

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING AGENDA
WEDNESDAY, NOVEMBER 17, 2021
7:30 PM COURTHOUSE COUNCIL CHAMBERS**

ROLL CALL

PRAYER AND PLEDGE

APPROVAL OF THE MINUTES

[November 3, 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. [2021-537](#)

Linda Sajor-Joyce, Clerk & Recorder requesting Council of Commissioners authorization for Chief Executive Gallagher to sign a RM-60 to destroy records (2021-CR-13). All records were offered to the local BSB Archives.

[2021-537 Disposal Form](#)

Concur and Place on File

2. COMMUNICATION NO. [2021-538](#)

Ed Lester, BSB Sheriff requesting Council of Commissioners authorization for a Public Hearing to be conducted on December 1, 2021 for a budget amendment to increase the Sheriff budget 2021-22 due to unexpected revenue.

Hold in Abeyance



3.COMMUNICATION NO. [2021-539](#)

Trevor Peterson, Parks and Recreation Arborist requesting Council of Commissioners authorization for Chief Executive Gallagher to sign a Montana Department of Natural Resources and Conservation (DNRC), Forestry Division, Program Development Grant Application.

Concur and Place on File

4.COMMUNICATION NO. [2021-540](#)

Ed Randall, Community Enrichment Director requesting Council of Commissioners authorization for a Public Hearing to be conducted on December 1, 2021 for a comment on amending the 21-22 Animal Service Department Budget.

Hold in Abeyance

5.COMMUNICATION NO. [2021-542](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence in the appointment of Beth Parini, 6095 Albany, Butte MT 59701 to the Fair Board.

Concur and Place on File

6.COMMUNICATION NO. [2021-543](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners authorization for a Resolution of Intent to be prepared for the purpose of having a ballot issue placed on the June 2022 primary ballot asking the voters to decide on the imposition of a local option marijuana excise tax.

Hold in the Committee of the Whole

7.COMMUNICATION NO. [2021-544](#)

Karen Byrnes, Community Development Director requesting Council of Commissioners authorization to apply for Environmental Protection Agency (EPA) Recreation Economy for Rural Communities planning assistance.

Concur and Place on File

8.COMMUNICATION NO. [2021-545](#)

Karen Sullivan, BSB Health Officer requesting Council of Commissioners authorization for Chief Executive Gallagher to sign an agreement between the Divide School District and the Butte-Silver Bow Health Department to provide school nursing services to the district.

[2021-545 Contract](#)

Concur and Place on File

9.COMMUNICATION NO. [2021-546](#)

Karen Sullivan, BSB Health Officer requesting Council of Commissioners authorization for Chief Executive Gallagher to sign an agreement between the Melrose School District and the Butte-Silver Bow Health Department to provide school nursing services to the district.

[2021-546 Contract](#)

Concur and Place on File



10.COMMUNICATION NO. [2021-547](#)

Karen Sullivan, BSB Health Officer requesting Council of Commissioners authorization for Chief Executive Gallagher to sign a contract amendment between the Montana Department of Public Health and Human Services and the BSB Health Department to amend the Immunization Program Contract.

[2021-547 Contract](#)

Concur and Place on File

11.COMMUNICATION NO. [2021-548](#)

Karen Sullivan, BSB Health Officer requesting Council of Commissioners authorization for Chief Executive Gallagher to sign a contract amendment between the Montana Department of Public Health and Human Services and the BSB Health Department to amend the Emergency Preparedness Contract.

[2021-548 Contract](#)

Concur and Place on File

12.COMMUNICATION NO. [2021-549](#)

Theresa Marshall, Human Resource Specialist requesting Council of Commissioners authorization for Chief Executive Gallagher to sign the HealthCheck360 Statement of Work between the City-County of Butte-Silver Bow and Health Check360, a provider of wellness management and education.

[2021-549 Contract](#)

Concur and Place on File

13.COMMUNICATION NO. [2021-550](#)

Cari Coe, Historic Clark Chateau Director requesting Council of Commissioners authorization for Chief Executive Gallagher to sign off on acceptance of National Endowment for the Arts Grant - Grants for Arts Projects.

[2021-550 Memorandum](#)

Concur and Place on File

14.COMMUNITION NO. [2021-551](#)

Holly Sandbo, Northern Rockies Outreach and Engagement Manager requesting Council of Commissioners concurrence for time on the December 8, 2021 agenda to present on local effort to establish a National Historical Park (NHP) in Butte.

Hold in Abeyance

15.COMMUNICATION NO. [2021-552](#)

Mark Neary, Public Works Director requesting Council of Commissioners concurrence for time on the December 1, 2021 agenda for a bid opening for the 2021 Roads Dump Truck.

Hold in Abeyance

16.COMMUNICATION NO. [2021-553](#)

Mark Neary, Public Works Director requesting Council of Commissioners concurrence for time on the December 1, 2021 agenda for a bid opening for the 2021 Metro Dump Truck.

Hold in Abeyance



17.COMMUNICATION NO. [2021-554](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorization for Chief Executive Gallagher to sign the Notice of Award, Notice to Proceed and Agreement form for the Mercury Street Improvements Project.

[2021-554 Agreement](#)

[2021-554 Notice of Award](#)

[2021-554 Notice to Proceed](#)

Concur and Place on File

18.COMMUNICATION NO. [2021-555](#)

Padraig Cunneen, Public Works Engineer requesting Council of Commissioners authorization for Chief Executive Gallagher to sign the Storm Water Management / BMP Maintenance Agreement for Ray's Heating and Sheetmetal Shop on 400 block of South Warren Avenue.

[2021-555 Agreement](#)

Concur and Place on File

19.COMMUNICATION NO. [2021-556](#)

Angie Mullikin, Public Works Budget Analyst requesting Council of Commissioners authorization for Chief Executive Gallagher to sign the Amendment to the RRGL Grant with the DNRC for the Moulton Reservoir.

[2021-556 Grant Amendment](#)

Concur and Place on File

20.COMMUNICATION NO. [2021-557](#)

Padraig Cunneen, Public Works Engineer requesting Council of Commissioners authorization for Chief Executive Gallagher to sign the Storm Water /BMP Maintenance Agreement for the UDAP Expansion at 1703 Water Line Road.

[2021-557 Agreement](#)

Concur and Place on File

21.COMMUNICATION NO. [2021-558](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorization for Chief Executive Gallagher to sign the Task Order #27 for the Metro Wastewater Treatment Plan, Wastewater Assistance and ARPA Grant application.

[2021-558 Task Order](#)

Concur and Place on File

22.COMMUNICATION NO. [2021-559](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorization for Chief Executive Gallagher to sign the Task Order #26 for the Moulton filter replacement and ARPA grant application.

[2021-559 Task Order](#)

Concur and Place on File



23.COMMUNICATION NO. [2021-560](#)

Dori Skrukrud, Greenway Service District Manager requesting Council of Commissioners authorization for Chief Executive Gallagher to sign the Amended/Restated Easement Agreement.

[2021-560 Amendment](#)

Concur and Place on File

24.COMMUNICATION NO. [2021-561](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners authorization for Chief Executive Gallagher to sign a management service contract with Communication and Management Services, LLC.

[2021-561 Agreement](#)

Concur and Place on File

25.COMMUNICATION NO. [2021-562](#)

Leslie Clark, Human Resources Director requesting Council of Commissioners authorization for Chief Executive Gallagher to sign the Collective Bargaining Agreement and Associated Memorandum of Understanding between the City-County of Butte-Silver Bow and the International Association of Fire Fighters, AFL-CIO, Local No. 96.

[2021-562 Agreement](#)

[2021-562 Redline Agreement](#)

[2021-562 MOU](#)

Concur and Place on File

26.COMMUNICATION NO. [2021-563](#)

Eileen Joyce, BSB County Attorney requesting Council of Commissioners authorization for a Public Hearing to be scheduled for December 1, 2021 regarding the Franchise agreement between the City-County of Butte-Silver Bow, Montana and Spectrum Pacific West, known locally as Charter Communications.

[2021-563 Agreement](#)

Concur and Place on File

27.COMMUNICATION NO. [2021-564](#)

Eileen Joyce, BSB County Attorney requesting Council of Commissioners authorization for Chief Executive Gallagher to sign the Lease Agreement between the City-County of Butte-Silver Bow, Montana, and Butte Amateur Hockey Association (BAHA).

[2021-564 Agreement](#)

Concur and Place on File

28.COMMUNICATION NO. [2021-565](#)

Kristen Rosa, TIFID Administrator requesting Council of Commissioners authorization for Chief Executive Gallagher to sign a purchase and sale agreement with 4PSB LLC, for a 6.24-acre parcel of property in the Montana Connections Business Development Park.

[2021-565 Agreement](#)

Concur and Place on File



SECTION 2: COMMUNICATIONS TO BE READ AND ACTED UPON

1.COMMUNICATION NO. [2021-541](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence in the appointment of Zach Osborne, 8 Cedar Lake Drive, Butte MT 59701 as Director of Fire Services/Chief for Butte-Silver Bow Fire Department.

SECTION 3: ORDINANCES AND RESOLUTIONS INTRODUCED TO JUDICIARY

1.COUNCIL BILL NO. [2021-08](#)

ORDINANCE NO. [2021-08](#)

AN ORDINANCE AMENDING TITLE 15 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “BUILDINGS AND CONSTRUCTION”; AMENDING CHAPTER 15.10 ENTITLED “FIRE CODE”; AND SPECIFICALLY AMENDING SECTION 15.10.060 ENTITLED ARTICLE 78 AMENDED - SALE OF FIREWORKS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

[Ordinance No. 2021-08 Redline](#)

SECTION 4: ORDINANCES AND RESOLUTIONS SECOND READING

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.

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA

CALENDAR OF OTHER MEETINGS AND EVENTS

November 17, 2021, Parking Commission, 3:00 pm, Chief Executive Conference Room
November 18, 2021, Zoning Board, 5:30 pm, Council Chambers
November 21, 2019, Animal Services, 5:30 pm, 1st Floor Conference Room
November 22, 2021, Mental Health LAC, 1:00 pm, 3rd Floor, Library Bldg.
November 23, 2021, Port of Montana, 12:00 pm, Hub Center, Silver Bow
November 23, 2021, Urban Revitalization, 8:30 am, 1st Floor Conference Room



November 24, 2020, South Butte TEDD, 3:30 pm, 1st Floor Conference Room
November 24, 2021, Local Emergency Planning, 12:00 pm, Butte Justice Center
November 25, 2021, Planning Board, 5:30 pm, Council Chambers
Nov. 25, 2020, Substance Abuse Task Force, 3:30 pm, Emergency Operations Center, 3615 Wynne

MEETINGS

FINANCE & BUDGET COMMITTEE MEETING

NOVEMBER 17, 2021

7:00 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS

Expenditure report for the week of November 17, 2021 was reviewed and approved in the amount of \$ _____ for FY 2022.

REPORTS

COMMITTEE OF THE WHOLE REPORT

NOVEMBER 10, 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

PRESENTATIONS

1. 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.

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. [2021-536](#)

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.

Concur and Place on File

5.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](#)

Concur and Place on File

6.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

FINANCE & BUDGET COMMITTEE MEETING REPORT

NOVEMBER 10, 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 November 10, 2021, was reviewed and approved in the amount of \$1,187,368.64 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 A
John Riordan P
Justin Fortune P

PUBLIC WORKS COMMITTEE MEETING REPORT

NOVEMBER 10, 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.

JUDICIARY COMMITTEE MEETING REPORT

NOVEMBER 10, 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	
JIM KEANE 2131 WALL ST BUTTE MT 59701	\$200.00	REFUND DEMO BOND FOR GARAGE AT 1105 FARRELL	YES	

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.

Placed on Second 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

