

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING AGENDA
WEDNESDAY, JULY 21, 2021
7:30 PM COURTHOUSE COUNCIL CHAMBERS**

ROLL CALL

PRAYER AND PLEDGE

APPROVAL OF THE MINUTES

[July 7, 2021 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 HEARINGS

1.PETITION NO. [2021-01](#)

Donald Swanson, Land Records Administrator requesting Council of Commissioners authorize a Petition to close and vacate an alleyway has been filed with the Land Records Office of the Planning Department, as provided for and within Ordinance Number 362.

[Petition No. 2021-01 Map](#)

2.COMMUNICATION NO. [2021-327](#)

Ed Lester, BSB Sheriff requesting Council of Commissioners concurrence to conduct a public hearing at its July 21st, 2021 regular meeting regarding the submission of a Bureau of Justice Assistance - FY 2021/22 Edward Byrne Memorial Justice Assistance grant.

PRESENTATIONS

1.COMMUNICATION NO. [2021-308](#)

Danette Gleason, Finance and Budget Director, requesting Council of Commissioners to authorize a presentation on the July 21, 2021, Regular Meeting Agenda to make a presentation on the Fiscal Year 2022 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. [2021-340](#)

Anthony Fields, Owner/Operator of Copper City Strength & Conditioning requesting Council of Commissioners authorization for Copper City Strength & Conditioning (CCSC) to utilize the Original Mine Yard for an upcoming fitness competition on August 14th from 8 AM to 3 PM.
Concur and Place on File

2. COMMUNICATION NO. [2021-341](#)

Karen Byrnes, Community Development Director requesting Council of Commissioners to request authorization for Chief Executive J.P. Gallagher to sign a contract with Butte Local Development Corporation to provide economic development services for Butte-Silver Bow 2021-2022.

[2021-341 Contract](#)

Concur and Place on File

3. COMMUNICATION NO. [2021-342](#)

Dan Dennehy, Emergency Management Director requesting Council of Commissioners to authorize the Chief Executive J.P. Gallagher to accept an Emergency Management Performance Grant Award and sign FFY-22 and Local Agreement (SLA).

[2021-342 Agreement](#)

Concur and Place on File

4. COMMUNICATION NO. [2021-343](#)

Lori Baker-Patrick, Butte-Silver Bow Treasurer requesting Council of Commissioners approval of Cash Only payments for property purchased at the two (2) scheduled 2021 Tax Deed Property Auctions.

Concur and Place on File

5. COMMUNICATION NO. [2021-344](#)

Ryan Hardy, BSB Police Officer requesting Council of Commissioners approval for this year's National Night Out event. This event is held all over the country every year on the first Tuesday of August. This is a national community-building campaign that promotes police community partnerships.

Concur and Place on File



6.COMMUNICATION NO. [2021-345](#)

Lowell Stuck, Butte Symphony Executive Director requesting Council of Commissioners authorization to present a free concert on August 19, 2021, at the Original Mine Yard venue. This will be the 9th year that we have presented this free concert.

Concur and Place on File

7.COMMUNICATION NO. [2021-346](#)

Walter Richter, 1238 Grizzly Trail, Butte Mt. requesting Council of Commissioners authorization to purchase the BSB property, described a Portion of the Peterson Placer lying south of the former NPRR R/W Section 20, T3N, R8W. Assessor No. 0001702800.

Refer to Land Sales

8.COMMUNICATION NO. [2021-347](#)

Eileen Joyce, BSB County Attorney requesting Council of Commissioners to request authorization for Chief Executive J.P. Gallagher to sign a contract between the City County of Butte Silver Bow, Montana and Department of Public Health and Human Services. The purpose of this contract is to set forth the use of grant funding to implement crisis intervention/jail diversion services within the City-County of BSB.

[2021-347 Contract](#)

Concur and Place on File

9.COMMUNICATION NO. [2021-348](#)

Doug Conway, BSB Law Enforcement Captain requesting Council of Commissioners to request authorization for Chief Executive J.P. Gallagher to sign a five-year agreement for services for body camera video storage and licensing.

[2021-348 Contract](#)

Concur and Place on File

10.COMMUNICATION NO. [2021-349](#)

Ed Lester, BSB Sheriff requesting Council of Commissioners to request authorization for Chief Executive J.P. Gallagher authorize the submission and required signatures in reference to the Bureau of Justice Assistance-FY2021 Edward Byrne Memorial Justice Assistance Grant (JAG) Application for FY 2021 (federal), FY 2021-22 (BSB).

[2021-349 Grant](#)

Concur and Place on File

11.COMMUNICATION NO. [2021-350](#)

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

[2021-350 Agreement](#)

Concur and Place on File



12.COMMUNICATION NO. [2021-351](#)

Hannah Van Wetter, Foothold Co-Founder, CEO requesting Council of Commissioners consideration to sell the City County vacant lot at the corner of 350 E. Granite Street, legally described as THORNTON ADD, S13, T03 N, R08 W. BLOCK 3 Lot 12, MOONLIGHT - W10' OF LOT 1 BLK 7.

[2021-351 Maps](#)

Refer to Land Sales

13.COMMUNICATION NO. [2021-352](#)

Dori Skrukrud, Greenway Service District Project Manager requesting Council of Commissioners to request authorization for Chief Executive J.P. Gallagher to execute a memorandum of Agreement between the City-County of Butte-Silver Bow, the Arthur D. Peterson Ranch et.al., Henry and Margaret Peterson and the Montana Department of Environmental Quality.

[2021-352 Agreement](#)

Concur and Place on File

14.COMMUNICATION NO. [2021-353](#)

Pat Holland, Government Buildings Manager requesting Council of Commissioners to request authorization for Chief Executive J.P. Gallagher to sign the Western States CAT Agreement contract for the 2021-2023 LEC/Jail/Main Fire Station Generator maintenance. This agreement allows for general maintenance and repairs on generators at the three locations.

[2021-353 Agreement](#)

Concur and Place on File

15.COMMUNICATION NO. [2021-354](#)

Karen Sullivan, BSB Health Officer requesting Council of Commissioners to request authorization for Chief Executive J.P. Gallagher to sign the Sub-Contract between the Montana Department of Public Health and Human Services and the Butte-Silver Bow Health Department and the Anaconda-Deer Lodge Public Health Department.

[2021-354 Contract](#)

Concur and Place on File

16.COMMUNICATION NO. [2021-355](#)

Karen Sullivan, BSB Health Officer requesting Council of Commissioners to request authorization for Chief Executive J.P. Gallagher to sign the Sub-Contract between the Montana Department of Public Health and Human Services and the Butte-Silver Bow Health Department and the Ravalli County Health Department.

[2021-355 Contract](#)

Concur and Place on File



17.COMMUNICATION NO. [2021-356](#)

Karen Sullivan, BSB Health Officer requesting Council of Commissioners to request authorization for Chief Executive J.P. Gallagher to sign the contract between the Montana Department of Public Health and Human Services and the Butte-Silver Bow Health Department related to regional operations related to the Montana Cancer Control Program, the Montana Tobacco Use Prevention Program, the Montana Health Living Program, and the Montana CONNECT Program.

[2021-356 Contract](#)

Concur and Place on File

18.COMMUNICATION NO. [2021-357](#)

Karen Sullivan, BSB Health Officer requesting Council of Commissioners to request authorization for Chief Executive J.P. Gallagher to sign the contract amendment between the Montana Department of Public Health and Human Services and the Butte-Silver Bow Health Department to continue home visiting services under the Nurse-Family Partnership Program.

[2021-357 Contract](#)

Concur and Place on File

19.COMMUNICATION NO. [2021-358](#)

Karen Sullivan, BSB Health Officer requesting Council of Commissioners to request authorization for Chief Executive J.P. Gallagher to sign the sub-contract between the Montana Department of Public Health and Human Services and the Butte-Silver Bow Health Department and the Madison County Public Health Department.

[2021-358 Contract](#)

Concur and Place on File

20.COMMUNICATION NO. [2021-359](#)

Lori Casey, BSB Planning Director requesting Council of Commissioners approve Council Communication # 2021-299 a request from Tristan Thomas, to purchase a City-County owned property West of 2422 Pine Street.

Concur and Place on File

21.COMMUNICATION NO. [2021-360](#)

Lori Casey, BSB Planning Director requesting Council of Commissioners approve Council Communication # 2021-305a request from Zixi Diaz, to purchase a City-County owned property that was approved under Resolution 08-59.

Concur and Place on File

22.COMMUNICATION NO. [2021-361](#)

Lori Casey, BSB Planning Director requesting Council of Commissioners approve Council Communication # 2021-315 a request from Butte Historic Trust., to purchase a City-County owned property commonly located on the Southwest corner of N. Main Street and Woolman Street.

Concur and Place on File



23.COMMUNICATION NO. [2021-362](#)

Lori Casey, BSB Planning Director requesting Council of Commissioners approve Council Communication # 2021-335 a request from Michael and Kelly Ann Hogan, to purchase a City-County owned property East and Northeast of 241 Williams Street.

Concur and Place on File

24.COMMUNICATION NO. [2021-363](#)

Lori Casey, BSB Planning Director requesting Council of Commissioners approve Council Communication # 2021-248 a request from Amy Cline, to purchase a City-County owned property located at 7 W. Agate Street.

Concur and Place on File

25.COMMUNICATION NO. [2021-364](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence in the following re-appointments of Rhonda Lee, Butte Plaza Mall and Duane Liebel, Montana Department of Transportation to the URD Board of Directors.

Concur and Place on File

26.COMMUNICATION NO. [2021-365](#)

Padraig Cunneen, Public Works Engineer requesting Council of Commissioners to request authorization for Chief Executive J.P. Gallagher to sign the Storm Water Management / BMP Maintenance Agreement for Audaciter Capital Management's Mercury Street Lofts.

[2021-365 Agreement](#)

Concur and Place on File

27.COMMUNICATION NO. [2021-366](#)

Padraig Cunneen, Public Works Engineer requesting Council of Commissioners to request authorization for Chief Executive J.P. Gallagher to sign the North Western Energy Customer Agreement for Electrical Service at the Lexington Mine.

[2021-366 Agreement](#)

Concur and Place on File

SECTION 3: ORDINANCES AND RESOLUTIONS SUSPENSION OF THE RULES FOR FINAL PASSAGE

1.RESOLUTION NO. [2021-24](#)

A RESOLUTION AUTHORIZING AND APPROVING THE TRANSFER OF THE REAL PROPERTY DESCRIBED AS LOTS ONE AND TWO OF BLOCK TEN OF THE NOYES AND UPTON RAILROAD NO. 2, LOCATED AT 750 SOUTH WYOMING STREET, PARCEL NO. 0001394740, IN THE CITY-COUNTY OF BUTTE-SILVER BOW, MONTANA TO GEO STEELE CO., IN ACCORDANCE WITH THE PROVISIONS OF THE BUTTE-SILVER BOW MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA



CALENDAR OF OTHER MEETINGS AND EVENTS

July 21, 2021, Parking Commission, 3:00 pm, Chief Executive Conference Room
July 22, 2020, Substance Abuse Task Force, 3:30 pm, Emergency Operations Center, 3615 Wynne
July 26, 2021, Mental Health LAC, 1:00 pm, 3rd Floor, Library Bldg.
July 27, 2021, Port of Montana, 12:00 pm, Hub Center, Silver Bow
July 27, 2021, Urban Revitalization, 8:30 am, 1st Floor Conference Room
July 28, 2021, South Butte TEDD, 3:30 pm, 1st Floor Conference Room
July 28, 2021, Local Emergency Planning, 12:00 pm, Butte Justice Center
July 29, 202, Planning Board, 5:30 pm, Council Chambers
August 3, 2021, Butte AIDS Support Services, 7:00 pm, Community Center
August 3, 2021, Fire Advisory Committee, 5:30 pm, Butte 1st Floor Conference Room
August 3, 2021, Historic Preservation Commission, 5:30 pm, Council Chambers
August 3, 2021, Weed Board, 7:00 pm, Weed Office, 25 West Front

ADJOURN

MEETINGS

FINANCE & BUDGET COMMITTEE MEETING

JULY 21, 2021

7:00 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS

Expenditure report for the week of July 21, 2021 was reviewed and approved in the amount of \$ _____ 2021.

REPORTS

COMMITTEE OF THE WHOLE REPORT

JULY 14, 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:

1. COMMUNICATION NO. [2020-411](#)

Brendan McDonough, Commissioner District 8 requesting Council of Commissioners consideration that Butte-Silver Bow take over the outside maintenance of the Community Ice Center located at Clark Park. The original operating agreement had the Butte Amateur Hockey Association maintaining the grounds; however, I think BSB should assume the maintenance.

Hold in Abeyance



2.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

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

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

[2021-248 Letter/Map](#)

Hold in Abeyance

4.COMMUNICATION NO. [2021-278](#)

John Sorich, BSB Commissioner District 4 requesting Council of Commissioners to request the BSB Chief Executive J.P. Gallagher to invite the different entities that receive funding from Butte-Silver Bow to provide their yearly update of their groups function and what the BSB tax dollars are used for.

Hold in Abeyance

5.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.

Hold in Abeyance

6.COMMUNICATION NO. [2021-305](#)

Donald Swanson, Land Records Administrator, requesting Council of Commissioners to authorize the sale of a parcel of real property described as the center portion of lots 23 and 24 in block 7 of the Noyes and Upton Addition, to Zixi Diaz.

[2021-305 Attachment](#)

Hold in Abeyance

7.COMMUNICATION NO. [2021-308](#)

Danette Gleason, Finance and Budget Director, requesting Council of Commissioners to authorize a presentation on the July 21, 2021, Regular Meeting Agenda to make a presentation on the Fiscal Year 2022 budget.

Hold in Abeyance

8.COMMUNICATION NO. [2021-315](#)

Emma Cunneen, Butte Historic Trust Administrative Coordinator and Project Manager, requesting Council of Commissioners authorization to purchase the property owned by Butte-Silver Bow (BSB) at the southwest corner of W. Woolman and N. Main Streets. This property is comprised of Lots 7 and 8 in Block C of the Kingsbury Addition, Geocode 01-1197-13-1-54-11-0000.

[2021-315 Map](#)

Hold in Abeyance



9.COMMUNICATION NO. [2021-327](#)

Ed Lester, BSB Sheriff requesting Council of Commissioners concurrence to conduct a public hearing at its July 21st, 2021 regular meeting regarding the submission of a Bureau of Justice Assistance - FY 2021/22 Edward Byrne Memorial Justice Assistance grant.

Hold in Abeyance

10.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](#)

Hold in Abeyance

FINANCE & BUDGET COMMITTEE MEETING REPORT

JULY 14, 2021

5:30 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 July 14, 2021, was reviewed and approved in the amount of \$352,847.95 for 2021 and \$68,375.91 for 2022.

1.Commissioner Fisher made a motion to allocate \$500,000 for restroom improvements at the BSB Courthouse. This project budget will be funded by a \$25,000 grant request from SARTA, \$300,000 Cares Act funds and \$175,000 transfer from General Fund to Capitol Improvement Fund-Government Buildings. The General Fund transfer is funded using RRA increment funds as a result of the district sunsetting. 5 Y- 0 N

2.Finance & Budget Committee recommends moving FY21/22 to the full council as amended by Commissioner Fishers approved amendment. Motion seconded by Riordan 5 Y- 0 N

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	



1.COMMUNICATION NO. **2020-503**

Dan Olsen, Commissioner District 5 requesting Council of Commissioners to address the following problem with Butte-Silver Bow Ordinance Chapter 6.16 - Livestock and Domesticated hoofed Animals as currently written is unenforceable by B-SB and does not interface seamlessly with MCA 81-4-201--81-4-401 to allow the State to provide enforcement.

Hold in Abeyance

2.COMMUNICATION NO. **2021-296**

Michele Shea, District 2 Commissioner requesting Council of Commissioners to create a new ordinance, or amend an existing ordinance, if appropriate, to allow for the identification and abatement of public nuisances on properties on which there have been, or continue to be, repeated disruptive activities including but not limited to, disturbances of the peace, public drunkenness, harassment of passerby, sale, storage, or possession of stolen goods, theft, assaults, batteries, acts of vandalism, excessive littering, illegal parking, loud noises, traffic and other code violations, or police detentions and arrests.

Hold in Abeyance

<u>JUDICIARY COMMITTEE MEMBERS</u>	<u>PRESENT/ABSENT</u>
Bill Andersen, Chairman	A
Michele Shea, Vice Chairman	A
Dan Callahan	P
Hattie Thatcher	P
Eric Mankins	P
John Sorich	P

