

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

ROLL CALL

PRAYER AND PLEDGE

APPROVAL OF THE MINUTES

[August 10, 2022 Special Meeting Minutes](#)

[August 17, 2022 Meeting Minutes](#)

ITEMS NOT ADDRESSED ON THE AGENDA

CHIEF EXECUTIVE’S REPORT

PUBLIC COMMENT ON ANY ITEMS ON THE AGENDA

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. [2022-437](#)

Linda Sajor-Joyce, Clerk & Recorder requesting Council of Commissioners concurrence for disposal of Election materials related to the 2020 General Elections which will be eligible for destruction in September.

Concur and Place on File

2.COMMUNICATION NO. [2022-438](#)

Linda Sajor-Joyce, Clerk & Recorder requesting Council of Commissioners authorization to have Chief Executive Gallagher sign an agreement for the Clerk & Recorder's Office to apply for Help America Vote Act (HAVA) Election Funds from the Montana Secretary of State.

[2022-438 Agreement](#)

Concur and Place on File



3.COMMUNICATION NO. [2022-439](#)

Elizabeth Osborn, BSB Senior Planner requesting Council of Commissioners conditionally approve the preliminary plat of the Amended Plat of Lot 3 Davis/Enrooth II Minor subdivision and the variance request.

[2022-439 Staff Analysis](#)

Concur and Place on File

4.COMMUNICATION NO. [2022-440](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners authorization to have Chief Executive Gallagher sign an agreement with the Montana State University FY2023 Extension Services Agreement.

[2022-440 Agreement](#)

Concur and Place on File

5.COMMUNICATION NO. [2022-441](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the Action Inc. FY2023 Butte-Silver Bow Assistance Program Agreement. BSB will contribute funds for the support of services to assist homeless and imminently homeless households.

[2022-441 Agreement](#)

Concur and Place on File

6.COMMUNICATION NO. [2022-444](#)

James Dolan, 315 W. 4th Street, Anaconda Mt requesting Council of Commissioners to address the general decline in the condition of the parking structure located on West Park Street. The municipal parking structure on West Park Street needs some serious attention before someone becomes sick and/or injured by the physical conditions that appear to be currently unabated and /or tolerated there.

Refer to Government Buildings Department

7.COMMUNICATION NO. [2022-445](#)

BSB Historic Preservation Commission requesting Council of Commissioners use its power to ensure that BSB and the URA board diligently follows the historic preservation ordinance and includes the HPC and the Historic Preservation Officer in meaningful and timely considerations of future BSB project and policies. More immediately, we request that the URA Board justify to Council its blatant disregard for a BSB ordinance that has been on the books for eight years.

Refer to the Committee of the Whole

8.COMMUNICATION NO. [2022-446](#)

Dave Aguirre, Land Records Coordinator requesting Council of Commissioners to approve Communication 2022-365 for the Thornton Group to purchase BSB City-County owned property located on East Quartz Street and request the County Attorney's Office to prepare a resolution of sale and property transfer deed.

Concur and Place on File



9.COMMUNICATION NO. [2022-447](#)

Ed Randall, Community Enrichment Director requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the FY2023 Junk Motor Vehicle Graveyard Grant in the amount of \$64,548.40.

[2022-447 Grant](#)

Concur and Place on File

10.COMMUNICATION NO. [2022-448](#)

Linda Sajor-Joyce, Clerk & Recorder requesting Council of Commissioners authorization to have Chief Executive Gallagher sign a short-term lease agreement for space at the Butte Plaza Mall for the general election on November 8, 2022.

[2022-448 Agreement](#)

Concur and Place on File

11.COMMUNICATION NO. [2022-449](#)

Bill Fisher, representing the Butte Depot requesting Council of Commissioners permission to hold a concert at Copper Mountain Park on September 16, 2022. The artist is a country artist, Justin Moore and are requesting to use 3 legenda stadiums.

Concur and Place on File

12.COMMUNICATION NO. [2022-450](#)

Danielle McGee, Finance & Budget Senior Accountant requesting Council of Commissioners authorization to have Chief Executive Gallagher sign a Memorandum of Understanding between Gallatin County, Montana, and Butte-Silver Bow County to accomplish the goals in the Montana Board of Crime Control (MBCC) Regional Juvenile Detention Grant.

[2022-450 MOU](#)

Concur and Place on File

13.COMMUNICATION NO. [2022-451](#)

Danette Gleason, Finance & Budget Director requesting Council of Commissioners authorization to have Chief Executive Gallagher sign Amendment # 1 to the subrecipient agreement, for the use of the U.S. Treasury American Rescue Plan Coronavirus State and Local Fiscal Recovery Funds (SLFRF), between the City-County of Butte-Silver Bow and Montana Technological University, Highland College.

[2022-451 Amendment](#)

Concur and Place on File

14.COMMUNICATION NO. [2022-452](#)

Shelly Cleverly, BSB Special Projects Developer/Grant Writer requesting Council of Commissioners authorization to have Chief Executive Gallagher sign a contract with the Montana Department of Commerce related to the MHPG Program award for the Fire Suppression and Alarm System Project at the Mother Lode Theatre.

[2022-452 Contract](#)

Concur and Place on File



15.COMMUNICATION NO. [2022-453](#)

John Sullivan, Government Buildings Manager requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the Professional Services Agreement between the City-County of Butte-Silver Bow and Rex Builders for work to be completed at Jacob's House.

[2022-453 Agreement](#)

Concur and Place on File

16.COMMUNICATION NO. [2022-454](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the Water and Environmental Technologies (WET) Agreement for the design of the South Butte Infrastructure Project.

[2022-454 Agreement](#)

Concur and Place on File

17.COMMUNICATION NO. [2022-455](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the Johnson Controls Fire Protection Agreement for Basin Creek Water Treatment Plant. This is a renewal agreement for a five-year term with a total contract value of \$3,300.

[2022-455 Agreement](#)

Concur and Place on File

18.COMMUNICATION NO. [2022-456](#)

Kyle West, Public Works Engineering Technician requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the Storm Water Management/BMP Maintenance Agreement for the Southwest Montana Veterans Home.

[2022-456 Agreement](#)

Concur and Place on File

19.COMMUNICATION NO. [2022-457](#)

Dylan Pipinich, BSB Planning Director requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the Environmental System Research Institute (ESRI) Geographic Information Systems (GIS) Software agreement.

[2022-457 Agreement](#)

Concur and Place on File

20.COMMUNICATION NO. [2022-458](#)

Kristen Rosa, TIFID Administrator requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the Purchase and Sale Agreement with Dave Erickson of German Gulch Development for 3,000 sf of Building #1 in Montana Connections.

[2022-458 Agreement](#)

Concur and Place on File



21.COMMUNICATION NO. [2022-459](#)

Shelly Cleverly, BSB Special Projects Developer/Grant Writer requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the Subrecipient agreement for the use of the U.S. Treasury American Rescue Plan Coronavirus State and local Fiscal Recovery Funds (SLFRF), between the City-County of Butte-Silver Bow and the Melrose Sewer District.

[2022-459 Agreement](#)

Concur and Place on File

22.COMMUNICATION NO. [2022-460](#)

Jim Merrifield, BSB Emergency Management Director requesting Council of Commissioners to accept Emergency Management Performance Grant Award and authorize Chief Executive Gallagher to sign the FFY2022-23 Obligation Document for Award.

[2022-460 Grant](#)

Concur and Place on File

23.COMMUNICATION NO. [2022-461](#)

Beth Wurm, BSB Human Resources Interim Director requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the Memorandum of Understanding between the City-County of Butte-Silver Bow and the International Association of Firefighters (AFL-CIO), Local No. 96.

[2022-461 MOU](#)

Concur and Place on File

24.COMMUNICATION NO. [2022-462](#)

Karen Byrnes, Community Development Director requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the contract with BioSqueeze Inc. related to the award from the BSTF Program and all other related documents.

[2022-462 Agreement](#)

Concur and Place on File

25.COMMUNICATION NO. [2022-463](#)

Karen Byrnes, Community Development Director requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the contract with Audaciter Consulting, LLC related to the award from the BSTF Program and all other related documents.

[2022-463 Agreement](#)

Concur and Place on File

26.COMMUNICATION NO. [2022-464](#)

Chad Anderson, BSB Department of Reclamation RMAP Manager requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the construction agreement with C. Davies Enterprises, Inc.

[2022-464 Agreement](#)

Concur and Place on File



27.COMMUNICATION NO. [2022-465](#)

Chad Anderson, BSB Department of Reclamation RMAP Manager requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the construction agreement with Mining City Services.

[2022-465 Agreement](#)

Concur and Place on File

28.COMMUNICATION NO. [2022-466](#)

Chad Anderson, BSB Department of Reclamation RMAP Manager requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the construction agreement with Northwest Enterprises.

[2022-466 Agreement](#)

Concur and Place on File

SECTION 2: ORDINANCES AND RESOLUTIONS INTRODUCED TO JUDICIARY

1.RESOLUTION NO. [2022-65](#)

A RESOLUTION AUTHORIZING THE SOLE SOURCE PURCHASE OF NEPTUNE METERS FOR THE CITY-COUNTY OF BUTTE-SILVER BOW, WATER UTILITY DIVISION, AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2.RESOLUTION NO. [2022-66](#)

A RESOLUTION AUTHORIZING AND APPROVING THE SALE BY THE CITY AND COUNTY OF BUTTE-SILVER BOW OF THE REAL PROPERTY DESCRIBED AS NEWLY CREATED LOT 14B ON CERTIFICATE OF SURVEY ____, LOCATED IN SECTION 13, TOWNSHIP 3 NORTH, RANGE 8 WEST, P.M.M. WITHIN THE CITY-COUNTY OF BUTTE-SILVER BOW, MONTANA TO ELIZABETH JEAN WARNER AND CASSANDRA LYNN CARPIO AS JOINT TENANTS IN ACCORDANCE WITH THE PROVISIONS OF THE BUTTE-SILVER BOW MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

3.RESOLUTION NO. [2022-67](#)

A RESOLUTION AUTHORIZING AND APPROVING THE SALE BY THE CITY AND COUNTY OF BUTTE-SILVER BOW OF THE REAL PROPERTY DESCRIBED AS LOT A-1 ON CERTIFICATE OF SURVEY ____, AND A PORTION OF THE ALVERADO LODGE, M.S. #8346, LOCATED IN THE SOUTHEAST ¼ OF SECTION 4 AND THE SOUTHWEST ¼ OF SECTION 3, TOWNSHIP 3 NORTH, RANGE 8 WEST, P.M.M. WITHIN THE CITY-COUNTY OF BUTTE-SILVER BOW, MONTANA TO STEVE AND MARY JO STOSICH AS JOINT TENANTS IN ACCORDANCE WITH THE PROVISIONS OF THE BUTTE-SILVER BOW MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.



SECTION 3: ORDINANCES AND RESOLUTIONS FOR SECOND READING

1. COUNCIL BILL NO. [2022-12](#)

ORDINANCE NO. [2022-12](#)

AN ORDINANCE AMENDING TITLE 15 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “BUILDINGS AND CONSTRUCTION”; AMENDING CHAPTER 15.04 ENTITLED “BUILDING CODE”; AMENDING CHAPTER 15.05 ENTITLED “INTERNATIONAL ENERGY CONSERVATION CODE”, AMENDING CHAPTER 15.07 ENTITLED “INTERNATIONAL EXISTING BUILDING CODE”; AMENDING CHAPTER 15.12 ENTITLED “SIGN CODE”, AMENDING CHAPTER 15.14 ENTITLED “MECHANICAL CODE”; AMENDING CHAPTER 15.15 ENTITLED “INTERNATIONAL FUEL GAS CODE”; AMENDING CHAPTER 15.16 ENTITLED “PLUMBING CODE”; AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

[2022-12 REDLINE](#)

CALENDAR OF OTHER MEETINGS AND EVENTS

September 7, 2022, Airport Authority, 12:00 pm, Bert Mooney Airport Authority Admin. Office

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

September 9, 2022, Greenway Service District Board, 4:30 pm, Butte

September 9, 2022, TIFID, 12:00 pm, Business Development Center

September 12, 2022, Fair Board, 6:00 pm, Perkins or HOPS Meeting Room*

September 12, 2022, Archives, 12:00 pm, Archives Center

September 13, 2022, Land Sales Committee, 1:30 pm, Archives Auditorium

September 13, 2022, Superfund Advisory (SARTA), 6:00 pm, Butte Justice Center

September 14, 2022, Law Enforcement Commission, 4:00 pm, Chief Executive Conference Room

September 14, 2022, Public Library Board, 5:00 pm, 3rd Floor, Library Bldg.

September 14, 2022, Public Library Board, 5:00 pm, 3rd Floor, Library Bldg.

September 14, 2022, Board of Health, 7:00 am, Health Dept. Conference Room

September 15, 2022, Zoning Board, 5:30 pm, Council Chambers

September 20, 2022, Public Housing Authority, 5:00 pm, New Deal Community Center

September 20, 2022, Technical Review Committee, 1:30 pm, 3rd Floor, Water Building

September 20, 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

SEPTEMBER 7, 2022

6:00 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS

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

FINANCE & BUDGET COMMITTEE MEETING

SEPTEMBER 7, 2022

7:00 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS

Expenditure report for the week of September 7, 2022 was reviewed and approved in the amount of \$ _____ for FY 2023.

MEETING REPORTS

COMMITTEE OF THE WHOLE REPORT

AUGUST 24, 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. [2022-391](#)

Mark Neary, Public Works Director requesting Council of Commissioners concurrence to schedule a bid opening on August 24, 2022 for the 2022 for the BSB Public Works Department Sidewalk Program.

Held-no proposals submitted

SECTION 2. COMMUNICATIONS

1.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 East 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.

Hold in Abeyance



2.COMMUNICATION NO. [2022-382](#)

Dylan Pipinich, BSB Planner Director requesting Council of Commissioners concurrence to schedule a Public Hearing on August 17, 2022 for the Amended Plat of Lot 3 Davis/Enrooth II Minor Subdivision.

Concur and Place on File

3.COMMUNICATION NO. [2022-387](#)

John Sullivan, government Buildings Manager requesting Council of Commissioners authorization to allow the Requests for Proposals be opened at the Council's Regular meeting on August 17, 2022 regarding the Mother Lode Theater Fire Suppression System.

Hold in Abeyance

4.COMMUNICATION NO. [2022-388](#)

John Sullivan, Government Buildings Manager requesting Council of Commissioners authorization to allow the Requests for Proposals be opened at the Council's Regular meeting on August 17, 2022 regarding the Mother Lode Theater Annunciation System.

Concur and Place on File

5.COMMUNICATION NO. [2022-391](#)

Mark Neary, Public Works Director requesting Council of Commissioners concurrence to schedule a bid opening on August 24, 2022 for the 2022 for the BSB Public Works Department Sidewalk Program.

Concur and Place on File

6.COMMUNICATION NO. [2022-392](#)

Mark Neary, Public Works Director requesting Council of Commissioners concurrence to schedule a Public Hearing on August 17, 2022 regular meeting for Sole Sourcing the Rocker water meters through Northwest Pipe. A Resolution will be introduced on September 7, 2022.

Concur and Place on File

7.COMMUNICATION NO. [2022-429](#)

R.A. Everist, Sioux Falls SD requesting Council of Commissioners abolish the minor subdivision and return the ground to agricultural status. We have owned the land in the county since 2009 and originally purchased three lots from the Meriwether Ranch Development.

[2022-429 Attachments](#)

Note and Place on File

8.COMMUNICATION NO. [2022-434](#)

Angie Mullikin, Public Works Budget & Grant Manager requesting Council of Commissioners concurrence to schedule a Public Hearing on September 14, 2022 Committee of the Whole meeting for the purpose of soliciting public comment on proposed amendments to Title 13 Chapters 4 and 8, Wastewater Treatment Systems.

[Ordinance No. 2022-11 REDLINE](#)

Hold in Abeyance



FINANCE AND BUDGET COMMITTEE MEETING REPORT

AUGUST 24, 2022

6:00 PM BUTTE SILVER-BOW COURTHOUSE CHAMBERS

Expenditure report for the week of August 24, 2022 and 2023 was reviewed and approved in the amount of \$65,460.04 for FY 2022 and \$569,234.16 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 REPORT

AUGUST 24, 2022

7:00 PM BUTTE SILVER-BOW COURTHOUSE CHAMBERS

1.COUNCIL BILL NO. [2022-10](#)
ORDINANCE NO. [2022-10](#)

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.

[2022-10 REDLINE](#)

Hold in Abeyance until Public Hearing on September 14, 2022

2.COUNCIL BILL NO. [2022-11](#)
ORDINANCE NO. [2022-11](#)

AN ORDINANCE AMENDING CHAPTER 4 OF TITLE 13 ENTITLED "WASTEWATER TREATMENT SYSTEM" AND CHAPTER 8 OF TITLE 13 ENTITLED “SERVICE CHARGES FOR USE OF WASTEWATER TREATMENT SYSTEM” OF THE BUTTE-SILVER BOW MUNICIPAL CODE AND; SPECIFICALLY ADDING SECTIONS 13.04.105, RENUMBERING 13.04.110 TO 13.04.109, ADDING NEW SECTIONS 13.04.110, AND 13.04.051, AMENDING SECTION 13.04.350, AMENDING SECTIONS 13.04.681, 13.04.684, AND 13.04.686, ADDING SECTIONS 13.04.740,13.04.750 and 13.04.760 AND AMENDING SECTIONS 13.08.055, 13.08.057 AND 13.08.060 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

[2022-11 NEW REDLINE](#)

Hold in Abeyance until Public Hearing on September 14, 2022



3.COUNCIL BILL NO. [2022-12](#)

ORDINANCE NO. [2022-12](#)

AN ORDINANCE AMENDING TITLE 15 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “BUILDINGS AND CONSTRUCTION”; AMENDING CHAPTER 15.04 ENTITLED “BUILDING CODE”; AMENDING CHAPTER 15.05 ENTITLED “INTERNATIONAL ENERGY CONSERVATION CODE”, AMENDING CHAPTER 15.07 ENTITLED “INTERNATIONAL EXISTING BUILDING CODE”; AMENDING CHAPTER 15.12 ENTITLED “SIGN CODE”, AMENDING CHAPTER 15.14 ENTITLED “MECHANICAL CODE”; AMENDING CHAPTER 15.15 ENTITLED “INTERNATIONAL FUEL GAS CODE”; AMENDING CHAPTER 15.16 ENTITLED “PLUMBING CODE”; AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

[2022-12 REDLINE](#)

Move to Second Reading

Name	Amount	Reason	Approved	
DANIEL DELAURENTIS	\$400.00	REFUNDFOR DEMOLITION BOND AT 2040 SILVERBOW BLVD	YES	

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

