

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING AGENDA
WEDNESDAY, NOVEMBER 3, 2021
7:30 PM COURTHOUSE COUNCIL CHAMBERS**

ROLL CALL

PRAYER AND PLEDGE

APPROVAL OF THE MINUTES

[October 20, 2021 Regular Meeting Minutes](#)

[October 27, 2021 Special 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 OPENINGS

1.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.

2.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.

PRESENTATIONS

1.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.



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. [2021-525](#)

Leslie Clark, Human Resource Director requesting Council of Commissioners authorization for Chief Executive Gallagher to sign a Collective Bargaining Agreement and Memorandum of Understanding between the City-County of Butte-Silver Bow and the International Union of Operating Engineers, Local No. 400.

[2021-525 Agreement](#)

[2021-525 Redline Agreement](#)

[2021-525 MOU](#)

Concur and Place on File

2. COMMUNICATION NO. [2021-528](#)

Doug Conway, BSB Law Enforcement Captain requesting Council of Commissioners authorization to apply for a grant from the Department of Justice, Bureau of Justice Assistance Grant. The award will not require a match totaling \$22,304 for the purchase of law enforcement officer equipment for the period 10-1-2021 to 9-30-2022.

Concur and Place on File

3. COMMUNICATION NO. [2021-529](#)

Brendan McDonough, An Ri Ra' Executive Committee requesting Council of Commissioners concurrence to reserve the Original Mine Yard for the 2022 An Ri Ra' from Monday August 8th until Monday August 15th to accommodate the site set-up and tear-down of the festival.

Concur and Place on File

4. COMMUNICATION NO. [2021-530](#)

Bill Melvin, Butte Civic Center Manager requesting Council of Commissioners authorization for Chief Executive Gallagher to sign a contract with Precision Concrete Cutting Inc, 3191 Canyon Rd Provo, UT. This will be to eliminate trip hazards around the main area.

[2021-530 Agreement](#)

Concur and Place on File

5. COMMUNICATION NO. [2021-531](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorization for Chief Executive Gallagher to sign Hoffman's R&M Change Order #1 for Sanitary Sewer TSEP Dig and Replace project.

[2021-531 Change Order](#)

Concur and Place on File



6.COMMUNICATION NO. [2021-532](#)

Padraig Cunneen, BSB Public Works Operations Engineer requesting Council of Commissioners authorization for Chief Executive Gallagher to sign the Storm Water Management / BMP Maintenance Agreement for Copper City Surgery Center at 2760 Elizabeth Warren Avenue.

[2021-532 Agreement](#)

Concur and Place on File

7.COMMUNICATION NO. [2021-533](#)

Bob Lazzari, Parks and Recreation Director requesting Council of Commissioners authorization for Chief Executive Gallagher to sign the Water and Environmental Technologies (WET) Parks Master Plan Agreement.

[2021-533 Agreement](#)

Concur and Place on File

8.COMMUNICATION NO. [2021-534](#)

Mary McCormick requesting Council of Commissioners authorization for Chief Executive Gallagher to sign a contract with the Montana Department of Commerce for a Tourism Grant that was awarded in the amount of \$14,993 to assist with ADA Improvements at the Basin Creek Caretakers House.

[2021-534 Agreement](#)

Concur and Place on File

9.COMMUNICATION NO. [2021-535](#)

Kristen Rosa, TIFID Administrator requesting Council of Commissioners authorization for Chief Executive Gallagher to sign a Purchase and Sale Agreement with The Stace McGee Group for a 31.34 Acre parcel of property in the Montana Connections Business Development Park.

[2021-535 Agreement](#)

Concur and Place on File

10.COMMUNICATION NO. [2021-536](#)

Tim Burton, Montana League of Cities and Towns Executive Director requesting Council of Commissioners authorization for a presentation during the Committee of the Whole meeting, Wednesday November 10th, 2021 to present the League's programs.

Hold in Abeyance

SECTION 3: ORDINANCES AND RESOLUTIONS INTRODUCED TO JUDICIARY

1.COUNCIL BILL NO. [2021-07](#)

ORDINANCE NO. [2021-07](#)

AN ORDINANCE AMENDING SECTION 17.060.030 OF BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) WHICH SECTION ADOPTED THE ZONING MAP OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR A CHANGE TO THE OFFICIAL ZONING DISTRICT MAP BY REZONING APPROXIMATELY 16.5 ACRES FROM R-1 (SINGLE FAMILY RESIDENCE) AND R-2 (TWO-FAMILY RESIDENCE) TO R-3 (MULTI FAMILY



RESIDENCE), COMMONLY LOCATED BETWEEN GRAND AVENUE AND ARGYLE STREET, EAST OF GARFIELD STREET AND WEST OF CONTINENTAL DRIVE; LOCATED IN THE WILSON PARK AND NORTHERN PACIFIC ADDITIONS, SECTION 20, TOWNSHIP 3 NORTH, RANGE 7 WEST, OF THE P.M.M. OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, PROVIDING FOR THE REPEAL OF ALL PARTS OF ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION 4: ORDINANCES AND RESOLUTIONS FOR FINAL 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](#)

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA

CALENDAR OF OTHER MEETINGS AND EVENTS

November 3, 2021, Airport Authority, 12:00 pm, Bert Mooney Airport Authority Admin. Office

November 3, 2021, Butte AIDS Support Services, 7:00 pm, Community Center

November 4, 2021, Civic Center, 12:00 pm, Civic Center Hospitality Room

November 4, 2021, East Butte RRA, 9:00 am, 1st Floor Conference Room

December 7, 2021, Fire Advisory Committee, 5:30 pm, Butte 1st Floor Conference Room

November 8, 2021, Fair Board, 6:00 pm, Perkins or HOPS Meeting Room

November 8, 2021, Archives, 12:00 pm, Archives Center

November 9, 2021, Superfund Advisory (SARTA), 6:00 pm, Butte Justice Center

November 10, 2021, Board of Health, 7:00 am, Health Dept. Conference Room

November 10, 2021, Land Sales Committee, 1:30 pm, First Floor Conference Room

November 10, 2021, Public Library Board, 5:00 pm, 3rd Floor, Library Bldg.

November 11, 2021, Law Enforcement Commission, 4:00 pm, Chief Executive Conference Room

November 12, 2021, TIFID, 12:00 pm, Business Development Center

October 14, 2021, Greenway Service District Board, 4:30 pm, Anaconda Comm. Service Bldg.

November 15, 2021, Parks & Recreation, 11:30 am, Highland View Clubhouse

November 16, 2021, Technical Review Committee, 1:30 pm, 3rd Floor, Water Building

November 16, 2021, Urban Forestry Board, 1:00 pm, Business Development Center

November 16, 2021, Public Housing Authority, 5:00 pm, New Deal Community Center



MEETINGS

PERSONNEL COMMITTEE MEETING

NOVEMBER 3, 2021

5:30 PM BUTTE SILVER-BOW COURTHOUSE CHAMBERS

1.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](#)

ECONOMIC DEVELOPMENT COMMITTEE MEETING

NOVEMBER 3, 2021

6:00 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS

1.BLDC- Joe Willauer

FINANCE & BUDGET COMMITTEE MEETING

NOVEMBER 3, 2021

7:00 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS

Expenditure report for the week of November 3, 2021 was reviewed and approved in the amount of \$_____ for FY 2022.

REPORTS

COMMITTEE OF THE WHOLE REPORT

OCTOBER 27, 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:

SECTION 1: BID OPENINGS, PUBLIC HEARINGS, AND/OR PRESENTATIONS

BID OPENINGS

1.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.

Held



PRESENTATIONS

1.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.

Held

2.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.

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](#)

Cross reference with Communication No. 2021-522 and Place on File

5.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](#)

Cross reference with Communication No. 2021-523 and Place on File



6.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.

Place on File

7.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.

Place on File

8.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.

Hold in Abeyance

9.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

10.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

FINANCE & BUDGET COMMITTEE MEETING REPORT

OCTOBER 27, 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 27, 2021, was reviewed and approved in the amount of \$2,282,253.85 for FY 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	P



PUBLIC WORKS COMMITTEE MEETING REPORT

OCTOBER 27, 2021

6:30 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS

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

No meeting held. Communication No. 2021-337-Note and Place on File last week.

Petition No. 2021-02-Note and place on File last week

PUBLIC WORKS COMMITTEE PRESENT/ABSENT

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 27, 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	
GUARDIAN TAX MT LLC	\$547.75 \$4.14 \$2545.19 \$13.93	REFUND/REDEMPTION INTEREST REFUND/REDEMPTION INTEREST	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.

Motion made to reduce time in selling to start 6/27 – 7/4 reducing days by 4, from 12 days to 8 days

Motion failed 3-3



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 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	P

PERSONNEL COMMITTEE MEETING REPORT

OCTOBER 27, 2021

5:30 PM BUTTE SILVER-BOW COURTHOUSE CHAMBERS

1.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](#)

Hold in Abeyance

<u>PERSONNEL COMMITTEE MEMBERS</u>	<u>PRESENT/ABSENT</u>
Michele Shea, Chairman	P
Bill Andersen, Vice Chairman	P
Jim Fisher	P
Justine Fortune	A
Shawn Fredrickson	P
John Riordan	P

