

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING AGENDA
WEDNESDAY, JUNE 1, 2022
7:30 PM COURTHOUSE COUNCIL CHAMBERS**

ROLL CALL

PRAYER AND PLEDGE

APPROVAL OF THE MINUTES

[May 18, 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

PUBLIC HEARING

1.COMMUNICATION NO. [2022-262](#)

Eileen Joyce, BSB County Attorney requesting Council of Commissioners authorization to schedule a public Hearing for June 1, 2022, regarding the Franchise Agreement between the City-County of Butte-Silver Bow and TDS Metrocrom LLC. A public hearing is required prior to executing this Franchise Agreement.

[2022-262 Agreement](#)

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. [2022-268](#)

Kristen Rosa, TIFID Administrator requesting Council of Commissioners authorization to schedule a bid opening for June 15, 2022, for the Montana Connections Rail Park Road and Utility Construction project.

Hold in Abeyance



2.COMMUNICATION NO. [2022-269](#)

Kristen Rosa, TIFID Administrator requesting Council of Commissioners to schedule time on the June 15, 2022, Regular Meeting Agenda to give a presentation of the annual reports for the URA, HAS, TEDD and TIFID.

Hold in Abeyance

3.COMMUNICATION NO. [2022-270](#)

Leslie Clark Human Resources Director requesting Council of Commissioners authorization to have Chief Executive Gallagher sign an agreement between the City-County of Butte-Silver Bow Library Board of Trustees.

[2022-270 Agreement](#)

Concur and Place on File

4.COMMUNICATION NO. [2022-271](#)

Leslie Clark Human Resources Director requesting Council of Commissioners authorization to have Chief Executive Gallagher sign a Memorandum of Understanding between the City-County of Butte-Silver Bow and the International union of Operating Engineers, Local No. 400.

[2022-271 MOU](#)

Concur and Place on File

5.COMMUNICATION NO. [2022-272](#)

Sam with MICL, requesting Council of Commissioners permission to hold Montana Interscholastic Cycling League Race utilizing the BSB County open space trails and a small section of Bluebird Rd.

Concur and Place on File

6.COMMUNICATION NO. [2022-273](#)

Christi Jacobsen, Secretary of State notifying the Council of Commissioners of the vacancy of Senate District 39 due to the passing of the late Senator Mark Sweeney. The county commissioners must then make and confirm an appointment and notify the Secretary of State within 15 days after receiving the list of prospective appointees.

Concur and Place on File

7.COMMUNICATION NO. [2022-274](#)

Danette Gleason, Finance & Budget Director requesting Council of Commissioners authorization to have Chief Executive Gallagher sign an agreement between Praxis Sim Holdings, LLC, the Butte Local Development Corporation and the City-County of Butte-Silver Bow for distribution of loan funds from the Anaconda-ARCO revolving loan fund.

[2022-274 Agreement](#)

[2022-274 Promissory Note](#)

Concur and Place on File



8.COMMUNICATION NO. [2022-275](#)

Cari Coe, Clark Chateau Director requesting Council of Commissioners authorization to have Chief Executive Gallagher sign four professional Service Agreements for New Songs for Butte Mining Camp Project. This project will revive Butte folk songs specific to mining culture in the city.

[2022-275 Grant](#)

[2022-275 Jennings](#)

[2022-275 Eamon](#)

[2022-275 Dendy](#)

Concur and Place on File

9.COMMUNICATION NO. [2022-276](#)

Julia Crain, Reclamation & Environmental Services Assistant Director requesting Council of Commissioners authorization to have Chief Executive Gallagher to sign a Professional Services agreement between Butte-Silver Bow and Montana Technological University.

[2022-276 Agreement](#)

Concur and Place on File

10.COMMUNICATION NO. [2022-277](#)

Elizabeth Osborn, Senior Planner requesting Council of Commissioners authorization to approve Zone Change Application No. 22-000002 and prepare an Ordinance adopting the proposed change to the Butte-Silver bow Zoning District Map.

Concur and Refer to County Attorneys Office and Hold in Abeyance

11.COMMUNICATION NO. [2022-278](#)

Julia Crain, Reclamation & Environmental Services Assistant Director requesting Council of Commissioners authorization to have Chief Executive Gallagher to sign a Professional Services agreement between Butte-Silver Bow and Big Storm Interactive Marketing Co.

[2022-278 Agreement](#)

Concur and Place on File

12.COMMUNICATION NO. [2022-279](#)

Danette Gleason, Finance & Budget Director requesting Council of Commissioners approval of grant requests made to the Local Government ARPA grant Program. The grant recipients will be required to enter a subaward grant agreement, which will be forwarded to the Council of Commissioners, if the recommendations for funding are approved.

Concur and Place on File

13.COMMUNICATION NO. [2022-280](#)

Sean Peterson, Deputy County Attorney requesting Council of Commissioners authorization to have Chief Executive Gallagher to sign the Quit claim deed and the relevant maps depicting the boundary changes and the originals will be available to review and are currently in the Chief Executive's Office.

[2022-280 Deed](#)

Concur and Place on File



14.COMMUNICATION NO. [2022-281](#)

John Sullivan, Government Building Manager requesting Council of Commissioners authorization to have Chief Executive Gallagher to sign the Professional Services Agreement between the City-County of Butte-Silver Bow and ACE, Inc to provide professional engineering services for Animal Shelter Upgrades.

[2022-281 Agreement](#)

Concur and Place on File

15.COMMUNICATION NO. [2022-282](#)

Mark Neary Public Works Director requesting Council of Commissioners authorization to have Chief Executive Gallagher to sign the Rocker Lift Station and Connection to Metro-Diamond Construction agreement. Diamond Construction was the low bid.

[2022-282 Agreement](#)

Concur and Place on File

16.COMMUNICATION NO. [2022-283](#)

Mark Neary Public Works Director requesting Council of Commissioners to schedule time on the June 15, 2022 Regular meeting agenda for a presentation on County Wide Maintenance District Workplan update for FY2022 and Workplan for FY2023.

Hold in Abeyance

17.COMMUNICATION NO. [2022-284](#)

Mark Neary Public Works Director requesting Council of Commissioners authorization to have Chief Executive Gallagher to sign the Transit Advertising agreement with Golden Pheasant Advertising LLC for the purpose of selling bus bench and bus advertising on the BSB transit system.

[2022-284 Agreement](#)

Concur and Place on File

18.COMMUNICATION NO. [2022-285](#)

Kyle West, Public Works Engineering Tech requesting Council of Commissioners authorization to have Chief Executive Gallagher to sign the Storm Water Management/BMP Maintenance agreement for the National Guard Readiness Center on 415 Sugarloaf Loop.

[2022-285 Agreement](#)

Concur and Place on File

19.COMMUNICATION NO. [2022-286](#)

Jerome McCarthy, BSB City-Court Judge requesting Council of Commissioners authorization to have Chief Executive Gallagher to sign "For the Record" Courtroom Recording System Annual Support agreement.

[2022-286 Agreement](#)

Concur and Place on File



20.COMMUNICATION NO. [2022-287](#)

Karen Byrnes, Community Development Director requesting Council of Commissioners authorization for the Community Development Department to apply for Community Development Grant Program (CDBG) Planning funds from the Montana Department of Commerce.

Concur and Place on File

SECTION 3: ORDINANCES AND RESOLUTIONS INTRODUCED TO JUDICIARY

1.COUNCIL BILL NO. [2022-05](#)

ORDINANCE NO. [2022-05](#)

AN ORDINANCE AMENDING CHAPTER 2.16 OF THE BUTTE-SILVER BOW MUNICIPAL CODE ENTITLED “FIRE DEPARTMENT”, SPECIFICALLY AMENDING SECTIONS 2.16.490 AND 2.16.510 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

[2022-05 REDLINE](#)

2.RESOLUTION NO. [2022-38](#)

A RESOLUTION AUTHORIZING AND APPROVING THE SALE BY THE CITY AND COUNTY OF BUTTE-SILVER BOW OF THE REAL PROPERTY DESCRIBED AS THE WEST PORTION OF LOTS EIGHT (8) AND NINE (9) OF BLOCK 1 AND THE EAST THIRTY (30) FEET OF THE WEST SIXTY-FOUR (64) FEET OF LOTS EIGHT (8) AND NINE (9) OF THE BUFFALO SPUR LOAD ADDITION LOCATED IN SECTION 12, TOWNSHIP 03 NORTH, RANGE 08 WEST, WITHIN THE CITY-COUNTY OF BUTTE-SILVER BOW, MONTANA TO MR. MICHAEL W. HARRIS IN ACCORDANCE WITH THE PROVISION OF THE BUTTE-SILVER BOW MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

3.RESOLUTION NO. [2022-39](#)

A RESOLUTION AUTHORIZING AND APPROVING THE DONATION BY THE CITY AND COUNTY OF BUTTE-SILVER BOW OF THE REAL PROPERTY DESCRIBED AS LOT 10A OF THE AMENDED PLAT OF THE ORIGINAL BUTTE TOWNSITE, CERTIFICATE OF SURVEY _____, LOCATED IN THE NE¼ OF SECTION 13, TOWNSHIP 3 NORTH, RANGE 8 WEST, WITHIN THE CITY-COUNTY OF BUTTE-SILVER BOW, MONTANA TO CARPENTERS UNION HALL, INC. IN ACCORDANCE WITH THE PROVISIONS OF THE BUTTE-SILVER BOW MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION 4: ORDINANCES AND RESOLUTIONS FOR FINAL READING

1.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.



2.RESOLUTION NO. [2022-35](#)

A RESOLUTION AUTHORIZING AND APPROVING THE TRANSFER OF THE REAL PROPERTY DESCRIBED AS LOT 3 PLAT 305-A, LOCATED IN SECTION 25, TOWNSHIP 03 N, RANGE 09 W, WITHIN THE CITY-COUNTY OF BUTTE-SILVER BOW, MONTANA TO MT 4PSB LLC, A LIMITED LIABILITY CORPORATION IN ACCORDANCE WITH THE PROVISIONS OF THE BUTTE-SILVER BOW MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION 5: ORDINANCES AND RESOLUTIONS FOR EMERGENCY SUSPENSION OF THE RULES FOR FINAL PASSAGE

1.RESOLUTION NO. [2022-37](#)

A RESOLUTION AMENDING THE FISCAL YEAR 2021-2022 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 DISTRICT COURT RESERVE FUNDS BE ALLOCATED WITHIN THE DISTRICT COURT-JUVENILE DETENTION BUDGET FOR THE PURPOSE OF PAYING FOR PLACEMENTS OF JUVENILES IN SECURE DETENTION FACILITIES AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

CALENDAR OF OTHER MEETINGS AND EVENTS

June 1, 2022, Airport Authority, 12:00 pm, Bert Mooney Airport Authority Admin. Office
June 1, 2022, Butte AIDS Support Services, 7:00 pm, Community Center
June 2, 2021, Civic Center, 12:00 pm, Civic Center Hospitality Room
June 2, 2022, East Butte RRA, 9:00 am, 1st Floor Conference Room
June 7, 2022, Fire Advisory Committee, 5:30 pm, Butte 1st Floor Conference Room
June 7, 2022, Historic Preservation Commission, 5:30 pm, Council Chambers
June 7, 2022, Weed Board, 7:00 pm, Weed Office, 25 West Front
June 8, 2022, Board of Health, 7:00 am, Health Dept. Conference Room
June 8, 2022, Law Enforcement Commission, 4:00 pm, Chief Executive Conference Room
June 8, 2022, Public Library Board, 5:00 pm, 3rd Floor, Library Bldg.
June 9, 2022, Greenway Service District Board, 4:30 pm, Anaconda Comm. Service Bldg.
June 10, 2022, TIFID, 12:00 pm, Business Development Center
June 13, 2022, Archives, 12:00 pm, Archives Center
June 13, 2022, Fair Board, 6:00 pm, Perkins or HOPS Meeting Room
June 14, 2022, Land Sales Committee, 1:30 pm, Archives Auditorium
June 14, 2022, Superfund Advisory (SARTA), 6:00 pm, Butte Justice Center

PUBLIC COMMENT ON ANY MATTER NOT ON THE AGENDA

ADJOURN

MEETINGS



ECONOMIC DEVELOPMENT COMMITTEE MEETING

JUNE 1, 2022

6:00 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS

Joe Willauer will be presenting with BLDC

FINANCE & BUDGET COMMITTEE MEETING

JUNE 1, 2022

7:00 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS

Expenditure report for the week of June 1, 2022 was reviewed and approved in the amount of \$ _____ for FY 2022.

MEETING REPORTS

COMMITTEE OF THE WHOLE REPORT

MAY 25, 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. [2022-218](#)

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.

Held

2. 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.

Held

PUBLIC HEARINGS

1. 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.

Held



SECTION 2. COMMUNICATIONS

1.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.

Cross reference with Communication No. 2022-216 and 2022-254 and Place on File

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

Mary Jo and Steve Stosich, Citizens 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.

Cross reference with Communication No. 2022-253 and Place on File

3.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.

Cross reference with Resolution No. 2022-27 and Place on File

4.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.

Placed on File

5.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.

Cross reference with Communication No. 2022-255 and Place on File

6.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).

Cross reference with Communication No. 2022-252 and Place on File



7.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.

Concur and Place on File

Placed on File

8.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.

Place on File

9.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.

Cross referenced with Communication No. 2022-119 and 2022-254 and Place on File

10.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.

Place on File

11.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.

Place on File

12.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.

Place on File

13.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.

Place on File

14.COMMUNICATION NO. [2022-261](#)

Jim Fisher, Commissioner District #6 requesting Council of Commissioners authorization to provide notice of my intention to make a motion to reconsider Council Communication 2022-201. This communication, which requested amendments to how the \$80 million of opioids funds received by the State of Montana from the settling defendants would be distributed in the state, was



concurred with and placed on file at the May 4, 2022 Regular Meeting. Upon further review and after receiving several County Attorneys across the State urging us to reject the proposed changes to an existing MOU, I will be requesting the Council reconsider its action approving Council Communication 2022-201.

Hold in Abeyance

15.COMMUNICATION NO. [2022-264](#)

Dylan Pipinich, BSB Planning Director requesting Council of Commissioners approve budget authority for Public Works in the amount of \$220,000 for the engineering and construction for the western wall of 135 E. Park Street.

Denied and Placed on File

FINANCE AND BUDGET COMMITTEE MEETING

MAY 25, 2022

6:00 PM BUTTE SILVER-BOW COURTHOUSE CHAMBERS

Expenditure report for the week of May 25, 2022 was reviewed and approved in the amount of \$824,192.37 for FY 2022.

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

JUDICIARY COMMITTEE MEETING

MAY 25, 2022

7:00 PM BUTTE SILVER-BOW COURTHOUSE CHAMBERS

1.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.

Move to Final Reading

2.RESOLUTION NO. [2022-35](#)

A RESOLUTION AUTHORIZING AND APPROVING THE TRANSFER OF THE REAL PROPERTY DESCRIBED AS LOT 3 PLAT 305-A, LOCATED IN SECTION 25, TOWNSHIP 03 N, RANGE 09 W, WITHIN THE CITY-COUNTY OF BUTTE-SILVER BOW, MONTANA TO MT 4PSB LLC, A LIMITED LIABILITY CORPORATION IN ACCORDANCE WITH THE PROVISIONS OF THE BUTTE-SILVER BOW MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

Move to Final Reading



Name	Amount	Reason	Approved	
GUARDIAN TAX MT LLC	\$1254.68	REFUND/REDEMPTION OF TAX ASSIGNMENT TAKEN #0001329600	YES	
GUARDIAN TAX MT LLC	\$2958.03	REFUND/REDEMPTION OF TAX ASSIGNMENT TAKEN #0001088700	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

