

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS  
REGULAR MEETING AGENDA  
WEDNESDAY, DECEMBER 1, 2021  
7:30 PM COURTHOUSE COUNCIL CHAMBERS**

**ROLL CALL**

**PRAYER AND PLEDGE**

**APPROVAL OF THE MINUTES**

[November 17, 2021 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**

**BID OPENINGS**

**1.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.

**2.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.

**PUBLIC HEARINGS**

**1.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.

**2.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.



3.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](#)

**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. [2021-566](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence in the following appointment of Shane Reilly, 3220 Harrison Avenue, Butte Mt to the Fair Board.

*Concur and Place on File*

2.COMMUNICATION NO. [2021-567](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence in the following re-appointments of Cindi Shaw. 211 W. Quartz, Ivy Newman Fredrickson, 3070 Atherton Lane and Toby Richards, 103 Blacktail Court, Butte Mt to the Board of Health.

*Concur and Place on File*

3.COMMUNICATION NO. [2021-568](#)

Bob Lazzari, Parks and Recreation Director requesting Council of Commissioners authorization for Chief Executive Gallagher to sign the lease agreement between Mary Ann Kenneally (Town Pump) and Butte-Silver Bow for land used for Christmas Tree Collection.

[2021-568 Agreement](#)

*Concur and Place on File*

4.COMMUNICATION NO. [2021-569](#)

Dan Dennehy, BSB Office of Emergency Management Director requesting Council of Commissioners authorization to allow a bid to be opened at the Council's Regular meeting on December 15, 2021, for (1) 400 Kw Diesel Generator and (1) Automatic Transfer Switch for the Butte Civic Center.

*Hold in Abeyance*



5.COMMUNICATION NO. [2021-570](#)

Karen Maloughney BSB Interim Health Officer requesting Council of Commissioners authorization to schedule a public hearing for December 15, 2021 for the purpose of amending the fiscal year 2021-2022 budget to allow for increased expenditures of unanticipated revenue resulting from an amendment to the Public Health Emergency Preparedness Grant.

*Hold in Abeyance*

6.COMMUNICATION NO. [2021-571](#)

Karen Maloughney BSB Interim Health Officer requesting Council of Commissioners authorization to schedule a public hearing for December 15, 2021 for the purpose of amending the fiscal year 2021-2022 budget to allow for increased expenditures of unanticipated revenue resulting from an amendment to the Immunization Grant.

*Hold in Abeyance*

7.COMMUNICATION NO. [2021-572](#)

Linda Sajor-Joyce, Clerk and Recorder requesting Council of Commissioners authorization for Chief Executive Gallagher to sign a RM-60 to destroy records (2021-CR-14) that are for tax deeds from 1977 through 2011.

[2021-572 Records Disposal](#)

*Concur and Place on File*

8.COMMUNICATION NO. [2021-573](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorization to schedule a bid opening for December 15, 2021 for supplying chemicals to be used by the Butte-Silver Bow Water and Wastewater Treatment Plants and Ridge Waters Water Park.

*Hold in Abeyance*

9.COMMUNICATION NO. [2021-574](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorization to schedule a Public Hearing for December 15, 2021 for the purpose of soliciting comments on the Preliminary Engineering Report for the 2021 Water Master Plan.

*Hold in Abeyance*

10.COMMUNICATION NO. [2021-575](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorization for Chief Executive Gallagher to sign an agreement between WET and BSB for the Metro 2022 CIPP Project. This agreement allows for engineering on the CIPP project for sewer mains around Butte.

[2021-575 Agreement](#)

*Concur and Place on File*

11.COMMUNICATION NO. [2021-576](#)

Kristen Rosa, TIFID Administrator requesting Council of Commissioners authorization for Chief Executive Gallagher to sign a Memorandum of Understanding with the Port of Montana Port Authority.

[2021-576 MOU](#)

*Concur and Place on File*



12.COMMUNICATION NO. [2021-577](#)

Kristen Rosa, TIFID Administrator requesting Council of Commissioners authorization for Chief Executive Gallagher to sign an Easement with the Port of Montana Port Authority.

[2021-577 Easement](#)

*Concur and Place on File*

**SECTION 3: ORDINANCES AND RESOLUTIONS FOR INTRODUCTION TO JUDICIARY**

1.RESOLUTION NO. [2021-54](#)

A RESOLUTION AMENDING THE CITY-COUNTY OF BUTTE-SILVER BOW, FISCAL YEAR 2022 BUDGET 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 UNITED STATES DEPARTMENT OF JUSTICE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT TO THE BUTTE-SILVER BOW LAW ENFORCEMENT DEPARTMENT AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**SECTION 4: ORDINANCES AND RESOLUTIONS FOR FINAL 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**

December 1, 2021, Airport Authority, 12:00 pm, Bert Mooney Airport Authority Admin. Office

December 1, 2021, Butte AIDS Support Services, 7:00 pm, Community Center

December 2, 2021, Zoning Board, 5:30 pm, Council Chambers

December 2, 2021, Civic Center, 12:00 pm, Civic Center Hospitality Room

December 2, 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



December 7, 2021, Historic Preservation Commission, 5:30 pm, Council Chambers  
December 7, 2021, Weed Board, 7:00 pm, Weed Office, 25 West Front  
December 8, 2021, Land Sales Committee, 1:30 pm, First Floor Conference Room  
December 8, 2021, Public Library Board, 5:00 pm, 3rd Floor, Library Bldg.  
December 8, 2021, Board of Health, 7:00 am, Health Dept. Conference Room  
December 9, 2021, Law Enforcement Commission, 4:00 pm, Chief Executive Conference Room  
December 9, 2021, Greenway Service District Board, 4:30 pm, Anaconda Comm. Service Bldg.  
December 10, 2021, TIFID, 12:00 pm, Business Development Center  
December 13, 2021, Archives, 12:00 pm, Archives Center  
December 13, 2021, Fair Board, 6:00 pm, Perkins or HOPS Meeting Room  
December 14, 2021, Superfund Advisory (SARTA), 6:00 pm, Butte Justice Center

## **MEETINGS**

### **ECONOMIC DEVELOPMENT COMMITTEE MEETING**

*DECEMBER 1 2021*

*6:00 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS*

1.BLDC- Joe Willauer

### **FINANCE & BUDGET COMMITTEE MEETING**

*DECEMBER 1, 2021*

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

Expenditure report for the week of December 1, 2021 was reviewed and approved in the amount of \$ \_\_\_\_\_ for FY 2022.

## **REPORTS**

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### **COMMITTEE OF THE WHOLE REPORT**

*NOVEMBER 23, 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. 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. [2021-296](#)

Michele Shea, District 2 Commissioner requesting Council of Commissioners to create a new ordinance, or amend an existing ordinance, if appropriate, to allow for the identification and abatement of public nuisances on properties on which there have been, or continue to be, repeated disruptive activities including but not limited to, disturbances of the peace, public drunkenness, harassment of passerby, sale, storage, or possession of stolen goods, theft, assaults, batteries, acts of vandalism, excessive littering, illegal parking, loud noises, traffic and other code violations, or police detentions and arrests.

*Refer to Judiciary Committee: inadvertently sent to COW out of Suspense File.*

### 3.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*

### 4.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*

### 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](#)

*Place on File*

### 6.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*



7.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*

8.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 Abeyance*

9.COMMUNICATION 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*

10.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*

11.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*

12.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](#)

*Hold in Abeyance*

## **FINANCE & BUDGET COMMITTEE MEETING REPORT**

*NOVEMBER 23, 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 23, 2021, was reviewed and approved in the amount of \$2,973,687.81 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	A
Justin Fortune	P

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**PUBLIC WORKS COMMITTEE MEETING REPORT**

*NOVEMBER 23, 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 23, 2021*

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

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

1.COMMUNICATION NO. [2021-296](#)

Michele Shea, District 2 Commissioner requesting Council of Commissioners to create a new ordinance, or amend an existing ordinance, if appropriate, to allow for the identification and abatement of public nuisances on properties on which there have been, or continue to be, repeated disruptive activities including but not limited to, disturbances of the peace, public drunkenness, harassment of passerby, sale, storage, or possession of stolen goods, theft, assaults, batteries, acts of vandalism, excessive littering, illegal parking, loud noises, traffic and other code violations, or police detentions and arrests.

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

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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 Final Reading*

2.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.

*Hold in Abeyance*

<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	A
John Sorich	P

