

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING AGENDA
WEDNESDAY, AUGUST 4, 2021
7:30 PM COURTHOUSE COUNCIL CHAMBERS**

ROLL CALL

PRAYER AND PLEDGE

APPROVAL OF THE MINUTES

[July 21, 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, PRESENTATIONS AND/OR PETITIONS

PUBLIC HEARING

1.COMMUNICATION NO. [2021-285](#)

Danette Gleason, Finance & Budget Director requesting Council of Commissioners to refer the Fiscal Year 2022 Preliminary Budget to the Finance & Budget Committee for the July 7, 2021 Finance & Budget Committee meeting.

PRESENTATIONS

1.COMMUNICATION NO. [2021-371](#)

Joseph J Willauer, Executive Director of BLDC, requesting Council of Commissioners authorization to conduct a presentation at the request of Chief Executive Gallagher on August 4, 2021, during the Council of Commissioners meeting. The presentation is to discuss successes of the BLDC and Headwaters RC&D.

PETITIONS

1.PETITION NO. [2021-02](#)

Lori Casey, Planning Director, A petition to close and vacate a portion of S. Wyoming St. between E. Park St. and E. Galena St. has been filed with the Land Records Office of the Planning Department, as provided for and within ordinance Number 362.

Refer to Public Works



SECTION 1: 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. [2021-367](#)

Jack E Datre, Jr., Uno's Lounge, requesting Council of Commissioners authorization to hold an annual event, the Uno's Charitable Golf Scramble, "Connecting for a Cancer Cure". The event would take place Friday, September 10, 2021, and September 11, 2021.

Concur and Place on File

2. COMMUNICATION NO. [2021-368](#)

Brayton and Syd Erickson, Executive Directors of the Butte Rescue Mission, requesting Council of Commissioners authorization to hold an event at the Original Stage on Friday, August 20, 2021. The event is a benefit concert (fundraiser) to support the work of the Butte Rescue Mission and the homeless of Butte.

Concur and Place on File

3. COMMUNICATION NO. [2021-369](#)

Whitney and Curtis Moen, Copper Canyon H-D, requesting Council of Commissioners authorization to hold an event at Copper Canyon Harley-Davidson on August 21, 2021, to celebrate the 2021 Ride for Respect along with Butte Law Enforcement and Montana Special Olympics. This includes requesting street closure during the event.

Concur and Place on File

4. COMMUNICATION NO. [2021-370](#)

Doyle Jay, President of SCL Health St. James Healthcare, requesting Council of Commissioners authorization to host a dinner at the Original Mine Yard on August 18, 2021, and August 19, 2021, for the Montana Regional SCL Health Board Meetings.

Concur and Place on File

5. COMMUNICATION NO. [2021-372](#)

Leslie Clark, Director, Human Resources, requesting Council of Commissioners to request authorization for Chief Executive J.P. Gallagher to 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.

[2021-372 MOU](#)

[2021-372 Agreement](#)

[2021-372 Redline Agreement](#)

Concur and Place on File



6.COMMUNICATION NO. [2021-373](#)

Dori Skrukud, Project Manager, requesting Council of Commissioners schedule a Bid Opening during the Commissioners Meeting on August 18, 2021, for the Silver Bow Creek Greenway Cattle Bridge, Greenway Service District (GSD) Contract Number 2G-21-01.

Hold in Abeyance

7.COMMUNICATION NO. [2021-374](#)

Bob Lazzari, Parks and Recreation Director, requesting Council of Commissioners to request authorization for Chief Executive J.P. Gallagher to sign the GC/CM Contract Amendment AIA - Document A133-2019 with Langlas & Associates as General Contractor/Construction Manager (GC/CM of Stodden Park Central Improvement Plan (CIP).

[2021-374 Contract](#)

Concur and Place on File

8.COMMUNICATION NO. [2021-375](#)

J.P. Gallagher, Chief Executive, requesting Council of Commissioners for their concurrence in the Appointment of Matt Moore, 1830 Howard St., Butte, MT 59701, to the Friends of the Urban Forest Board.

Concur and Place on File

9.COMMUNICATION NO. [2021-376](#)

J.P. Gallagher, Chief Executive, requesting Council of Commissioners for their concurrence in the Appointment of Tracy Miller, 820 W Platinum, Butte, MT and John Weitzel, 815 7th St., Butte, MT, to the Historic Preservation Commission.

Concur and Place on File

10.COMMUNICATION NO. [2021-377](#)

Angela Helvey, 624 W. Galena St., Butte, MT, requesting Council of Commissioners to discuss the fireworks in Butte, including the time and number of days they are allowed.

Refer to the Committee of the Whole

11.COMMUNICATION NO. [2021-378](#)

Julia Crain, Reclamation & Environmental Services Assistant Director requesting Council of Commissioners to request authorization for Chief Executive J.P. Gallagher to sign the NRDP Contract No. 80007-10293, Modification No. 5.

[2021-378 Contract](#)

Concur and Place on File

12.COMMUNICATION NO. [2021-379](#)

Kristen Rosa, TIFID Administrator requesting Council of Commissioners to request authorization for Chief Executive J.P. Gallagher to sign a Memorandum of Understanding with Western State Cat Rental (WSECO).

[2021-379 MOU](#)

Concur and Place on File



13.COMMUNICATION NO. [2021-381](#)

Mark Neary, Public Works Director requesting Council of Commissioners to request authorization for Chief Executive J.P. Gallagher to sign an agreement with the O'Neil Trust for the survey of Terra Verde Drive. This agreement will allow the Public Works Department to pay for a survey for Terra Verde Drive.

[2021-381 Agreement](#)

Concur and Place on File

14.COMMUNICATION NO. [2021-382](#)

Mark Neary, Public Works Director requesting Council of Commissioners to request authorization for Chief Executive J.P. Gallagher to sign an agreement with WBI energy Corrosion Service for cathodic protection for the Big Hole Transmission Line.

[2021-382 Agreement](#)

Concur and Place on File

15.COMMUNICATION NO. [2021-383](#)

Padraig Cunneen, Public work Operations Engineer requesting Council of Commissioners to request authorization for Chief Executive J.P. Gallagher to sign an agreement with Storm Water Management / BMP Maintenance Agreement for Murdoch's Distribution Center on 179 Sugar Loaf Loop.

[2021-383 Agreement](#)

Concur and Place on File

16.COMMUNICATION NO. [2021-384](#)

Mark Neary, Public Works Director requesting Council of Commissioners to request authorization for Chief Executive J.P. Gallagher to sign an agreement with Natural Resource Damage Program (NRDP) for a pilot flow release agreement for the Silver Lake Water system into the Clark Fork River due to the drought condition in our region.

[2021-384 Agreement](#)

Concur and Place on File

17.COMMUNICATION NO. [2021-385](#)

Eileen Joyce, Butte-Silver Bow County Attorney requesting Council of Commissioners to request authorization for Chief Executive J.P. Gallagher to sign Pre-Trial Services Agreement with Community Counseling and correctional Services (CCCS) in order to allow CCCS to continue to provide pre-trial services to individuals charge with criminal offenses in BSB.

[2021-385 Agreement](#)

[2021-385 Scope of Work](#)

Concur and Place on File

18.COMMUNICATION NO. [2021-386](#)

Eileen Joyce, Butte-Silver Bow County Attorney requesting Council of Commissioners to request authorization for Chief Executive J.P. Gallagher to sign the Interagency Pre-trial Services Agreement with the State of Montana Office of the Court Administrator. I am requesting to enter into this Agreement in order to continue pretrial services and this pilot project for BSB.

[2021-386 Agreement](#)

Concur and Place on File



19.COMMUNICATION NO. [2021-387](#)

Leslie Clark, Human Resources Director requesting Council of Commissioners to request authorization for Chief Executive J.P. Gallagher to sign the Collective Bargaining Agreement between the City-County of Butte-Silver Bow and the International Brotherhood of Electrical Workers, Local No. 233.

[2021-387 Agreement](#)

[2021-387 Redline Agreement](#)

Concur and Place on File

20.COMMUNICATION NO. [2021-388](#)

Michele Shea, Commissioner District 2 requesting Council of Commissioners for a stop sign on behalf of Diane Jordan a District 2 resident, at the corner of Harvard and Meade. Mrs. Jordan has witnessed speeding and other violations at this intersection and requests a stop sign to solve these issues.

Refer to Public Works Department

21.COMMUNICATION NO. [2021-389](#)

Pat Holland, Government Building Manager requesting Council of Commissioners for their concurrence for a bid opening on August 18, 2021 regarding the Butte-Silver Bow Courthouse and LEA Boiler Replacement.

Hold in Abeyance

22.COMMUNICATION NO. [2021-390](#)

Pat Holland, Government Building Manager requesting Council of Commissioners for their concurrence for a bid opening on August 18, 2021 regarding the Mother Lode Theater Fire suppression and Annunciation Systems.

Hold in Abeyance

SECTION 2: ORDINANCES AND RESOLUTIONS INTRODUCED TO JUDICIARY

1.RESOLUTION NO. [2021-25](#)

A RESOLUTION AUTHORIZING AND APPROVING THE TRANSFER OF THE REAL PROPERTY DESCRIBED AS LOTS TWENTY (20) AND THE WEST 14.5' OF LOT TWENTY-ONE (21) OF BLOCK SIX (6) OF THE SMITH & KESSLER ADDITION, LOCATED AT 7 WEST AGATE STREET, PARCEL NO. 323400, IN THE CITY-COUNTY OF BUTTE-SILVER BOW, MONTANA TO AMY CLINE, 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

August 4, 2021, Airport Authority, 12:00 pm, Bert Mooney Airport Authority Admin. Office

August 5, 2021, Civic Center, 12:00 pm, Civic Center Hospitality Room

August 5, 2021, East Butte RRA, 9:00 am, 1st Floor Conference Room,



August 9, 2021, Archives, 12:00 pm, Archives Center
August 9, 2021, Fair Board, 6:00 pm, Perkins or HOPS Meeting Room
August 10, 2021, Superfund Advisory (SARTA), 6:00 pm, Butte Justice Center
August 11, 2021, Board of Health, 7:00 am, Health Dept. Conference Room
August 11, 2021, Public Library Board, 5:00 pm, 3rd Floor, Library Bldg.
August 11, 2021, Land Sales Committee, 1:30 pm, First Floor Conference Room
August 12, 2021, Law Enforcement Commission, 4:00 pm, Chief Executive Conference Room
August 12, 2021, Greenway Service District Board, 4:30 pm, Anaconda Comm. Service Bldg.
August 13, 2021, TIFID, 12:00 pm, Business Development Center
August 17, 2021, Technical Review Committee, 1:30 pm, 3rd Floor, Water Building
August 16, 2021, Parks & Recreation, 11:30 am, Highland View Clubhouse
August 17, 2021, Urban Forestry Board, 1:00 pm, Business Development Center
August 17, 2021, Public Housing Authority, 5:00 pm, New Deal Community Center

ADJOURN

MEETINGS

FINANCE & BUDGET COMMITTEE MEETING

AUGUST 4, 2021

7:00 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS

Expenditure report for the week of August 4, 2021 was reviewed and approved in the amount of \$ _____ 2021 and \$ _____ 2022.

REPORTS

COMMITTEE OF THE WHOLE REPORT

JULY 28, 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.

Note and Place on File



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](#)

Cross Reference with 2021-363 and Place on File

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. [2021-285](#)

Danette Gleason, Finance & Budget Director requesting Council of Commissioners to refer the Fiscal Year 2022 Preliminary Budget to the Finance & Budget Committee for the July 7, 2021 Finance & Budget Committee meeting.

Hold in Abeyance

6.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

7.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](#)

Cross Reference with 2021-360/Resolution 08-59 and Place on File

8.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.

Place on File



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.

Place on File

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

11.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.

Hold in Abeyance

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](#)

Hold in Abeyance

FINANCE & BUDGET COMMITTEE MEETING REPORT

JULY 28, 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 July 28, 2021, was reviewed and approved in the amount of \$101,463.50 for 2021 and \$590,695.32 for 2022.

FINANCE AND BUDGET COMMITTEE MEMBERS PRESENT/ ABSENT

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



PUBLIC WORKS COMMITTEE MEETING REPORT

JULY 28, 2021

*6:30 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS
TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE- SILVER BOW
COMMISSIONERS*

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](#)

Hold in Abeyance pending Resolution

1.COMMUNICATION NO. [2020-139](#)

Brendan, McDonough, Commissioner District 8 requesting Council of Commissioners to consider that a speed study be conducted by the Montana Department of Transportation on Highway 2 from the nine-mile to Pipestone Pass. With the upcoming recreational season approaching, I ask that a study and decision be made in a timely manner to address the safety concerns for the spring and summer season.

Hold in Abeyance

3.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.

Hold in Abeyance

<u>PUBLIC WORKS COMMITTEE</u>	<u>PRESENT/ABSENT</u>
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Jim Fisher, Chairman	P
Eric Mankins, Vice Chairman	P
Dan Callahan	P
John Sorich	P
Justin Fortune	A
Josh O'Neill	P
Mark Neary Guest	P

JUDICIARY COMMITTEE MEETING REPORT

JULY 28, 2021

*7:00 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS
TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE- SILVER BOW
COMMISSIONERS*



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.

Note and Place on File

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.

Put in Suspense File until Nov. 10, 2021

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

