

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING AGENDA
WEDNESDAY, NOVEMBER 16, 2022
7:30 PM COURTHOUSE COUNCIL CHAMBERS**

ROLL CALL

PRAYER AND PLEDGE

APPROVAL OF THE MINUTES

[November 2, 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. [2022-537](#)

Beth Wurm, Human Resources Director requesting Council of Commissioners authorization to have Chief Executive Gallagher sign a MOU between the City-County of Butte-Silver Bow and the Butte Teamsters' Union, Local No. 2.

[2022-537 MOU](#)

Concur and Place on File



2.COMMUNICATION NO. [2022-538](#)

Ed Randall, Community Enrichment Director requesting Council of Commissioners concurrence to approve the Class 3 Kennel License (6.08.030) which will be located at 293 Ski Area Loop in Butte, Montana 59701.

Concur and Place on File

3.COMMUNICATION NO. [2022-539](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence to approve the appointment of Amanda Badovinac, 1300 West Park Street, Butte Montana to the Butte Transportation Coordinating Committee.

Concur and Place on File

4.COMMUNICATION NO. [2022-540](#)

Zach Osborne, BSB Fire Chief requesting Council of Commissioners concurrence to approve the sale of (5) complete SCBA's to the Melrose Fire Department which consists of Air-packs, Regulators, Masks and Bottles. I understand that selling any BSB property requires a 2/3 approval vote from the Council of Commissioners.

Concur and Place on File

5.COMMUNICATION NO. [2022-541](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the 1923 location lease agreement for 2023. The agreement will go into effect on January 16, 2023.

[2022-541 Agreement](#)

Concur and Place on File

6.COMMUNICATION NO. [2022-542](#)

Karen Maloughney, BSB Health Officer requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the contract amendment for a PREP program between the Montana Department of Public and Health Services and the Butte-Silver Bow Health Department.

[2022-542 Agreement](#)

Concur and Place on File

7.COMMUNICATION NO. [2022-543](#)

Karen Maloughney, BSB Health Officer requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the contract amendment for HIV Early Intervention and Outreach Services between the Montana Department of Public and Health Services and the Butte-Silver Bow Health Department.

[2022-543 Agreement](#)

Concur and Place on File



8.COMMUNICATION NO. [2022-544](#)

Karen Maloughney, BSB Health Officer requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the contract amendment for Covid Immunization Services between the Montana Department of Public and Health Services and the Butte-Silver Bow Health Department.

[2022-544 Agreement](#)

Concur and Place on File

9.COMMUNICATION NO. [2022-545](#)

Karen Maloughney, BSB Health Officer requesting Council of Commissioners authorization to have Chief Executive Gallagher sign an agreement between the Community Correctional and Counseling Services (CCCS) and the Butte-Silver Bow Health Department.

[2022-544 Agreement](#)

Concur and Place on File

10.COMMUNICATION NO. [2022-546](#)

Karen Byrnes, Community Development Director requesting Council of Commissioners concurrence to pursue Montana Mainstreet planning & Project grant funds to prepare a Wayfinding Plan for the Uptown district, and Impact grant funds to pursue permanent intersection and street feature improvements.

Concur and Place on File

11.COMMUNICATION NO. [2022-547](#)

Edward Pape, Butte Montana informing Council of Commissioners that he did not get a response back from Chief Executive Gallagher concerning a problem he encountered at the landfill. He would like to know what a tax paying citizen of BSB has to do to get a response from a government official whose function is to "serve citizens of Butte and Silver Bow County?"

Refer to Chief Executives Office

12.COMMUNICATION NO. [2022-548](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorization to have Chief Executive Gallagher sign an agreement between Butte-Silver Bow and the Montana Department of Transportation (MDT). This agreement is for maintenance on bridges north of the Rocker Interchange.

[2022-548 Agreement](#)

Concur and Place on File

13.COMMUNICATION NO. [2022-549](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorization to have Chief Executive Gallagher sign an agreement between Butte-Silver Bow and Griff Davidson for grazing cattle on BSB land located on Basin Creek Road.

[2022-548 Agreement](#)

Concur and Place on File



14.COMMUNICATION NO. [2022-550](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorization to have Chief Executive Gallagher sign an agreement between Butte-Silver Bow and the Spangler Ranch for gravel for the 2022, 2023, and 2024 construction season. The gravel is used for building roads and forms for stormwater runoff.

[2022-550 Agreement](#)

Concur and Place on File

15.COMMUNICATION NO. [2022-551](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorization to have Chief Executive Gallagher sign an agreement between Butte-Silver Bow and Rockwell Systems for tech support for the SCADA system at the Wastewater Treatment Plant.

[2022-551 Agreement](#)

Concur and Place on File

16.COMMUNICATION NO. [2022-552](#)

Kathy Kenison, IT Manager requesting Council of Commissioners authorization to have Chief Executive Gallagher sign an agreement between Butte-Silver Bow and Civic Plus. CivicPay is an integrated online payment processing system that will allow us to accept payments online and post the payments directly into our web applications.

[2022-552 Agreement](#)

Concur and Place on File

17.COMMUNICATION NO. [2022-553](#)

Linda Sajor-Joyce, Clerk & Recorder requesting Council of Commissioners permission to call a Special Meeting with the Council of Commissioners and the Canvass Board to meet on Monday, November 21, 2022 at 4:30 P.M. in Room 312 Council Chambers to canvass and certify the 2022 General Election.

Concur with request and hold in the COW pending the November 21st 2022 Special Meeting

SECTION 3: ORDINANCES AND RESOLUTIONS INTRODUCED TO JUDICIARY

1.RESOLUTION NO. [2022-77](#)

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A CERTAIN PARCEL OF REAL PROPERTY KNOWN AS 123-135 EAST PARK, BUTTE, MONTANA, AND MORE PARTICULARLY DESCRIBED AS THE EAST ½ of LOT FIFTEEN (15) AND ALL OF LOTS SIXTEEN (16) AND SEVENTEEN (17) OF BLOCK TWENTY-SEVEN (27) OF THE ORIGINAL TOWNSITE LOCATED IN SECTION 13, TOWNSHIP 03 NORTH, RANGE 08 WEST IN THE CITY-COUNTY OF BUTTE-SILVER BOW, MONTANA, AND A CERTAIN PARCE OF REAL PROPERTY KNOWN AS 135 EAST PARK STREET, BUTTE, MONTANA AND MORE PARTICULARLY DESCRIBED AS LOT EIGHTEEN (18) OF BLOCK TWENTY-SEVEN (27) OF THE BUTTE TOWNSITE LOCATED IN SECTION 13, TOWNSHIP 03 NORTH, RANGE 08 WEST IN THE CITY-COUNTY OF BUTTE-SILVER BOW, MONTANA FOR THE PURPOSE OF ECONOMIC OR COMMUNITY DEVELOPMENT IN ACCORDANCE WITH THE PROVISIONS OF THE BUTTE-SILVER BOW MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.



SECTION 4: ORDINANCES AND RESOLUTIONS FOR SECOND READING

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

CALENDAR OF OTHER MEETINGS AND EVENTS

November 16, 2022, Parking Commission, 3:00 pm, Chief Executive Conference Room
November 21, 2022, Parks & Recreation, 11:30 am, Highland View Clubhouse
November 22, 2022, Port of Montana, 12:00 pm, Hub Center, Silver Bow
November 22, 2022, Urban Revitalization, 8:30 am
November 23, 2022, South Butte TEDD, 3:30 pm, 1st Floor Conference Room
Nov. 23, 2022, Substance Abuse Task Force, 3:30 pm, Emergency Operations Center, 3615 Wynne
November 23, 2022, Local Emergency Planning, 12:00 pm, Butte Justice Center
November 28, 2022, Mental Health LAC, 1:00 pm, 3rd Floor, Library Bldg.
December 1, 2022, Civic Center, 12:00 pm, Civic Center Hospitality Room
December 1, 2022, East Butte RRA, 9:00 am
December 6, 2022, Weed Board, 7:00 pm, Weed Office, 25 West Front
December 6, 2022, Fire Advisory Committee, 5:30 pm
December 6, 2022, Historic Preservation Commission, 5:30 pm, Council Chambers

PUBLIC COMMENT ON ANY MATTER NOT ON THE AGENDA

ADJOURN

MEETINGS

FINANCE & BUDGET COMMITTEE MEETING

NOVEMBER 16, 2022

7:00 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS

Expenditure report for the week of November 16, 2022 was reviewed and approved in the amount of \$ _____ for FY 2023.



MEETING REPORTS

COMMITTEE OF THE WHOLE REPORT

NOVEMBER 9, 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: 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.

Cross Referenced with Communication 2022-533 and Place on File

2.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.

Note and Place on File

3.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.

Note and Place on File

FINANCE AND BUDGET COMMITTEE MEETING REPORT

NOVEMBER 9, 2022

6:00 PM BUTTE SILVER-BOW COURTHOUSE CHAMBERS

Expenditure report for the week of November 9, 2022 was reviewed and approved in the amount of \$1,116,613.99 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

NOVEMBER 9, 2022

7:00 PM BUTTE SILVER-BOW COURTHOUSE CHAMBERS

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

Move to Second Reading

Name	Amount	Reason	Approved	
GUARDIAN TAX MT LLC	\$11,850.53	REFUND/REDEMPTION OF TAX ASSINGMENT #0000074600	YES	
GUARDIAN TAX MT LLC	\$5259.04	REFUND/REDEMPTION OF TAX ASSIGNMENT #0001210300	YES	
GUARDIAN TAX MT LLC	\$12,096.77	REFUND/REDEMPTION OF TAX ASSIGNMENT #0000120200	YES	
GUARDIAN TAX MT LLC	\$30,325.80	REFUND/REDEMPTION OF TAX ASSIGNMENT #0001395500	YES	
GUARDIAN TAX MT LLC	\$4716.69	REFUND/REDEMPTION OF TAX ASSIGNMENT #0001331800	YES	
GUARDIAN TAX MT LLC	\$6553.58	REFUND/REDEMPTION OF TAX ASSIGNMENT #0000324800	YES	
GUARDIAN TAX MT LLC	\$327.81	REFUND/REDEMPTION OF TAX ASSIGNMENT #0000624200	YES	



JUDY SIXKILLER 2632 S MONTANA STREET BUTTE	\$1000.00	REFUND FOR ROW BOND #COM-MISC-22-000118	YES	
J3 TRUCKING & RECYCLING % DYLAN DALLASERRA	\$1288.78	REDUND/REDEMPTION OF TAX ASSIGNMENT TAKEN/PARCEL #0000874900	YES	
PAUL CUNNINGHAM 1905 S IDAHO BUTTE	\$300.00	REFUND OF DEMO BOND BDEM-22-000028 AND 000029	YES	
ERERIST MICHAL S LIVING TRUST	\$1690.13	DEPT OF REVENUE TAX BILL REWRITE OF THEIR 2021 TAX BILL	YES	
MONTANA MUD STUDS CONCRETE FINISHING	\$2500.00	REFUND FOR ROW BOND #COM-MISC-22-000068 AND 000069	YES	

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

