

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING AGENDA
WEDNESDAY, NOVEMBER 2, 2022
7:30 PM COURTHOUSE COUNCIL CHAMBERS**

ROLL CALL

PRAYER AND PLEDGE

APPROVAL OF THE MINUTES

[October 19, 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

PUBLIC HEARING

1.COMMUNICATION NO. [2022-513](#)

Karen Maloughney, BSB Health Officer requesting Council of Commissioners concurrence to hold a Public Hearing on November 2, 2022 for the purpose of amending the fiscal year 2022-2023 budget to allow for increased expenditures of unanticipated revenue resulting from a Montana Healthcare Foundation Grant.

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. [2022-527](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence in the appointment of Keely Mills, 1941 Harrison Ave. Butte Mt to the Behavioral Health Local Advisory Council.

Concur and Place on File



2.COMMUNICATION NO. [2022-528](#)

George Everett, Mainstreet Uptown Director requesting Council of Commissioners concurrence in The Annual Butte Stroll on Friday, December 2nd from 5pm until 10pm. We request that Granite Street be closed to traffic from 6:15- 7:15 pm for the Tree Lighting and Children's Parade.

Concur and Place on File

3.COMMUNICATION NO. [2022-529](#)

Beth Wurm, Human Resource Director requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the HealthCare 360, a provider of wellness management and education as well as other services.

[2022-529 Agreement](#)

Concur and Place on File

4.COMMUNICATION NO. [2022-530](#)

Beth Wurm, Human Resource Director requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the Collective Bargaining agreement between the City-County of Butte-Silver Bow and the Teamsters Union, Local No. 2 for the period of June 1, 2022 through May 31, 2024.

[2022-530 Agreement](#)

[2022-530 Redline Agreement](#)

Concur and Place on File

5.COMMUNICATION NO. [2022-531](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners authorization to approve the Buy/Sell agreement for 5 acres of land that is north of the new shops. Total cost of the land is \$150,000 as appraised by Mcleod Appraisal Services.

[2022-531 Appraisal](#)

[2022-531 Buy/Sell Agreement](#)

Concur and Place on File

6.COMMUNICATION NO. [2022-532](#)

Beth Wurm, Human Resource Director requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the Collective Bargaining agreement between the City-County of Butte-Silver Bow and the Laborers' International Union of North America, Local No. 1686 representing the Butte Silver- Bow Superfund Laborers.

[2022-532 Agreement](#)

[2022-532 Redline Agreement](#)

Concur and Place on File

7.COMMUNICATION NO. [2022-533](#)

Dave Aguirre, Land Records Coordinator requesting Council of Commissioners deny Council Communication 2022-494, a request from Robert Farren, to purchase City-County owned property located on the west boundary of 2935 Richardson Street.

Concur and Place on File



8.COMMUNICATION NO. [2022-534](#)

Angie Mullikin, Public Works Budget Manager requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the CompuNet SQL License agreement for the SCADA system at the Wastewater Treatment Plant (WWTP).

[2022-534 Agreement](#)

Concur and Place on File

9.COMMUNICATION NO. [2022-535](#)

Jim Keenan, Public Works Chief Water Operator requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the Professional Services agreement between HDR Engineering Inc. and Butte-Silver Bow to complete a Rainfall-Runoff Modeling project for Basin Creek Dam #2.

[2022-535 Agreement](#)

Concur and Place on File

10.COMMUNICATION NO. [2022-536](#)

Bob Lazzari, Parks & Recreation Director requesting Council of Commissioners authorization to have Chief Executive Gallagher sign an agreement between the Elks Lodge #240 and Butte-Silver Bow for the use of the ballroom for pickleball.

[2022-536 Agreement](#)

Concur and Place on File

SECTION 3: ORDINANCES AND RESOLUTIONS INTRODUCED TO JUDICIARY

1.COUNCIL BILL NO. [2022-13](#)

ORDINANCE NO. [2022-13](#)

AN ORDINANCE AMENDING CHAPTER 2.28 ENTITLED “BOARD OF HEALTH”, OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC), SPECIFICALLY AMENDING SECTION 2.28.040 and 2.28.050, AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2022-13 REDLINE

SECTION 4: ORDINANCES AND RESOLUTIONS FOR FINAL 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.



2.RESOLUTION NO. [2022-73](#)

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE ECLIPSE 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.

SECTION 5: ORDINANCES AND RESOLUTIONS FOR EMERGENCY SUSPENSION OF THE RULES FOR FINAL PASSAGE

1.RESOLUTION NO. [2022-75](#)

A RESOLUTION ACCEPTING THE DONATION OF A CERTAIN PARCEL OF VACANT REAL PROPERTY IN PRIVATE OWNERSHIP ADJACENT TO A PARCEL OF VACANT REAL PROPERTY IN PUBLIC OWNERSHIP FOR THE PURPOSE OF ECONOMIC DEVELOPMENT OF BOTH PARCELS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2.RESOLUTION NO. [2022-76](#)

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE FROM THE STATE OF MONTANA BOARD OF CRIME CONTROL, FOR THE PURPOSE OF MAINTAINING THE RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM AT THE BUTTE-SILVER-BOW DETENTION CENTER AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

CALENDAR OF OTHER MEETINGS AND EVENTS

- November 2, 2022, Airport Authority, 12:00 pm, Bert Mooney Airport Authority Admin. Office
- November 2, 2022, Butte AIDS Support Services, 7:00 pm, Community Center
- November 3, 2022, Civic Center, 12:00 pm, Civic Center Hospitality Room
- November 3, 2022, East Butte RRA, 9:00 am
- November 8, 2022, Land Sales Committee, 1:30 pm, Archives Auditorium
- November 8, 2022, Superfund Advisory (SARTA), 6:00 pm, Butte Justice Center
- November 9, 2022, Law Enforcement Commission, 4:00 pm, Chief Executive Conference Room
- November 9, 2022, Public Library Board, 5:00 pm, 3rd Floor, Library Bldg.
- November 9, 2022, Board of Health, 7:00 am, Health Dept. Conference Room
- November 10, 2022, Greenway Service District Board, 4:30 pm, Butte
- November 11, 2022, TIFID, 12:00 pm, Business Development Center
- November 14, 2022, Archives, 12:00 pm, Archives Center
- November 14, 2022, Fair Board, 6:00 pm, Perkins or HOPS Meeting Room
- November 15, 2022, Technical Review Committee, 1:30 pm, 3rd Floor, Water Building
- November 15, 2022, Urban Forestry Board, 1:00 pm, Business Development Center
- November 15, 2022, Public Housing Authority, 5:00 pm, New Deal Community Center



PUBLIC COMMENT ON ANY MATTER NOT ON THE AGENDA

ADJOURN

MEETINGS

ECONOMIC DEVELOPMENT COMMITTEE MEETING

NOVEMBER 2, 2022

6:00 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS

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

FINANCE & BUDGET COMMITTEE MEETING

NOVEMBER 2, 2022

7:00 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS

Expenditure report for the week of November 2, 2022 was reviewed and approved in the amount of \$ _____ for FY 2023.

MEETING REPORTS

COMMITTEE OF THE WHOLE REPORT

OCTOBER 26, 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

PRESENTATIONS

1. COMMUNICATION NO. [2022-510](#)

Jim Ford, Parrot Tailings Waste Removal Project Manager requesting Council of Commissioners for time on the October 26, 2022, BSB Committee of the Whole agenda for a presentation on the Parrot Tailings Waste Removal Project.

Held

2. COMMUNICATION NO. [2022-525](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners for time on the October 26, 2022 BSB Committee of the Whole agenda for Tim Lahey, United States Forest Service, to give a presentation on an update for the Fuel Reduction program in the Beaverhead Deerlodge National Forest.

Postponed to a future date



SECTION 2: COMMUNICATIONS

1.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

2.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](#)

Place on File

3.COMMUNICATION NO. [2022-510](#)

Jim Ford, Parrot Tailings Waste Removal Project Manager requesting Council of Commissioners for time on the October 26, 2022, BSB Committee of the Whole agenda for a presentation on the Parrot Tailings Waste Removal Project.

Place on File

4.COMMUNICATION NO. [2022-513](#)

Karen Maloughney, BSB Health Officer requesting Council of Commissioners concurrence to hold a Public Hearing for November 2, 2022 for the purpose of amending the fiscal year 2022-2023 budget to allow for increased expenditures of unanticipated revenue resulting from a Montana Healthcare Foundation Grant.

Hold in Abeyance

5.COMMUNICATION NO. [2022-525](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners for time on the October 26, 2022 BSB Committee of the Whole agenda for Tim Lahey, United States Forest Service, to give a presentation on an update for the Fuel Reduction program in the Beaverhead Deerlodge National Forest.

Hold in Abeyance

FINANCE AND BUDGET COMMITTEE MEETING REPORT

OCTOBER 26, 2022

6:00 PM BUTTE SILVER-BOW COURTHOUSE CHAMBERS

Expenditure report for the week of October 26, 2022 was reviewed and approved in the amount of \$936,291.08 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	A
John Riordan	P
Justin Fortune	P

JUDICIARY COMMITTEE MEETING REPORT

OCTOBER 26, 2022

7:00 PM BUTTE SILVER-BOW COURTHOUSE CHAMBERS

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](#)

Move to Final Reading

2.RESOLUTION NO. [2022-73](#)

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE ECLIPSE 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.

Move to Final Reading

Name	Amount	Reason	Approved	
GUARDIAN TAX MT LLC	\$2723.97	REFUND/REDEMPTION OF TAX ASSINGMENT #0000604000	YES	
GUARDIAN TAX MT LLC	\$1757.65	REFUND/REDEMPTION OF TAX ASSIGNMENT #0000970700	YES	



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

