

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING AGENDA
WEDNESDAY, JANUARY 18, 2023
7:30 PM COURTHOUSE COUNCIL CHAMBERS**

ROLL CALL

PRAYER AND PLEDGE

APPROVAL OF THE MINUTES

[January 4, 2023 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, PRESENTATIONS AND/OR PETITIONS

BID OPENINGS

1.COMMUNICATION NO. [2023-15](#)

Mark Neary, Public Works Director requesting Council of Commissioner’s concurrence to schedule a bid opening for January 18, 2023 for a mini excavator for the Metro Maintenance Division.

2.COMMUNICATION NO. [2023-18](#)

Jim Keenan, Water Treatment Chief Operator requesting Council of Commissioners concurrence to schedule a bid opening for January 18, 2023 for supplying inline self-cleaning filters in the TIFID Pump Station to strain out debris from Silver Lake Water System water that serves the area.

PUBLIC HEARINGS

3.COMMUNICATION NO. [2023-20](#)

Karen Maloughney, BSB Health Officer requesting Council of Commissioners concurrence to hold a Public Hearing on January 18, 2023 for the purpose of amending the fiscal year 2022-2023 budget to allow for increased expenditures of unanticipated revenue resulting from an amendment to Hepatitis C Prevention within the syringe services/harm reduction programs.



4.COMMUNICATION NO. [2023-21](#)

Karen Maloughney, BSB Health Officer requesting Council of Commissioners concurrence to hold a Public Hearing on January 18, 2023 for the purpose of amending the fiscal year 2022-2023 budget to allow for increased expenditures of unanticipated revenue resulting from a mini-grant agreement with Department of Public Health and Human Services.

5. PETITION NO. [2021-03](#)

Dave Aguirre, Land Records Coordinator for a petition to close and vacate a public right-of-way (street), has been filed with the Planning Department, as provided for and within Ordinance Number 362 and Butte-Silver Bow Municipal Code, Section 12.06.010.

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. [2023-22](#)

Mike McAnulty Atlantic Richfield Liability Manager requesting Council of Commissioners concurrence for a presentation on January 25, 2023 on the work conducted by Atlantic Richfield on area parks and playgrounds.

Hold in Abeyance

2.COMMUNICATION NO. [2023-23](#)

Kathy Kenison, IT Manager requesting Council of Commissioners authorization to have the Chief Executive sign the Statement of Work agreement between Butte-Silver Bow and CompuNet.

[2023-23 Agreement](#)

Concur and Place on File

3.COMMUNICATION NO. [2023-24](#)

John Coles, Computer Systems Support Specialist requesting Council of Commissioners authorization to have the Chief Executive sign a maintenance agreement that provides service, repair, and labor along with materials and replacement parts to maintain all telephone equipment.

[2023-24 Agreement](#)

Concur and Place on File



4.COMMUNICATION NO. [2023-25](#)

Trevor Peterson, Parks & Recreation Arborist requesting Council of Commissioners concurrence to pursue a 2023 Montana FWP, RTP grant to construct additional trails on Big Butte. There is a 20% match requirement and an award amount of \$100,000. We also request your authorization for the Chief Executive to sign the application and contingent agreement.

[2023-25 Grant Application](#)

Concur and Place on File

5.COMMUNICATION NO. [2023-26](#)

Chief Executive, J.P. Gallagher requesting Council of Commissioners concurrence for the appointments of Soraya Dell, 1001 Majors Street, Jenica Held, 1013 S. Dakota Street Butte MT and re-appointments of Josh O'Neill, 2107 Gaylord Street, Butte MT and Stanette Hall, P.O. Box 121 Ramsay, Mt. to the Fair Board.

Concur and Place on File

6.COMMUNICATION NO. [2023-27](#)

Chief Executive, J.P. Gallagher requesting Council of Commissioners concurrence for the re-appointments of Doug Conway, 1760 Thomas, Ann Shea, 155 W. Granite Street, John Moodry, 3005 Richardson, Julia Crain 275 Roosevelt Drive, Butte MT to the Insurance Committee.

Concur and Place on File

7.COMMUNICATION NO. [2023-28](#)

Chief Executive, J.P. Gallagher requesting Council of Commissioners concurrence for the re-appointments of Mark Moodry, 2815 White Blvd, Butte MT to the Airport Authority Board.

Concur and Place on File

8.COMMUNICATION NO. [2023-29](#)

Chief Executive, J.P. Gallagher requesting Council of Commissioners concurrence for the re-appointment of John Riordan, 1107 Iowa Ave, Butte, MT and Melissa O'Dell, 206 Janney Rd, Butte MT to the East Butte RRA Board.

Concur and Place on File

9. COMMUNICATION NO. [2023-30](#)

Mike Clauge, Deputy County attorney requesting Council of Commissioners to authorize the Chief Executive to accept a mini grant for \$5,000 from the State of Montana, Office of Court Administrator (OCA). The Grant will be used to improve services to the participants in the Butte Silver Bow DUI Court. There are no matching funds required for the grant.

Concur and Place on File

[MOU 2023-30](#)

10. COMMUNICATION NO. [2023-31](#)

Mike Clauge, Deputy County attorney requesting Council of Commissioners to authorize the Chief Executive to apply for a Montana Department of Transportation Highway Safety Funding grant.

Concur and Place on File



11. COMMUNICATION NO. [2023-32](#)

Darla McCarthy, Butte-Silver Bow Victim Advocate seeking permission to apply for a subgrant funding opportunity managed through the Montana Board of Crime Control.

Concur and Place on File

12. COMMUNICATION NO. [2023-33](#)

Sonya Blevins, 919 W Granite St, requesting the city install a 25mph speed limit sign on West Granite St between Excelsior Ave and Henry St heading west, and between Emmet St and Henry St heading east.

Refer to Public Works Committee

13. COMMUNICATION NO. [2023-34](#)

Dori Skrukrud, Community Development Coordinator on behalf of the Greenway Service District, is submitting a grant application to the Trail Stewardship Program for funding to support the construction of the Silver Bow Creek Greenway.

Concur and Place on File

14. COMMUNICATION NO. [2023-35](#)

Capt. Doug Conway, Law Enforcement Department requesting Council of Commissioners concurrence to hold a Public Hearing for February 1, 2023 the purpose of a budget amendment to accept DOJ Edward Byrne Grant of \$20,141.

Concur and Place on File

15. COMMUNICATION NO. [2023-36](#)

Bill Melvin, Butte Civic Center Manager requesting authorization the Chief Executive to sign the attached amendments to the Butte Civic Center's scoreboard advertising agreements.

Concur and Place on File

[COMFORT INN 2023-36](#)

[HARINGTON BOTTLING- PEPSI 2023-36](#)

[HARINGTON BOTTLING- 7 UP 2023-36](#)

[BHHSMP 2023-36](#)

[MT STANDARD 2023-36](#)

[STATE FARM- JIM LYNCH 2023-36](#)

[GRM LLC 2023-36](#)

16. COMMUNICATION NO. [2023-37](#)

Karen Moloughney, BSB Health Officer requesting Council of Commissioners authorize the attached amendment between the Montana Department of Public Health and Human Services and the Butte-Silver Bow Health Department.

Concur and Place on File

[AMENDMENT 2023-37](#)



17 COMMUNICATION NO. [2023-38](#)

Karen Maloughney, BSB Health Officer requesting Council of Commissioners authorize the attached amendment between the Montana Department of Public Health and Human Services and the Butte-Silver Bow Health Department.

Concur and Place on File

[AMENDMENT 2023-38](#)

18. COMMUNICATION NO. [2023-39](#)

Karen Maloughney, BSB Health Officer requesting Council of Commissioners authorize the attached amendment between the Montana Department of Public Health and Human Services and the Butte-Silver Bow Health Department.

Concur and Place on File

[AMENDMENT 2023-39](#)

19. COMMUNICATION NO. [2023-40](#)

Karen Maloughney, BSB Health Officer requesting Council of Commissioners to authorize an agreement between St. James Healthcare and Butte-Silver Bow Health Department.

Concur and Place on File

[AGREEMENT 2023-40](#)

20. COMMUNICATION NO. [2023-41](#)

Karen Maloughney, BSB Health Officer requesting Council of Commissioners approval to apply for a National Institutes of Health grant focused on mitigating health disparities.

Concur and Place on File

21. COMMUNICATION NO. [2023-42](#)

Karen Maloughney, BSB Health Officer requesting Council of Commissioners approval to apply for through the National Alliance of State & Territorial AIDS directors (NASTAD).

Concur and Place on File

22. COMMUNICATION NO. [2023-43](#)

Karen Byrnes, Community Development Director requesting Council of Commissioners authorize the Chief Executive to sign the attached interlocal agreement between Powell County, Mineral County, City of Missoula (including the Missoula Metropolitan Planning Organization, MPO), Missoula County, Granite County and City-County Butte-Silver Bow, for the purpose of pursuing funding through the federal Rebuilding American Infrastructure with Sustainability and Equity (RAISE) discretionary grant program.

Concur and Place on File

[AGREEMENT 2023-43](#)



22. COMMUNICATION NO. [2023-44](#)

Sean Peterson, Deputy County Attorney requesting Council of Commissioners authorize the Chief Executive to sign water line easements across the Finnegan and Dorr properties.

Concur and Place on File

[DORR 2023-44](#)

[FINNEGAN 2023-44](#)

23. COMMUNICATION NO. [2023-45](#)

Chief Executive, J.P. Gallagher requesting Council of Commissioners concurrence in the establishment of the Property Demolition Assistance Program in Butte Silver Bow.

Concur and Place on File

[DEMO GRANT APP 2023-45](#)

24. COMMUNICATION NO. [2023-46](#)

Kathy Kennison, IT manager requesting Council of Commissioners approval for the Chief Executive to sign the agreement with Civic Optimize Ultimate Software.

Concur and Place on File

[AGREEMENT 2023-46](#)

25. COMMUNICATION NO. [2023-47](#)

Jim Keenan, Water Treatment Chief Operator requesting Council of Commissioners approval for the Chief Executive to sign the chemical contracts with Environmental Operating Solutions Inc., Thatcher Inc., USALCO LLC, and Thornton, Musso, and Belleman Inc.

Concur and Place on File

[EOS AGREEMENT 2023-47](#)

[THATCHER AGREEMENT 2023-47](#)

[USALCO LLC AGREEMENT 2023-47](#)

[THORNTON MUSSO BELLEMIN INC AGREEMENT 2023-47](#)

26. COMMUNICATION NO. [2023-48](#)

Jim Keenan, Water Treatment Chief Operator requesting Council of Commissioners approval for the Chief Executive to sign the Professional Services Agreement with DJ&A

Concur and Place on File

[AGREEMENT 2023-48](#)

27. COMMUNICATION NO. [2023-49](#)

Jim Keenan, Water Treatment Chief Operator requesting Council of Commissioners approval for the Chief Executive to sign the purchase agreement with Core and Main LP.

Concur and Place on File

[AGREEMENT 2023-49](#)



28. COMMUNICATION NO. [2023-50](#)

Bob Lazzari, Park and Recreation Director requesting Council of Commissioners approval for the Chief Executive to sign an agreement with Anaconda Job Corps Work Based Learning for the Sunset Cemetery.

Concur and Place on File

[AGREEMENT 2023-50](#)

29. COMMUNICATION NO. [2023-51](#)

Mark Neary, Public Works Director requesting Council of Commissioner's approval for the Chief Executive to sign an agreement with Northwestern Energy

Concur and Place on File

[AGREEMENT 2023-51](#)

30. COMMUNICATION NO. [2023-52](#)

Mark Neary, Public Works Director requesting to schedule a presentation on January 25, 2023, Committee of the Whole Meeting for providing a summary of nutrient work group efforts and the potential effects on BSB wastewater treatment plant.

Concur and Place on File

31. COMMUNICATION NO. [2023-53](#)

Mark Neary, Public Works Director requesting Council of Commissioners approval for the Chief Executive to sign an agreement with RDO Equipment Co.

Concur and Place on File

[AGREEMENT 2023-53](#)

32. COMMUNICATION NO. [2023-54](#)

Angie Mullikin, Public Works requesting Council of Commissioners approval for the Chief Executive to sign an agreement the Department of Natural Resources and Conservation for the RRG grant for Basin Creek Dam #1

Concur and Place on File

[AGREEMENT 2023-54](#)

SECTION 3: ORDINANCES AND RESOLUTIONS INTRODUCED TO JUDICIARY

1. RESOLUTION [2023-2](#)

A RESOLUTION AUTHORIZING THE HIRING OF SMA ARCHITECTURE + DESIGN (SMA) TO PERFORM DESIGN AND CONSTRUCTION OVERSITE SERVICES FOR THE CITY-COUNTY OF BUTTE SILVER BOW COURTHOUSE RESTROOM RENOVATION PROJECT IN ACCORDANCE WITH SECTION 18-4-306 MCA; AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.



2. COUNCIL BILL 2023-1

AN ORDINANCE AMENDING CHAPTER 12.04 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “CONSTRUCTION WITHIN PUBLIC RIGHT OF WAYS’ AND SPECIFICALLY AMENDING SECTION 12.04.290 ENTITLED “VIOLATION-PENALTY” AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

[REDLINE](#)

SECTION 3: ORDINANCES AND RESOLUTIONS FOR FINAL PASSAGE

1. RESOLUTION NO. 2023-01

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 TO THE CITY-COUNTY OF BUTTE-SILVER BOW FROM THE MONTANA DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO BE USED WITHIN THE HEALTH DEPARTMENT IMMUNIZATION PROGRAM FOR MONKEY POX AND COVID VACCINE EFFORTS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

CALENDAR OF OTHER MEETINGS AND EVENTS

- January 18, 2023, Parking Commission, 3:00 pm, Chief Executive Conference Room
- January 20, 2023, Zoning Board, 5:30 pm, Council Chambers
- January 23, 2023, Mental Health LAC, 1:00 pm, 3rd Floor, Library Bldg.
- January 24, 2023, Urban Revitalization, 8:30 am
- January 24, 2023, Port of Montana, 12:00 pm, Hub Center, Silver Bow
- January 25, 2023, South Butte TEDD, 3:30 pm, 1st Floor Conference Room
- January 25, 2023, Substance Abuse Task Force, 3:30 pm, Emergency Operations Center, 3615 Wynne
- January 25, 2023, Local Emergency Planning, 12:00 pm, Butte Justice Center
- January 26, 2023, Planning Board, 5:30 pm, Council Chambers

FINANCE & BUDGET COMMITTEE MEETING

JANUARY 18, 2023

7:00 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS

Expenditure report for the week of January 18, 2023 was reviewed and approved in the amount of \$ _____ for FY 2023.



MEETING REPORTS

COMMITTEE OF THE WHOLE REPORT

JANUARY 11, 2023

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

PUBLIC HEARING

1. COMMUNICATION NO. [2023-12](#)

Karen Byrnes, Community Development Director requesting Council of Commissioners concurrence to hold a Public Hearing on January 11, 2023 to consider comments related to services to be performed by SMA Architecture for the Courthouse Restroom Renovation Project.

Held

SECTION 2: COMMUNICATIONS

1. COMMUNICATION NO. [2022-556](#)

Trevor Peterson, Parks & Rec Arborist requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the Butte-Silver Bow (BSB) Parks and Recreation 2023 Montana Department of Natural Resources and Conservation (DNRC) Program Development Grant agreement.

2022-556 Agreement

Place on File

2. COMMUNICATION NO. [2022-581](#)

John Riordan, Commissioner District 8, and Citizens United Against Urban Decay in Butte Silver Bow requesting Council of Commissioners concurrence to allow a presentation on December 21, 2022, Council meeting to discuss current urban decay issues, many requiring immediate attention. Commissioner Riordan and this group respectfully ask the Chief Executive to form a special Coalition to include Commissioners, Butte citizens and BSB Dept. heads to begin a joint effort to address these urgent issues.

Place on File

3. COMMUNICATION NO. [2023-12](#)

Karen Byrnes, Community Development Director requesting Council of Commissioners concurrence to hold a Public Hearing on January 11, 2023 to consider comments related to services to be performed by SMA Architecture for the Courthouse Restroom Renovation Project

Place on File

4. COMMUNICATION NO. [2023-15](#)

Mark Neary, Public Works Director requesting Council of Commissioner's concurrence to schedule



a bid opening for January 18, 2023 for a mini excavator for the Metro Maintenance Division.
Place on File

5. COMMUNICATION NO. [2023-18](#)

Jim Keenan, Water Treatment Chief Operator requesting Council of Commissioners concurrence to schedule a bid opening for January 18, 2023 for supplying inline self-cleaning filters in the TIFID Pump Station to strain out debris from Silver Lake Water System water that serves the area.
Place on File

6. COMMUNICATION NO. [2023-20](#)

Karen Maloughney, BSB Health Officer requesting Council of Commissioners concurrence to hold a Public Hearing on January 18, 2023 for the purpose of amending the fiscal year 2022-2023 budget to allow for increased expenditures of unanticipated revenue resulting from an amendment to Hepatitis C Prevention within the syringe services/harm reduction programs.
Place on File

7. COMMUNICATION NO. [2023-21](#)

Karen Maloughney, BSB Health Officer requesting Council of Commissioners concurrence to hold a Public Hearing on January 18, 2023 for the purpose of amending the fiscal year 2022-2023 budget to allow for increased expenditures of unanticipated revenue resulting from a mini-grant agreement with Department of Public Health and Human Services.
Place on File

FINANCE AND BUDGET COMMITTEE MEETING REPORT

JANUARY 11, 2023

6:00 PM BUTTE SILVER-BOW COURTHOUSE CHAMBERS

Expenditure report for the week of January 11, 2023 was reviewed and approved in the amount of \$ _____ for FY 2023.

<u>Committee Members</u>	<u>Present /Absent</u>
Hattie Thatcher, Chair	P
Jim Fisher, Vice Chair	P
Josh O’Neill	P
Tommy Walker	P
John Riordan	P
Justin Fortune	P

PUBLIC WORKS COMMITTEE MEETING REPORT

JANUARY 11, 2023

6:30 PM BUTTE SILVER-BOW COCOURTHOUSE CHAMBERS



1. PETITION NO. [2021-03](#)

Dave Aguirre, Land Records Coordinator for a petition to close and vacate a public right-of-way (street), has been filed with the Planning Department, as provided for and within Ordinance Number 362 and Butte-Silver Bow Municipal Code, Section 12.06.010.

Committee Members Present/Absent

Eric Mankins, Chair	P
John Sorich, Vice Chair	P
Dan Callahan	P
Jim Fisher	P
Justin Fortune	P
Josh O’Neill	P

JUDICIARY COMMITTEE MEETING REPORT

JANUARY 11, 2023

7:00 PM BUTTE SILVER-BOW COURTHOUSE CHAMBERS

1. RESOLUTION NO. [2023-01](#)

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 TO THE CITY-COUNTY OF BUTTE-SILVER BOW FROM THE MONTANA DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO BE USED WITHIN THE HEALTH DEPARTMENT IMMUNIZATION PROGRAM FOR MONKEY POX AND COVID VACCINE EFFORTS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN

Moved to Final Reading

Name	Amount	Reason	Approved	
MONTANA ABSTRACT & TITLE CO	\$4,425.00	REFUND FOR OVER PAYMENT FOR COMMUNITY ENRICHMENT FEES ON PARCEL #1210300	YES	
GUARDIAN TAX MT LLC	\$3,940.52	REFUND/REDEMPTION OF TAX ASSIGNMENT #0000600200	YES	
GUARDIAN TAX MT LLC	\$2,857.99	REFUND/REDEMPTION OF TAX ASSIGNMENT #00001267300	YES	



BUTTE PLUMBING 1255 WATERLINE RD BUTTE MT 59701	1,000.00	REFUND FIR ROW BOND FOR SIDEWALK REPAIR AT 2017 LOCUST	YES	
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Committee Members Present/Absent

Bill Andersen, Chair	P
Hattie Thatcher, Vice-Chair	P
Dan Callahan	P
Eric Mankins	P
John Sorich	P
Tommy Walker	P

