

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING AGENDA
WEDNESDAY, AUGUST 2, 2023
7:30 PM COURTHOUSE COUNCIL CHAMBERS**

ROLL CALL

PRAYER AND PLEDGE

APPROVAL OF THE MINUTES

[July 19, 2023, 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, PRESENTATIONS AND/OR PETITIONS

PUBLIC HEARING

1.COMMUNICATION NO. [2023-382](#)

Tim Cassidy, Special Improvement Rate Analyst, requesting Council of Commissioners concurrence to hold a Public Hearing on August 2, 2023, regarding changing the Street Maintenance Assessment Method to Units from a per parcel method as pursuant to Communication NO. 2023-210. The Street Maintenance flat fee will remain \$87.71 per unit.

PETITIONS

1.PETITION NO. [2022-01](#)

Dave Aguirre, BSB Land Records Coordinator, has a petition that was filed with the Land Records Office to close and vacate the east half of the platted and undeveloped portion of Western Avenue, north of the intersection of Western Avenue and Waukesha Street. Refer to the Public Works Committee until the public hearing is scheduled.

2.PETITION NO. [2022-02](#)

Dave Aguirre, BSB Land Records Coordinator, has a petition that was filed with the Land Records Office to close and vacate the east half of the platted and undeveloped portion of Radium Street, a portion of an adjacent dedicated and undeveloped alley, and a portion of an adjacent dedicated alley. The Rights-of-Way are located south of Mercury Street and North of Silver Street. Refer to the Public Works Committee until the public hearing is scheduled.



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. [2023-395](#)

J.P. Gallagher, Chief Executive, requesting Council of Commissioners concurrence in the following appointment of Amy Swartz, 3331 Busch Street, Butte MT to the Historic Preservation Commission.

Concur and Place on File

2. COMMUNICATION NO. [2023-396](#)

J.P. Gallagher, Chief Executive, requesting Council of Commissioners concurrence in the following re-appointment of W. Bruce Schlaebitz, 3100 Kossuth, Butte MT to the Friends of the Urban Forest Board.

Concur and Place on File

3. COMMUNICATION NO. [2023-397](#)

J.P. Gallagher, Chief Executive, requesting Council of Commissioners concurrence in the following appointment of Jana Galarus, 15 Sawmill Gulch, Butte MT to the Behavioral Health Local Advisory Council.

Concur and Place on File

4. COMMUNICATION NO. [2023-398](#)

Ed Lester, Butte-Silver Bow Sheriff, requesting Council of Commissioners authorization to have Chief Executive Gallagher submit the required signatures in reference to the Department of Justice Edward Byrne Memorial Justice Assistance Grant.

[2023-398 Grant App Signatures](#)

Concur and Place on File

5. COMMUNICATION NO. [2023-399](#)

Karen Byrnes, Community Development Director, requesting Council of Commissioners concurrence to hold a CDBG - Project Specific Public Hearing on August 9, 2023, regarding the proposed renovation of the Aspen Place Apartments.

Hold in Abeyance

6. COMMUNICATION NO. [2023-400](#)

Lori Baker-Patrick, BSB Treasurer, requesting Council of Commissioners direct the County Attorney to prepare a Council Resolution to be read upon and passed August 23, 2023, authorizing the approval of the Tax Deed Public Auction and the sale of certain parcels that have been Tax Deeded and owned by the City and County of Butte-Silver Bow, Montana.

Concur and Place on File



7.COMMUNICATION NO. [2023-401](#)

Lori Baker-Patrick, BSB Treasurer requesting Council of Commissioners approval of Cash Only payments for property purchased at the two (2) scheduled 2023 Public Tax Deed Property Auctions on August 23, 2023, and October 18, 2023.

Concur and Place on File

8.COMMUNICATION NO. [2023-402](#)

John Riordan, Commissioner District 8, requesting Council of Commissioners authorization to have Barbara Miller, National Affordable Housing Network, give a presentation on August 9, 2023, regarding grants that are available for District 8 and District 9.

Hold in Abeyance

9.COMMUNICATION NO. [2023-403](#)

Beth Wurm, Human Resources Director, requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the Collective Bargaining agreement and Associated Memorandum of Understanding (MOU) between the City-County of Butte-Silver Bow and the International Union of Operating Engineers, Local No. 400.

[2023-403 Agreement](#)

[2023-403 Redline Agreement](#)

Concur and Place on File

10.COMMUNICATION NO. [2023-404](#)

Kate McCourt, Historic Preservation Officer, requesting Council of Commissioners authorization to have Chief Executive Gallagher enter into a 15-year conservation easement agreement with the Montana State Historic Preservation Office for the purpose of preserving the Basin Creek Caretaker's House as a condition of the Revitalizing Montana's Rural History Grant received in 2020.

[2023-404 Easement](#)

Concur and Place on File

11.COMMUNICATION NO. [2023-405](#)

Morgan Maccione, Historic Clark Chateau Program Director, requesting Council of Commissioners permission for the Historic Clark Chateau, under the BSB Public Archives, to apply for a Humanities Montana grant for \$5000. This grant will fund the publishing of a book, which will include the lyrics to Butte-specific folk music and essays from the New Songs for the Butte Mining Camp concert and lecture series participants.

Concur and Place on File

12.COMMUNICATION NO. [2023-406](#)

Kristen Rosa, TIFID Administrator, requesting Council of Commissioners authorization to have Chief Executive Gallagher sign an Operations Agreement with Cinch Warehousing Inc., to utilize the Foreign Trade Zone (FTZ) as a Zone Operator under Butte-Silver Bow's Foreign Trade Zone 274, for an annual fee of \$2,500 and a one-time fee of \$3,000.

[2023-406 Agreement](#)

Concur and Place on File



13.COMMUNICATION NO. [2023-407](#)

Angie Mullikin, Public Works Budget Manager, requesting Council of Commissioners concurrence to hold a public hearing on the changes to the Solid Waste Ordinances for August 9, 2023.

Hold in Abeyance

SECTION 3: ORDINANCES AND RESOLUTIONS INTRODUCED TO JUDICIARY

1.RESOLUTION NO. [2023-27](#)

A RESOLUTION OF NECESSITY DECLARING AN ADDITIONAL INFRASTRUCTURE DEFICIENT AREA EXISTS WITHIN THE CITY AND COUNTY OF BUTTE-SILVER BOW, MONTANA (BUTTE-SILVER BOW) AND THAT INVESTMENT IN INFRASTRUCTURE IN THAT AREA IS IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY, MORALS, OR WELFARE OF THE RESIDENTS OF BUTTE-SILVER BOW.

2.RESOLUTION NO. [2023-28](#)

A RESOLUTION FINDING ADDITIONAL BLIGHTED AREAS EXIST WITHIN THE CITY AND COUNTY OF BUTTE-SILVER BOW, MONTANA (BUTTE-SILVER BOW) AND THAT REHABILITATION, REDEVELOPMENT, OR A COMBINATION THEREOF OF SUCH AREAS IS NECESSARY AND IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY, MORALS, OR WELFARE OF THE RESIDENTS OF BUTTE-SILVER BOW.

3.RESOLUTION NO. [2023-29](#)

RESOLUTION OF NECESSITY DECLARING AN INFRASTRUCTURE DEFICIENT AREA EXISTS WITH THE CITY AND COUNTY OF BUTTE-SILVER BOW, MONTANA (BUTTE-SILVER BOW) AND THAT INVESTMENT IN INFRASTRUCTURE IN THAT AREA KNOWN AS THE MONTANA CONNECTIONS BUSINESS DEVELOPMENT PARK IS NECESSARY AND IN THE INTEREST OF PUBLIC HEALTH, SAFETY, OR WELFARE OF THE RESIDENTS OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA

SECTION 4: ORDINANCES AND RESOLUTIONS FOR FINAL READING

1.RESOLUTION NO. [2023-25](#)

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE CK MINOR 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

August 2, 2023, Airport Authority, 12:00 pm, Bert Mooney Airport Authority Admin. Office

August 2, 2022, Butte AIDS Support Services, 7:00 pm, Community Center

August 3, 2022, Civic Center, 12:00 pm, Civic Center Hospitality Room

August 3, 2022, East Butte RRA, 9:00 am 1st Floor Conference Room

August 8, 2022, Land Sales Committee, 1:30 pm, Archives Auditorium



August 9, 2022, Board of Health, 7:00 am, Health Dept. Conference Room
August 9, 2022, Law Enforcement Commission, 4:00 pm, Chief Executive Conference Room
August 9, 2022, Public Library Board, 5:00 pm, 3rd Floor, Library Bldg.
August 10, 2022, Greenway Service District Board, 4:30 pm, Anaconda Comm. Service Bldg.
August 14, 2022, Archives, 12:00 pm, Archives Center
August 14, 2022, Fair Board, 6:00 pm, Mackenzie Pizza Meeting Room
August 15, 2022, Public Housing Authority, 5:00 pm, New Deal Community Center
August 15, 2021, Technical Review Committee, 1:30 pm, 3rd Floor, Water Building
August 15, 2022, Urban Forestry Board, 1:00 pm, Business Development Center

PUBLIC COMMENT ON ANY MATTER NOT ON THE AGENDA

ADJOURN

MEETINGS

ECONOMIC DEVELOPMENT COMMITTEE MEETING

AUGUST 2, 2023

6:30 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS

Kelly Sullivan will be presenting on behalf of Butte Local Development Corporation.

FINANCE & BUDGET COMMITTEE MEETING

AUGUST 2, 2023

7:00 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS

Expenditure report for the week of August 2, 2023, was reviewed and approved in the amount of \$ _____ for FY 2023.

MEETING REPORTS

COMMITTEE OF THE WHOLE REPORT

JULY 26, 2023

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
PRESENTATION**

1. COMMUNICATION NO. [2023-378](#)

Danette Gleason, Finance & Budget Director, requesting Council of Commissioners authorization



for a presentation on July 26, 2023, on the Fiscal Year 2024 budget.

Held

SECTION 2: COMMUNICATIONS

1.COMMUNICATION NO. [2023-326](#)

Danette Gleason, Finance & Budget Director, requesting the Council of Commissioners that the Fiscal Year 2024 Preliminary Budget be referred to the Finance & Budget Committee for the July 12, 2023, Finance & Budget Committee meeting.

Place on File

2.COMMUNICATION NO. [2023-327](#)

Dan Villa, 146 Whisper Ridge, Butte MT, informing the Council of Commissioners that the Homestake Meadow II Homeowners Association voted overwhelmingly at their June 13, semi-annual meeting to request Butte-Silver Bow form a special improvement district for the purpose of road paving. Attached is a map of the proposed properties for inclusion and the successful bid we received from a local contractor.

Hold in Abeyance

3.COMMUNICATION NO. [2023-362](#)

Karen Byrnes, Community Development Director, requesting Council of Commissioners authorization to hold a Community Needs Public Hearing on July 19, 2023, to discuss the HOME, CDBG and other related funding programs offered by the Montana Department of Commerce.

Place on File

4.COMMUNICATION NO. [2023-378](#)

Danette Gleason, Finance & Budget Director, requesting Council of Commissioners authorization for a presentation on July 26, 2023, on the Fiscal Year 2024 budget.

Place on File

5.COMMUNICATION NO. [2023-379](#)

Danette Gleason, Finance & Budget Director, requesting Council of Commissioners authorization to schedule a public hearing for the adoption of the Fiscal Year 2024 Final Budget and establish the user rates for Metro Sewer System, Storm Water System, Solid Waste Disposal and Collection, and Lighting and Fire Hydrant districts. The public hearing will begin on August 9, 2023, and continue until the Council of Commissioners set a date to adopt the Fiscal Year 2024 Final Budget and fix the rate and levies.

Hold in Abeyance

6.COMMUNICATION NO. [2023-382](#)

Tim Cassidy, Special Improvement Rate Analyst, requesting Council of Commissioners concurrence to hold a Public Hearing on August 2, 2023, regarding changing the Street Maintenance Assessment Method to Units from a per parcel method as pursuant to Communication NO. 2023-210. The Street Maintenance flat fee will remain \$87.71 per unit.

Hold in Abeyance



FINANCE AND BUDGET COMMITTEE MEETING REPORT

JULY 26, 2023

6:00 PM BUTTE SILVER-BOW COURTHOUSE CHAMBERS

Expenditure report for the week of July 26, 2023, was reviewed and approved in the amount of \$114,222.43 for FY 2023 and \$441,721.06 for FY 2024.

| <u>Committee Members</u> | <u>Present /Absent</u> |
|--------------------------|------------------------|
| Hattie Thatcher, Chair | P |
| Jim Fisher, Vice Chair | P |
| Josh O’Neill | A |
| Tommy Walker | P |
| John Riordan | P |
| Justin Fortune | A |

PUBLIC WORKS COMMITTEE MEETING REPORT

JULY 26, 2023

6:30 PM BUTTE SILVER-BOW COURTHOUSE CHAMBERS

NO MEETING WAS HELD

| <u>Committee Members</u> | <u>Present /Absent</u> |
|--------------------------|------------------------|
| Eric Mankins, Chair | P |
| John Sorich, Vice Chair | P |
| Josh O’Neill | P |
| Jim Fisher | P |
| Justin Fortune | P |
| Dan Callahan | P |

JUDICIARY COMMITTEE MEETING REPORT

JULY 26, 2023

7:00 PM BUTTE SILVER-BOW COURTHOUSE CHAMBERS

1.COUNCIL BILL NO. [2023-04](#)

ORDINANCE NO. [2023-04](#)

AN ORDINANCE AMENDING CHAPTER 13.12 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “SOLID WASTE MANANGEMENT FACILITY”, SPECIFICALLY AMENDING SECTION 13.12.070, AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

[2023-04 REDLINE](#)

Hold in Abeyance Pending Public Hearing

2.RESOLUTION NO. [2023-25](#)

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE CK MINOR



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.

Place on Final Reading

| Name | Amount | Reason | Approved | |
|----------------------------------|---------------|---|-----------------|--|
| MONTANA ELECTRONICS COMPANY INC. | \$6,738.70 | MOBILE RADIO FOR CORONER'S VEHICLE | NO | |
| TERESA CARESTIA | \$9.55 | PROPERTY TAX REFUND | YES | |
| DOMINIC CARESTIA | \$2,509.45 | PROPERTY TAX REFUND | YES | |
| GUARDIAN TAX MT LLC | \$5,001.21 | REFUND/REDEMPTION OF TAX ASSINGMENT TAKEN/PARCEL000057900 | YES | |

Committee Members Present/Absent

Bill Andersen, Chair P
 Hattie Thatcher, Vice-Chair P
 Dan Callahan P
 Eric Mankins P
 John Sorich A
 Tommy Walker P

