design services.

[2021-241 Agreement](#)

Concur and Place on File

19.COMMUNICATION NO. [2021-242](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorization for the Chief Executive J.P. Gallagher to sign two deductive change orders with Intermountain Construction Services for Landfill's Cell IV construction project.

[2021-242 Change Order Two](#)

[2021-242 Change Order Three](#)

Concur and Place on File

20.COMMUNICATION NO. [2021-243](#)

Dylan Pipinich, Assistant Planning Director requesting Council of Commissioners to approve Zoning Change Application No. 182 and prepare an Ordinance adopting the proposed change of the Butte-Silver Bow District Map.

Concur and Place on File



21.COMMUNICATION NO. [2021-244](#)

Dylan Pipinich, Assistant Planning Director requesting Council of Commissioners authorization for the Chief Executive J.P. Gallagher to sign a Change Order # 11 for the County Shops Relocation Project.

[2021-244 Change Order](#)

Concur and Place on File

22.COMMUNICATION NO. [2021-245](#)

Eric Mankins, Commissioner District 9 requesting Council of Commissioners to have the Public Works Committee consider a speed study be conducted by the Montana Department of Transportation on Iron Street (Exit and Entrance) both east and west bound traffic.

Refer to Public Works Committee

23.COMMUNICATION NO. [2021-246](#)

Dan Dennehy, Emergency Management Director requesting Council of Commissioners authorization for the Chief Executive J.P. Gallagher to sign the Professional Services Agreement/Scope of Work between The City and County of Butte-Silver Bow and Johnson Controls Fire Protection LP for a required 5-year Obstruction and Internal inspections of the fire suppression and control systems located at the BSB Emergency Operation Center.

[2021-246 Agreement](#)

[2021-246 Insurance](#)

Concur and Place on File

24.COMMUNICATION NO. [2021-247](#)

Mark Fisher, Highland View Manager requesting Council of Commissioners authorization for the Chief Executive J.P. Gallagher to sign a contract with USA Technologies, ePORT CONNECT SERVICES AGREEMENT-Nontraditional. This will allow BSB to transfer funds from USA Tech, for Credit and Debit Cards being processed at Copper Mountain.

[2021-247 Agreement](#)

Concur and Place on File

25.COMMUNICATION NO. [2021-248](#)

Karen Byrnes, Community Development Director requesting Council of Commissioners to approve the letter from Any Cline requesting to purchase Butte-Silver Bow property at 7 West Agate.

[2021-248 Letter/Map](#)

Refer to Land Sales Committee

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

1.RESOLUTION NO. [2021-18](#)

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR IN ACCORDANCE WITH SECTION 7-6-4032, MONTANA CODE ANNOTATED (MCA) PROVIDING FOR AN EMERGENCY BUDGET APPROPRIATION; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW HEALTH DEPARTMENT FROM THE MONTANA DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.



2.RESOLUTION NO. [2021-19](#)

A RESOLUTION DIRECTING THE BUTTE-SILVER BOW LAND RECORDS DEPARTMENT ON BEHALF OF THE TREASURER 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 5: ORDINANCES AND RESOLUTIONS FOR FINAL READING

1.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.

2.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.

3.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 BUILDING INSPECTOR AND COVERING THE ASSOCIATED COSTS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

4.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.

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA

CALENDAR OF OTHER MEETINGS AND EVENTS

May 19, 2021, Parking Commission, 3:00 pm, Chief Executive Conference Room
May 20, 2021, Zoning Board, 5:30 pm, Council Chambers
May 24, 2021, Mental Health LAC, 1:00 pm, 3rd Floor, Library Bldg.
May 25, 2021, Port of Montana, 12:00 pm, Hub Center, Silver Bow
May 25, 2021, Urban Revitalization, 8:30 am, 1st Floor Conference Room
May 26, 2021, South Butte TEDD, 3:30 pm, 1st Floor Conference Room
May 26, 2021, Local Emergency Planning, 12:00 pm, Butte Justice Center
May 27, 2021, Planning Board, 5:30 pm, Council Chambers
May 27, 2020, Substance Abuse Task Force, 3:30 pm, Emergency Operations Center, 3615 Wynne
June 1, 2021, Weed Board, 7:00 pm, Weed Office, 25 West Front
June 1, 2021, Fire Advisory Committee, 5:30 pm, Butte 1st Floor Conference Room
June 1, 2021, Historic Preservation Commission, 5:30 pm, Council Chambers

ADJOURN

MEETINGS

FINANCE & BUDGET COMMITTEE MEETING

MAY 19, 2021

7:00 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS

Expenditure report for the week of May 19, 2021 was reviewed and approved in the amount of \$ _____ 2021.

REPORTS

COMMITTEE OF THE WHOLE REPORT

MAY 12, 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. 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. [2021-182](#)

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

3.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](#)

Concur and Place on File

4.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.

Concur and Place on File

5.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

6.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

7.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.

Concur and Place on File



8.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.

Hold in Abeyance

FINANCE & BUDGET COMMITTEE MEETING REPORT

MAY 12, 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 May 12, 2021 was reviewed and approved in the amount of \$822,859.80 for 2021.

FINANCE AND BUDGET COMMITTEE MEMBERS PRESENT/ ABSENT

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

PUBLIC WORKS COMMITTEE MEETING REPORT

MAY 12, 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

MAY 12, 2021

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	
RML MONTANA Thaddeus Faeth	\$133.24	REFUND REDEMPTION OF TAX ASSISGNMENT TAKEN/ INTEREST ON ASSIGNMENT	YES	

1.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.

Move to Final Reading

2.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.

Move to Final Reading

3.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.

Move to Final Reading

4.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.

Move to Final Reading



JUDICIARY COMMITTEE MEMBERS PRESENT/ABSENT

Bill Andersen, Chairman	P
Michele Shea, Vice Chairman	A
Dan Callahan	P
Hattie Thatcher	P
Eric Mankins	P
John Sorich	P

