

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING AGENDA
WEDNESDAY, OCTOBER 5, 2022
7:30 PM COURTHOUSE COUNCIL CHAMBERS**

ROLL CALL

PRAYER AND PLEDGE

APPROVAL OF THE MINUTES

[September 21, 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

BID OPENING

1.COMMUNICATION NO. [2022-486](#)

John Sullivan, Government Building Manager requesting Council of Commissioners authorization to allow the Request for Proposals be opened on October 5, 2022 regarding the Mother Lode Theatre Fire Annunciation/Alarm System Design/Build.

PRESENTATIONS

1.COMMUNICATION NO. [2022-469](#)

Kelly Sullivan, Headwaters RC&D Area, Inc requesting Council of Commissioners concurrence to have representatives from the Montana Department of Environmental Quality, including Jason Seyler, give a presentation to the full council reading the Brown’s Field program on Wednesday, October 5th.

2.COMMUNICATION NO. [2022-491](#)

Maria Pochervina TIBID Secretary requesting Council of Commissioners authorization for a presentation of the fiscal year 2023 work plan and budget for the BSB Tourism Business Improvement District (TIBID) and to request a public hearing on October 5, 2022 to present the fiscal year 2023 work plan and 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. [2022-495](#)

Karen Byrnes, Community Development Director requesting Council of Commissioners authorization to schedule a presentation for October 12, 2022, to update the Council on the progress and recommendations related to the courthouse restroom renovation project.

Hold in Abeyance

2. COMMUNICATION NO. [2022-496](#)

Zach Osborne, BSB Fire Chief requesting Council of Commissioners concurrence in the confirmation of Probationary Firefighters, Ross Boggs, Konnor O'Neill, and Marko Weitzel to Firefighters. Once approved they will start the new roles as Firefighters on October 11, 2022.

Concur and Place on File

3. COMMUNICATION NO. [2022-497](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence in the following appointment of Keegan McCarthy, 2220 South Drive, Butte Montana to the Parks & Recreation Board.

Concur and Place on File

4. COMMUNICATION NO. [2022-498](#)

Jerry Brothers, Assistant Chief, Home Atherton VFD requesting Council of Commissioners authorization to have the Montana State Fire Volunteer Association and the Montana Fire chief's Association to have a fire truck parade from the Copper King Convention Center to the Butte Plaza mall and back at around 4:40 PM on October 8, 2022.

Concur and Place on File

5. COMMUNICATION NO. [2022-499](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the contract amendment with Communication and Management Services, LLC for a contract extension. The current contract is set to expire in November.

[2022-499 Agreement](#)

Concur and Place on File



6.COMMUNICATION NO. [2022-500](#)

Shelby Whelan, Zero to Five Local Collaboration Coordinator requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the agreement for the approval of the site and lease for the use of Rock Park on the corner of Granite Street and North Clark Street for a Learning Landscape installation.

[2022-500 Agreement](#)

Concur and Place on File

7.COMMUNICATION NO. [2022-501](#)

Brandon Warner, Department of Reclamation Environmental/O&M Division Manager requesting Council of Commissioners authorization to have Chief Executive Gallagher extend a Sponsored Research agreement with Montana Technological University with work to be performed by the Montana Bureau of Mines and Geology (MBMG) for the period of July 1, 2022, through June 30, 2023.

[2022-501 Agreement](#)

Concur and Place on File

8.COMMUNICATION NO. [2022-502](#)

Ann Shea, Deputy County Attorney requesting Council of Commissioners authorization to have Chief Executive Gallagher accept grant funding for the Residential Substance Abuse Treatment Program (RSAT) program in our local detention facility and to schedule a public hearing for October 19, 2022 regarding this unanticipated revenue.

[2022-502 Grant](#)

Concur to accept the Grant Funding and Hold in Abeyance pending the Public Hearing for Oct. 19,2022

9.COMMUNICATION NO. [2022-503](#)

John Sullivan, Government Buildings Manager requesting Council of Commissioners authorization to have Chief Executive Gallagher sign an amended Professional Services Agreement between the City-County of BSB and Coffman Engineers, Inc to provide professional engineering services for the design of a fire suppression system for the Mother Lode Theatre.

[2022-503 Agreement](#)

Concur and Place on File

10.COMMUNICATION NO. [2022-504](#)

Shawna Yates, SW Montana Community Health Center Director requesting Council of Commissioners authorization to have a presentation on October 12, 2022, about Southwest Montana Community Health Center's operations, services, and programs.

Hold in Abeyance

11.COMMUNICATION NO. [2022-505](#)

Shelly Cleverly, Community Development Grant Writer requesting Council of Commissioners authorization to have Chief Executive Gallagher sign an agreement between the City-County of Butte-Silver Bow and the Montana Healthcare Foundation.

[2022-505 Agreement](#)

Concur and Place on File



12.COMMUNICATION NO. [2022-506](#)

Shelly Cleverly, Community Development Grant Writer requesting Council of Commissioners authorization to have Chief Executive Gallagher sign an agreement between the City-County of Butte-Silver Bow and the Montana Department of Public Health and Human Services (DPHHS), Behavioral Health and Developmental Disabilities Division (BHDD).

[2022-506 Agreement](#)

Concur and Place on File

SECTION 3: ORDINANCES AND RESOLUTIONS INTRODUCED TO JUDICIARY

1.RESOLUTION NO. [2022-71](#)

A RESOLUTION REQUESTING DISTRIBUTION OF BRIDGE AND ROAD SAFETY AND ACCOUNTABILITY (BaRSAA)PROGRAM FUNDS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2.RESOLUTION NO. [2022-72](#)

A RESOLUTION REQUESTING DISTRIBUTION OF BRIDGE AND ROAD SAFETY AND ACCOUNTABILITY (BaRSAA)PROGRAM FUNDS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION 4: ORDINANCES AND RESOLUTIONS FOR SECOND READING

1.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](#)

SECTION 5: ORDINANCES AND RESOLUTIONS FOR FINAL READING

1.RESOLUTION NO. [2022-70](#)

A RESOLUTION AUTHORIZING AND APPROVING THE SALE BY THE CITY AND COUNTY OF BUTTE-SILVER BOW OF THE REAL PROPERTY DESCRIBED AS THE EAST THIRTY-SEVEN (37) FEET OF LOT TWENTY (20) AND ALL OF LOT TWENTY-ONE (21) AND THE WEST THIRTY-FIVE AND ONE HALF(35.5)FEET OF LOT TWENTY-TWO (22)OF BLOCK TWELVE (12)OF THE BUTTE TOWNSITE ADDITION LOCATED IN SECTION 13, TOWNSHIP 03 NORTH, RANGE 08 WEST, WITHIN THE CITY-COUNTY OF BUTTE-SILVER BOW, MONTANA TO THE THORTNON GROUP IN ACCORDANCE WITH THE PROVISIONS OF THE BUTTE-SILVER BOW MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.



CALENDAR OF OTHER MEETINGS AND EVENTS

October 5, 2022, Airport Authority, 12:00 pm, Bert Mooney Airport Authority Admin. Office
October 5, 2022, Butte AIDS Support Services, 7:00 pm, Community Center
October 6, 2022, Civic Center, 12:00 pm, Civic Center Hospitality Room
October 6, 2022, East Butte RRA, 9:00 am
October 10, 2022, Archives, 12:00 pm, Archives Center
October 10, 2022, Fair Board, 6:00 pm, Perkins or HOPS Meeting Room
October 11, 2022, Land Sales Committee, 1:30 pm, Archives Auditorium
October 11, 2022, Superfund Advisory (SARTA), 6:00 pm, Butte Justice Center
October 12, 2022, Law Enforcement Commission, 4:00 pm, Chief Executive Conference Room
October 12, 2022, Public Library Board, 5:00 pm, 3rd Floor, Library Bldg.
October 12, 2022, Board of Health, 7:00 am, Health Dept. Conference Room
October 13, 2022, Greenway Service District Board, 4:30 pm, Anaconda Comm. Service Bldg.
October 14, 2022, TIFID, 12:00 pm, Business Development Center
October 17, 2022, Parks & Recreation, 11:30 am, Highland View Clubhouse
October 18, 2022, Urban Forestry Board, 1:00 pm, Business Development Center
October 18, 2022, Public Housing Authority, 5:00 pm, New Deal Community Center
October 18, 2022, Technical Review Committee, 1:30 pm, 3rd Floor, Water Building

PUBLIC COMMENT ON ANY MATTER NOT ON THE AGENDA

ADJOURN

MEETINGS

ECONOMIC DEVELOPMENT COMMITTEE MEETING

OCTOBER 5, 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

OCTOBER 5, 2022

7:00 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS

Expenditure report for the week of October 5, 2022 was reviewed and approved in the amount of \$_____ for FY 2023.



MEETING REPORTS

COMMITTEE OF THE WHOLE REPORT

SEPTEMBER 28, 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

PUBLIC HEARING

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 MANAGEMENT FACILITY”, SPECIFICALLY AMENDING SECTION 13.12.070, AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

[2022-10 REDLINE](#)

Concur and Place on File

PRESENTATION

1. COMMUNICATION NO. [2022-471](#)

Karen Byrnes, Community Development Director requesting Council of Commissioners for time on the September 28, 2022 Council meeting for presentations related to the proposed development of 123-135 E. Park Street.

Held

SECTION 2: COMMUNICATIONS

1. 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.

Hold in Abeyance

2. COMMUNICATION NO. [2022-469](#)

Kelly Sullivan, Headwaters RC&D Area, Inc requesting Council of Commissioners concurrence to have representatives from the Montana Department of Environmental Quality, including Jason Seyler, give a presentation to the full council on Wednesday, October 5th.

Hold in Abeyance



3.COMMUNICATION NO. [2022-471](#)

Karen Byrnes, Community Development Director requesting Council of Commissioners for time on the September 28, 2022 Council meeting for presentations related to the proposed development of 123-135 E. Park Street.

Concur and Place on File

4.COMMUNICATION NO. [2022-486](#)

John Sullivan, Government Building Manager requesting Council of Commissioners authorization to allow the Request for Proposals be opened on October 5, 2022 regarding the Mother Lode Theatre Fire Annunciation/Alarm System Design/Build.

Hold in Abeyance

5.COMMUNICATION NO. [2022-490](#)

Ed Lester, BSB Sheriff requesting Council of Commissioners concurrence for positions of Lieutenant and Sergeant in the Butte-Silver Bow Law Enforcement Department. I respectfully ask that you concur with me in the promotions of these officers.

Concur and Place on File

6.COMMUNICATION NO. [2022-491](#)

Maria Pochervina TIBID Secretary requesting Council of Commissioners authorization for a presentation of the fiscal year 2023 work plan and budget for the BSB Tourism Business Improvement District (TIBID) and to request a public hearing on October 5, 2022 to present the fiscal year 2023 work plan and budget.

Hold in Abeyance

7.COMMUNICATION NO. [2022-494](#)

Robert Farren, 3501 Hancock Avenue Butte Mt. requesting Council of Commissioners authorization purchase a parcel of land owned by BSB. The property is on the west boundary of 2935 Richardson Street Butte, MT 59701. I plan to put an entry level priced single-family dwelling on the property.

Hold in Abeyance

FINANCE AND BUDGET COMMITTEE MEETING REPORT

SEPTEMBER 28, 2022

6:00 PM BUTTE SILVER-BOW COURTHOUSE CHAMBERS

Expenditure report for the week of September 28, 2022 was reviewed and approved in the amount of \$873.094.04 for FY 2023.

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	P



JUDICIARY COMMITTEE MEETING REPORT

SEPTEMBER 28, 2022

7:00 PM BUTTE SILVER-BOW COURTHOUSE CHAMBERS

1. RESOLUTION NO. [2022-70](#)

A RESOLUTION AUTHORIZING AND APPROVING THE SALE BY THE CITY AND COUNTY OF BUTTE-SILVER BOW OF THE REAL PROPERTY DESCRIBED AS THE EAST THIRTY-SEVEN (37) FEET OF LOT TWENTY (20) AND ALL OF LOT TWENTY-ONE (21) AND THE WEST THIRTY-FIVE AND ONE HALF(35.5)FEET OF LOT TWENTY-TWO (22) OF BLOCK TWELVE (12) OF THE BUTTE TOWNSITE ADDITION LOCATED IN SECTION 13, TOWNSHIP 03 NORTH, RANGE 08 WEST, WITHIN THE CITY-COUNTY OF BUTTE-SILVER BOW, MONTANA TO THE THORTNON GROUP IN ACCORDANCE WITH THE PROVISIONS OF THE BUTTE-SILVER BOW MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

Move to Final Reading

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 MANAGEMENT FACILITY”, SPECIFICALLY AMENDING SECTION 13.12.070, AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

[2022-10 REDLINE](#)

Hold in Abeyance

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](#)

Move to Second Reading

Name	Amount	Reason	Approved	
GUARDIAN TAX MT LLC	\$847.95	REFUND/REDEMPTION OF TAX ASSIGNMENT TAKEN/PARCEL #0001290200	YES	



GUARDIAN TAX MT LLC	\$2297.05	REFUND/REDEMPTION OF TAX ASSIGNMENT TAKEN/PARCEL #0000946200	YES	
GUARDIAN TAX MT LLC	\$6787.39	REFUND/REDEMPTION OF TAX ASSIGNMENT TAKEN/PARCEL #0000006700	YES	
CHRIS HARRIS	\$24.75	REFUND FOR ROOFING PERMIT THAT NO WORK WAS DONE	YES	
MYG INC.	\$1500.00	REFUND FOR RIGHT OF WAY BOND # CON-MIS-22- 000083	YES	

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

