

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS  
REGULAR MEETING AGENDA  
WEDNESDAY, OCTOBER 20, 2021  
7:30 PM COURTHOUSE COUNCIL CHAMBERS**

**ROLL CALL**

**PRAYER AND PLEDGE**

**APPROVAL OF THE MINUTES**

[October 6, 2021 Regular 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. [2021-502](#)**

Ed Randall, Community Enrichment Director requesting Council of Commissioners concurrence and authorization for Chief Executive J.P. Gallagher to sign a Memorandum of Understanding with Action Inc. "WIOA WORK EXPERIENCE PROGRAM".

[2021-502 MOU](#)

*Concur and Place on File*

**2. COMMUNICATION NO. [2021-503](#)**

Lori Baker-Patrick, BSB Treasurer requesting Council of Commissioners direct the County Attorney to prepare a Council Resolution to be read and acted upon and passed October 20, 2021, 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-County of BSB, Montana.

*Concur and Place on File*



3.COMMUNICATION NO. [2021-504](#)

Karen Byrnes, Community Development Director requesting Council of Commissioners concurrence for time on the October 27, 2021 Council meeting to present information on the Uptown Master Plan.

*Hold in Abeyance*

4.COMMUNICATION NO. [2021-505](#)

Ed Randall, Community Enrichment Director requesting Council of Commissioners concurrence for time on the October 27, 2021 Council agenda for a presentation on Butte-Silver Bow Junk Motor Vehicle Program.

*Hold in Abeyance*

5.COMMUNICATION NO. [2021-506](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence in the following appointment of Dr. Sarah Mullowney M.D. 401 W. Pennsylvania Ave. Anaconda Mt to the Board of Health.

*Concur and Place on File*

6.COMMUNICATION NO. [2021-507](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners authorization to send the CMS proposal to the Personnel Committee. The proposal from CMS is to provide pay plan consulting services.

[2021-507 Attachments](#)

*Refer to the Personnel Committee*

7.COMMUNICATION NO. [2021-508](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence in the following appointment of Leighann Knight, 198 Frog Pond Road Butte MT to the Behavioral Health Local Advisory Council.

*Concur and Place on File*

8.COMMUNICATION NO. [2021-509](#)

Theresa Marshall, Human Resources Benefit Specialist requesting Council of Commissioners concurrence and authorization for Chief Executive J.P. Gallagher to sign the Section 125 Cafeteria Plan Summary Plan Description and Adoption Agreement to the City-County of Butte-Silver Bow Flexible Benefits Plan.

[2021-509 Agreement](#)

*Concur and Place on File*

9.COMMUNICATION NO. [2021-510](#)

Jenny Chambers, DEQ Waste Management and Remediation Division Administrator requesting Council of Commissioners authorization for time on your agenda for DEQ Project Officer Dave Bowers to discuss the upcoming construction of the Montana Pole & Treating Plant Superfund Site to discuss activities and answer questions that the Commissioners may have.

*Concur and Place on File*



10.COMMUNICATION NO. [2021-511](#)

Mike Clague, Deputy County Attorney requesting Council of Commissioners concurrence and authorization for Chief Executive J.P. Gallagher to sign agreements with the Community Counseling and Correctional Services, Inc for services provided to the Butte-Silver Bow DUI Court.

[2021-511 Purchase Agreement](#)

[2021-511 Chemical Dependency Agreement](#)

*Concur and Place on File*

11.COMMUNICATION NO. [2021-512](#)

Ivy Fredrickson, BSB Board of Health Chair requesting Council of Commissioners concurrence and authorization for Chief Executive J.P. Gallagher to sign a Memorandum of Understanding between the Montana Nurses Association Local No. 37 and the City-County of Butte-Silver Bow.

[2021-512 MOU](#)

*Concur and Place on File*

12.COMMUNICATION NO. [2021-513](#)

Karen Sullivan, BSB Health Officer requesting Council of Commissioners concurrence and authorization for Chief Executive J.P. Gallagher to sign a Contract Modification between the Montana Department of Environmental Quality and the Butte-Silver Bow Health Department to review water supply, wastewater, solid waste, and storm water systems in subdivisions.

[2021-513 Contract](#)

*Concur and Place on File*

13.COMMUNICATION NO. [2021-514](#)

Karen Sullivan, BSB Health Officer requesting Council of Commissioners concurrence and authorization for Chief Executive J.P. Gallagher to sign a Contract between the Montana Department of Public Health and Human Services and the Butte-Silver Bow Health Department to deliver early intervention and outreach services for individuals at risk for acquiring or currently living with HIV.

[2021-514 Contract](#)

*Concur and Place on File*

14.COMMUNICATION NO. [2021-515](#)

Karen Sullivan, BSB Health Officer requesting Council of Commissioners concurrence and authorization for Chief Executive J.P. Gallagher to sign a Contract between the Montana Department of Public Health and Human Services and the Butte-Silver Bow Health Department to continue to deliver medical case management services to meet the medical needs of HIV-infected individuals and provide COVID-19 and other vaccination counseling and referrals based on CDC guidelines.

[2021-515 Contract Amendment](#)

*Concur and Place on File*



15.COMMUNICATION NO. [2021-516](#)

Dylan Pipinich, Planning Director requesting Council of Commissioners authorization to approve Zoning Change Application REZONE-21-000003 and prepare an ordinance adopting the proposed change to the Butte-Silver Bow Zoning District Map.

*Concur and Place on File*

16.COMMUNICATION NO. [2021-517](#)

Karen Byrnes, Community Development Director requesting Council of Commissioners authorization to open proposals for the 2022 Economic Mill Levy Fund at the Council of Commissioners meeting on Wednesday, October 27, 2021.

*Hold in Abeyance*

17.COMMUNICATION NO. [2021-518](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorization schedule a bid opening for November 3, 2021 for the 2021 Metro Dump Truck.

*Hold in Abeyance*

18.COMMUNICATION NO. [2021-519](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorization schedule a bid opening for November 3, 2021 for the 2021 Roads Dump Truck.

*Hold in Abeyance*

19.COMMUNICATION NO. [2021-520](#)

Jim Keenan, BSB Chief Water Operator requesting Council of Commissioners authorization for Chief Executive Gallagher to sign a United States Department of Agriculture (USDA) Resource Advisory Committee (RAC) Grant Program Application.

*Concur and Place on File*

20.COMMUNICATION NO. [2021-521](#)

Jim Keenan, BSB Chief Water Operator requesting Council of Commissioners authorization for Chief Executive Gallagher to sign a United States Department of Agriculture (USDA) Landscape Scale Restoration (LSR) Grant Program Application.

*Concur and Place on File*

21.COMMUNICATION NO. [2021-522](#)

Dave Aguirre, Land Records Coordinator requesting Council of Commissioners recommendation to Deny Council Communication #2021-351, a request from Hannah Van Wetter, Foothold Co-Founder, CEO to purchase a City-County owned vacant lot located at the corner of 350 E. Granite Street.

[2021-522 Map](#)

*Concur and Place on File*



22.COMMUNICATION NO. [2021-523](#)

Dave Aguirre, Land Records Coordinator requesting Council of Commissioners recommendation to Deny Council Communication #2021-446, a request from Charles D. Brown, to purchase a City-County owned property in the 800-900 block of North Idaho Street.

[2021-523 Map](#)

*Concur and Place on File*

23.COMMUNICATION NO. [2021-524](#)

Karen Sullivan, BSB Health Officer requesting Council of Commissioners authorization for Chief Executive Gallagher to sign a contract between the Montana Department of Public Health and Human Services and the BSB Health Department to provide home visiting and family support services as provided by the Healthy Montana Families program.

[2021-524 Contract](#)

*Concur and Place on File*

**SECTION 2: ORDINANCES AND RESOLUTIONS FOR SECOND READING**

1.COUNCIL BILL NO. [2021-06](#)

ORDINANCE NO. [2021-06](#)

AN ORDINANCE AMENDING SECTION 3 OF BUTTE-SILVER BOW ORDINANCE NO. 60 AND SECTION 2.04.030 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC); REGARDING THE DEPUTIES ALLOWED ELECTED OFFICIALS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

[2021-06 REDLINE](#)

**SECTION 3: ORDINANCES AND RESOLUTIONS FOR FINAL READING**

1.RESOLUTION NO. [2021-49](#)

A RESOLUTION VACATING, CLOSING, DISCONTINUING AND ABANDONING THE NORTH SOUTH PORTION OF SOUTH WYOMING STREET BETWEEN EAST PARK STREET AND EAST GALENA STREET LOCATED BETWEEN BLOCKS 38 AND 39 OF THE ORIGINAL TOWNSITE ADDITION TO THE CITY-COUNTY OF BUTTE-SILVER BOW, MONTANA AND LOCATED IN SECTION 13, TOWNSHIP 3 NORTH, RANGE 8 WEST AND DEPICTED ON THE MAP ATTACHED AS EXHIBIT “A” FINDING THE NECESSARY FACTS HEREIN AND PRESCRIBING THE EFFECTIVE DATE OF THIS

**SECTION 4: ORDINANCES AND RESOLUTIONS EMERGENCY SUSPENSION OF THE RULES FOR FINAL PASSAGE**

1.RESOLUTION NO. [2021-52](#)

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF CERTAIN PARCELS OF TAX DEEDED REAL PROPERTY OWNED BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.



**PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA**

**CALENDAR OF OTHER MEETINGS AND EVENTS**

October 20, 2021, Parking Commission, 3:00 pm, Chief Executive Conference Room  
October 21, 2021, Zoning Board, 5:30 pm, Council Chambers  
October 25, 2021, Mental Health LAC, 1:00 pm, 3rd Floor, Library Bldg.  
October 26, 2021, Port of Montana, 12:00 pm, Hub Center, Silver Bow  
October 26, 2021, Urban Revitalization, 8:30 am, 1st Floor Conference Room  
October 27, 2021, South Butte TEDD, 3:30 pm, 1st Floor Conference Room  
October 27, 2021, Local Emergency Planning, 12:00 pm, Butte Justice Center  
October 28, 2021, Planning Board, 5:30 pm, Council Chambers  
October 28, 2020, Substance Abuse Task Force, 3:30 pm, Emergency Operations Center, 3615 Wynne  
November 2, 2021, Weed Board, 7:00 pm, Weed Office, 25 West Front  
November 2, 2021, Fire Advisory Committee, 5:30 pm, Butte 1st Floor Conference  
November 2, 2021, Historic Preservation Commission, 5:30 pm, Council Chambers

**ADJOURN**

**MEETINGS**

**FINANCE & BUDGET COMMITTEE MEETING**

*OCTOBER 20, 2021*

*7:00 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS*

Expenditure report for the week of October 20, 2021 was reviewed and approved in the amount of \$ \_\_\_\_\_ for FY 2022.

**REPORTS**

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**COMMITTEE OF THE WHOLE REPORT**

*OCTOBER 13, 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:

**BID OPENINGS**

1. COMMUNICATION NO. [2021-452](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorization to schedule a bid opening for October 13, 2021 for the Mercury Street rebuild. This project will rebuild Mercury Street from Shields to Arizona.

*Held*



## PRESENTATIONS

### 1.COMMUNICATION NO. [2021-423](#)

Tina Master, Discovery House Program Director requesting Council of Commissioners for their concurrence to make a presentation on September 15, 2021 per J.P. Gallaghers request  
*Held*

### 2.COMMUNICATION NO. [2021-486](#)

Dana Barnicoat, U.S. EPA Region 8 Montana Community Involvement Coordinator requesting Council of Commissioners authorization to do a presentation on October 13, 2021 regarding the potentially affected areas caused by a suspected solvent plume from Unique Cleaners located at 345 S. Main Street, Butte MT.

[2021-486 Hazard Ranking](#)

[2021-486 Screening Checklist](#)

*Held*

### 3.COMMUNICATION NO. [2021-490](#)

Karen Byrnes, Community Development Director requesting Council of Commissioners concurrence for ten of the recipients of the 2020-2021 Economic Mill Levy Monies to give a presentation on Wednesday, October 13, 2021.

*Held*

## SECTION 2. COMMUNICATIONS

### 1.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*

### 2.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*

### 3.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*



4.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*

5.COMMUNICATION NO. [2021-423](#)

Tina Master, Discovery House Program Director requesting Council of Commissioners for their concurrence to make a presentation on September 15, 2021 per J.P. Gallaghers request.

*Concur and Place on File*

6.COMMUNICATION NO. [2021-436](#)

Dylan Pipinich, Assistant Planning Director requesting Council of Commissioners for their concurrence to hold a Public Hearing on September 22, 2021 to hear public comment on Zone Change Application REZONE-21-000003. (Note: Rescheduled to October 6, 2021 agenda)[2021-436 Staff Analysis](#)

*Concur and Place on File*

7.COMMUNICATION NO. [2021-446](#)

Charlie Brown, 10 N. Dixon Street, Anaconda MT requesting Council of Commissioners approval to purchase land located on the 800 - 900 block of north Idaho Street. I would have it surveyed and then have it legally described as within the boundaries of the Ravin Addition. I would pay for the survey and the market value of the land to build a single-family residence.[2021-446 Attachments](#)

*Hold in Abeyance*

8.COMMUNICATION NO. [2021-447](#)

Dan Dennehy, BSB Office of Emergency Management Director requesting Council of Commissioners authorization to allow the Requests for Proposals be opened at the Council's Regular Meeting on October 6, 2021 regarding the Public Safety Software (Computer Aided Dispatch/Records Management) RFP.

*Concur and Place on File*

9.COMMUNICATION NO. [2021-448](#)

Pat Holland, Government Buildings Manager requesting Council of Commissioners authorization to allow the Requests for Proposals be opened at the Council's Regular Meeting on October 6, 2021 regarding the Mother Lode Theater Fire Suppression and Annunciation Systems.

*Concur and Place on File*

10.COMMUNICATION NO. [2021-452](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorization to schedule a bid opening for October 13, 2021 for the Mercury Street rebuild. This project will rebuild Mercury Street from Shields to Arizona.

*Concur and Place on File*





11.COMMUNICATION NO. [2021-486](#)

Dana Barnicoat, U.S. EPA Region 8 Montana Community Involvement Coordinator requesting Council of Commissioners authorization to do a presentation on October 13, 2021 regarding the potentially affected areas caused by a suspected solvent plume from Unique Cleaners located at 345 S. Main Street, Butte MT.

[2021-486 Hazard Ranking](#)

[2021-486 Screening Checklist](#)

*Concur and Place on File*

12.COMMUNICATION NO. [2021-490](#)

Karen Byrnes, Community Development Director requesting Council of Commissioners concurrence for ten of the recipients of the 2020-2021 Economic Mill Levy Monies to give a presentation on Wednesday, October 13, 2021.

*Concur and Place on File*

**FINANCE & BUDGET COMMITTEE MEETING REPORT**

*OCTOBER 13, 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 October 13, 2021, was reviewed and approved in the amount of \$1,182,499.64 for FY 2022.

FINANCE AND BUDGET COMMITTEE MEMBERS PRESENT/ ABSENT

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

**PUBLIC WORKS COMMITTEE MEETING REPORT**

*OCTOBER 13, 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. [2021-02](#)

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.

*Note and Place on File*

2.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.

*Note and Place on File*

<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	P
Josh O’Neill	P
Mark Neary Guest	P

**JUDICIARY COMMITTEE MEETING REPORT**

OCTOBER 13, 2021

7:00 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE- SILVER BOW COMMISSIONERS

Name	Amount	Reason	Approved	
RML MONTANA LLC%THADDEUS FAETH	\$1,976.99	REFUND REDEMPTION OF TAX ASSIGNMENT TAKEN/INTEREST ON ASSIGNMENT	YES	
RML MONTANA LLC%THADDEUS FAETH	\$123.14	REFUND REDEMPTION OF TAX ASSIGNMENT TAKEN/INTEREST ON ASSIGNMENT	YES	

1.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.

*Hold in Abeyance*



2.COUNCIL BILL NO. 2021-06  
ORDINANCE NO. 2021-06

AN ORDINANCE AMENDING SECTION 3 OF BUTTE-SILVER BOW ORDINANCE NO. 60 AND SECTION 2.04.030 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC); REGARDING THE DEPUTIES ALLOWED ELECTED OFFICIALS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2021-06 REDLINE

*Move to second reading*

3.RESOLUTION NO. 2021-49

A RESOLUTION VACATING, CLOSING, DISCONTINUING AND ABANDONING THE NORTH SOUTH PORTION OF SOUTH WYOMING STREET BETWEEN EAST PARK STREET AND EAST GALENA STREET LOCATED BETWEEN BLOCKS 38 AND 39 OF THE ORIGINAL TOWNSITE ADDITION TO THE CITY-COUNTY OF BUTTE-SILVER BOW, MONTANA AND LOCATED IN SECTION 13, TOWNSHIP 3 NORTH, RANGE 8 WEST AND DEPICTED ON THE MAP ATTACHED AS EXHIBIT “A” FINDING THE NECESSARY FACTS HEREIN AND PRESCRIBING THE EFFECTIVE DATE OF THIS HEREIN.

*Move to Final Reading*

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

