

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING AGENDA
WEDNESDAY, JULY 20, 2022
7:30 PM COURTHOUSE COUNCIL CHAMBERS**

ROLL CALL

PRAYER AND PLEDGE

APPROVAL OF THE MINUTES

[July 6, 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. [2022-342](#)

Danette Gleason, Finance & Budget Director requesting Council of Commissioners authorization for a presentation on July 20, 2022 for a presentation on the Fiscal Year 2023 budget.

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. [2022-357](#)

Theresa Marshall, Benefits Specialist requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the Benefit Program Application through Blue Cross Blue Shield of Montana for the July 1, 2022 to June 30, 2023 benefit year.

[2022-357 Application](#)

Concur and Place on File



2.COMMUNICATION NO. [2022-358](#)

Theresa Marshall, Benefits Specialist requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the Administrative Services Agreement with Blue Cross Blue Shield of Montana to provide third-party administration services for the July 1, 2022 to June 30, 2023 benefit year.

[2022-358 Agreement](#)

Concur and Place on File

3.COMMUNICATION NO. [2022-359](#)

Theresa Marshall, Benefits Specialist requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the Application for Stop Loss Coverage through Blue Cross Shield of Montana for the July 1, 2022 to June 30, 2023 benefit year.

[2022-359 Application](#)

Concur and Place on File

4.COMMUNICATION NO. [2022-360](#)

Theresa Marshall, Benefits Specialist requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the Consulting Agreement between the City-County of Butte-Silver Bow and PayneWest Insurance, effective July 1, 2022.

[2022-360 Agreement](#)

Concur and Place on File

5.COMMUNICATION NO. [2022-361](#)

Lori Baker-Patrick, BSB Treasurer requesting Council of Commissioners to approve cash, check or Credit/Debit Card payments for property purchased at the two (2) scheduled 2022 Public Tax Deed Property Auctions.

Concur and Place on File

6.COMMUNICATION NO. [2022-362](#)

Lowell Stuck, Butte Symphony Director requesting Council of Commissioners to permission to present our annual summer concert on July 27, 2022, at the Original Headframe. The event is titled "Between the Sun and the Stars" and begins at dusk.

Concur and Place on File

7.COMMUNICATION NO. [2022-363](#)

Kristen Rosa, TIFID Administrator requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the Certificate of Non-Foreign Status for the sale of property to Saia Freight.

[2022-363 Certificate](#)

Concur and Place on File

8.COMMUNICATION NO. [2022-364](#)

Kristen Rosa, TIFID Administrator requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the Engagement for Legal Services with Sandler, Travis & Rosenberg, PA.

[2022-364 Agreement](#)

Concur and Place on File



9.COMMUNICATION NO. [2022-365](#)

Jeff Riggs, Thornton Group Member requesting Council of Commissioners to authorization to purchase the parking lot property owned by the City-County on West Quartz Street for the listed DOR value of \$41,306. We understand a small part of this parking lot is on property owned by Western Montana Mental Health and that the sale would be contingent upon a separate agreement with them.

Refer to Land Sales Committee

10.COMMUNICATION NO. [2022-366](#)

Danette Gleason, Finance & Budget Director requesting Council of Commissioners concurrence to schedule a Public Hearing for the adoption of the fiscal year 2023 Final budget and establish the user rates for Metro Sewer System, Storm Water System, Solid Waste Disposal and Collection, and Road Maintenance District. The public hearing will begin on August 3rd and be continued until the Council of Commissioners sets a date to adopt the fiscal year 2023 budget and fix the rates and levies.

Hold in Abeyance

11.COMMUNICATION NO. [2022-367](#)

Lori Baker-Patrick, BSB Treasurer requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the Sign Language Interpreter Agreement between the Butte-Silver Bow Treasurer and Katie James the Interpreter.

[2022-367 Agreement](#)

Concur and Place on File

12.COMMUNICATION NO. [2022-368](#)

Kathy Kenison, BSB IT Manager requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the CivicPlus Ultimate Department Design for Family Planning agreement between Butte-Silver Bow and CivicPlus.

[2022-368 Agreement](#)

Concur and Place on File

13.COMMUNICATION NO. [2022-369](#)

Kathy Kenison, BSB IT Manager requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the agreements between CivicPlus and Butte-Silver Bow. BSB is in the process of a 5-year website redesign which is included in our existing contract.

[2022-369 Statement of Work](#)

[2022-369 Subscription](#)

Concur and Place on File

14.COMMUNICATION NO. [2022-370](#)

John Morgan, Human Resources Director requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the Memorandum of Understanding (MOU) between Butte-Silver Bow and the Butte Police Protective Association.

[2022-370 MOU](#)

Concur and Place on File



15.COMMUNICATION NO. [2022-371](#)

John Morgan, Human Resources Director requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the Memorandum of Understanding (MOU) between Butte-Silver Bow and the Butte Police Protective Association.

[2022-371 MOU](#)

Concur and Place on File

16.COMMUNICATION NO. [2022-372](#)

Ben Casiano, Northwest Real Estate Capitol Corp. requesting Council of Commissioners to consider drafting a letter of support for our proposed project that can be shared with Montana Board of Housing while they review our application to apply for Federal Tax Credits to support the construction of an affordable housing community for seniors in Butte.

Note and Place on File

17.COMMUNICATION NO. [2022-373](#)

Elizabeth Osborn, BSB Senior Planner requesting Council of Commissioners approve the Final Plat of the Aware Inc. Major Subdivision and to authorize the Chief Executive to sign the Subdivision Improvement Agreement.

[2022-373 Agreement](#)

[2022-373 Staff Analysis](#)

Concur and Place on File

18.COMMUNICATION NO. [2022-374](#)

Karen Byrnes, Community Development Director requesting Council of Commissioners authorization to have Chief Executive Gallagher sign agreement with Snider, LTD, to provide construction services to furnish all labor, materials, and equipment needed to restore the exterior Basin Creek Caretakers House.

[2022-374 Agreement](#)

Concur and Place on File

19.COMMUNICATION NO. [2022-375](#)

Karen Byrnes, Community Development requesting Council of Commissioners concurrence to schedule a RFP opening on August 3, 2022 related to the Finlen Hotel Fire Suppression Project funded by CDBG-ED Grant awarded to Butte-Silver Bow.

Hold in Abeyance

20.COMMUNICATION NO. [2022-376](#)

Jim Keenan, BSB Chief Water Operator requesting Council of Commissioners authorization to have Chief Executive Gallagher sign a Montana Department of Natural Resources and Conservation (DNRC) Community Wildfire Protection Plan Grant Application.

Concur and Place on File



21.COMMUNICATION NO. [2022-377](#)

Eileen Joyce, County Attorney requesting Council of Commissioners authorization to have Chief Executive Gallagher sign two agreements between the Vigilante Rodeo and Saddle Club and the City and County of Butte-Silver Bow. Both agreements relate to the production of the 2022 County Fair.

[2022-377 Saddle Club Agreement](#)

[2022-377 Club House Agreement](#)

Concur and Place on File

SECTION 3: ORDINANCES AND RESOLUTIONS FOR SECOND READING

1.COUNCIL BILL NO. [2022-07](#)

ORDINANCE NO. [2022-07](#)

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 4.8 ACRES FROM R-4 (MANUFACTURED HOME ZONE) TO C-2 (COMMUNITY COMMERCIAL ZONE), COMMONLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION BETWEEN WARREN AVENUE AND LONGFELLOW STREET. THE SUBJECT AREA COMPRISES TWO PROPERTIES. ONE IS LEGALLY DESCRIBED AS SECTION 31, TOWNSHIP 03 NORTH, RANGE 07 WEST, POR LOT 10 IN NE4, AND THE OTHER IS LEGALLY DESCRIBED AS SECTION 31, TOWNSHIP 03 NORTH, RANGE 07 WEST, LOT 56 IN NE4 1977 GUERDON 28 X 60, 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.

2.COUNCIL BILL NO. [2022-08](#)

ORDINANCE NO. [2022-08](#)

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 198 ACRES FROM R1-S (SINGLE-FAMILY SUBURBAN RESIDENTIAL) TO M-1 (LIGHT INDUSTRIAL), COMMONLY LOCATED SOUTH AND EAST OF THE EXISTING SOUTH BUTTE INDUSTRIAL PARK, SOUTH AND EAST OF THE INTERSECTION BETWEEN SOUTH PARKMONT STREET AND BASIN CREEK ROAD. THE SUBJECT AREA COMPRISES PART OR WHOLE OF SIX DIFFERENT PROPERTIES IN SECTIONS 17 AND 18, SEE ATTACHED MAP (APPENDIX A), 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.COUNCIL BILL NO. [2022-09](#)

ORDINANCE NO. [2022-09](#)

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 2.3 ACRES FROM R1-S (SINGLE-FAMILY SUBURBAN RESIDENTIAL) TO M-2 (HEAVY INDUSTRIAL), COMMONLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF BEEF TRAIL ROAD AND SOUTH MONTANA STREET. THE SUBJECT AREA COMPRISES THE NORTHERN PORTION OF TWO DIFFERENT PROPERTIES, SEE ATTACHED MAP (APPENDIX A). THE PROPERTIES ARE LEGALLY DESCRIBED AS WATHENA PLACER, SECTION 25, TOWNSHIP 03 NORTH, RANGE 08 WEST, M AND B POR AND SECTION 25, TOWNSHIP 03 NORTH, RANGE 08 WEST, M AND B POR OF S2, W POR MA 1270 ME 1681, 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 4: ORDINANCES AND RESOLUTIONS FOR EMERGENCY SUSPENSION OF THE RULES

1.RESOLUTION NO. [2022-43](#)

A RESOLUTION AUTHORIZING AND APPROVING THE TRANSFER OF THE REAL PROPERTY DESCRIBED AS LOT 1-A, A TRACT OF LAND LOCATED IN THE SOUTHEAST ¼ AND THE SOUTHWEST ¼ OF SECTION 24, TOWNSHIP 3 NORTH, RANGE 9 WEST, PRINCIPAL MERIDIAN, WITHIN THE CITY-COUNTY OF BUTTE-SILVER BOW, MONTANA AND SHOWN ON THE AMENDED PLAT NO. 1126B-RB TO SAIA MOTOR FREIGHT LINE, LLC IN ACCORDANCE WITH THE PROVISIONS OF THE BUTTE-SILVER BOW MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2.RESOLUTION NO. [2022-44](#)

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE AWARE INC. MAJOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

CALENDAR OF OTHER MEETINGS AND EVENTS

July 20, 2022, Parking Commission, 3:00 pm, Chief Executive Conference Room

July 21, 2022, Zoning Board, 5:30 pm, Council Chambers

July 25, 2022, Mental Health LAC, 1:00 pm, 3rd Floor, Library Bldg.

July 26, 2022, Port of Montana, 12:00 pm, Hub Center, Silver Bow

July 26, 2022, Urban Revitalization, 8:30 am

July 27, 2022, South Butte TEDD, 3:30 pm, 1st Floor Conference Room

July 27, 2022, Local Emergency Planning, 12:00 pm, Butte Justice Center

July 27, 2022, Substance Abuse Task Force, 3:30 pm, Emergency Operations Center, 3615 Wynne



July 28, 2022, Planning Board, 5:30 pm, Council Chambers
August 2, 2022, Fire Advisory Committee, 5:30 pm
August 2, 2022, Historic Preservation Commission, 5:30 pm, Council Chambers
August 2, 2022, Weed Board, 7:00 pm, Weed Office, 25 West Front

PUBLIC COMMENT ON ANY MATTER NOT ON THE AGENDA

ADJOURN

MEETINGS

FINANCE & BUDGET COMMITTEE MEETING

JULY 20, 2022

7:00 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS

Expenditure report for the week of July 20, 2022 was reviewed and approved in the amount of \$ _____ for FY 2022.

MEETING REPORTS

JULY 13, 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:

PRESENTATIONS

1.COMMUNICATION NO. [2022-347](#)

Timothy Lahey, USDA District Ranger requesting Council of Commissioners authorization for a presentation on July 13, 2022 on the proposed Herman Gulch Acquisition and a request for a letter of support for this project.

Held

SECTION 1. COMMUNICATIONS

1.COMMUNICATION NO. [2022-296](#)

Danette Gleason, Finance & Budget Director notifying the Council of Commissioners that the Fiscal Year 2023 Preliminary Budget will be referred to the Finance & Budget Committee for the July 6, 2022 Finance & Budget Committee meeting which will be scheduled to start at 5:30 p.m. in the Council Chambers.

Hold in Abeyance

2.COMMUNICATION NO. [2022-305](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorization to schedule a bid opening for July 6, 2022 for the Aboveground Fuel Tanks for the City-County.

Concur and Place on File



3.COMMUNICATION NO. [2022-332](#)

Karen Byrnes, Community Development Director requesting Council of Commissioners authorization to schedule RFP opening on July 6, 2022 related to the Finlen Hotel Fire Suppression Project funded by CDBG_ED Grant awarded to Butte-Silver Bow.

Concur and Place on File

4.COMMUNICATION NO. [2022-342](#)

Danette Gleason, Finance & Budget Director requesting Council of Commissioners authorization for a presentation on July 20, 2022 for a presentation on the Fiscal Year 2023 budget.

Hold in Abeyance

5.COMMUNICATION NO. [2022-347](#)

Timothy Lahey, USDA District Ranger requesting Council of Commissioners authorization for a presentation on July 13, 2022 on the proposed Herman Gulch Acquisition and a request for a letter of support for this project.

Concur and Place on File

6.COMMUNICATION NO. [2022-354](#)

Eileen Joyce, BSB County Attorney requesting Council of Commissioners to complete the State-Approved SUD Treatment and prevention form for submission back to the DPHHS Addictive and Mental Disorders Division.

[2022-354 Forms](#)

Hold in Abeyance

FINANCE AND BUDGET COMMITTEE MEETING

JULY 13, 2022

6:00 PM BUTTE SILVER-BOW COURTHOUSE CHAMBERS

Expenditure report for the week of July 13, 2022 was reviewed and approved in the amount of \$636,500.60 for FY 2022 and \$287,746.18 for FY 2023.

<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

JULY 13, 2022

7:00 PM BUTTE SILVER-BOW COURTHOUSE CHAMBERS



1.COUNCIL BILL NO. [2022-07](#)

ORDINANCE NO. [2022-07](#)

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Move to Second Reading

2.COUNCIL BILL NO. [2022-08](#)

ORDINANCE NO. [2022-08](#)

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 198 ACRES FROM R1-S (SINGLE-FAMILY SUBURBAN RESIDENTIAL) TO M-1 (LIGHT INDUSTRIAL), COMMONLY LOCATED SOUTH AND EAST OF THE EXISTING SOUTH BUTTE INDUSTRIAL PARK, SOUTH AND EAST OF THE INTERSECTION BETWEEN SOUTH PARKMONT STREET AND BASIN CREEK ROAD. THE SUBJECT AREA COMPRISES PART OR WHOLE OF SIX DIFFERENT PROPERTIES IN SECTIONS 17 AND 18, SEE ATTACHED MAP (APPENDIX A), 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

3.COUNCIL BILL NO. [2022-09](#)

ORDINANCE NO. [2022-09](#)

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 2.3 ACRES FROM R1-S (SINGLE-FAMILY SUBURBAN RESIDENTIAL) TO M-2 (HEAVY INDUSTRIAL), COMMONLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF BEEF TRAIL ROAD AND SOUTH MONTANA STREET. THE SUBJECT AREA COMPRISES THE NORTHERN PORTION OF TWO DIFFERENT PROPERTIES, SEE ATTACHED MAP (APPENDIX A). THE PROPERTIES ARE LEGALLY DESCRIBED AS WATHENA PLACER, SECTION 25, TOWNSHIP 03 NORTH, RANGE 08 WEST, M AND B POR AND SECTION 25, TOWNSHIP 03 NORTH, RANGE 08 WEST, M AND B POR OF S2, W POR MA 1270 ME 1681 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	\$648.16	REFUND/REDEMPTION OF TAX ASSIGNMENT TAKEN #0000507600	YES	
GUARDIAN TAX MT LLC	\$2129.82	REFUND/REDEMPTION OF TAX ASSIGNMENT TAKEN #0001410300	YES	
GUARDIAN TAX MT LLC	\$3170.79	REFUND/REDEMPTION OF TAX ASSIGNMENT TAKEN #0000767200	YES	

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

