

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING AGENDA
WEDNESDAY, FEBRUARY 1, 2023
7:30 PM COURTHOUSE COUNCIL CHAMBERS**

ROLL CALL

PRAYER AND PLEDGE

APPROVAL OF THE MINUTES

[January 18, 2023 Meeting Minutes](#)

[January 25, 2023 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

PUBLIC HEARING

1. 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.

PRESENTATIONS

1.COMMUNICATION NO. [2023-59](#)

Amy Steinmetz, Waste Management and Remediation Division Administrator requesting Council of Commissioners for time on the agenda for DEQ Project Manager Dave Bowers to discuss the next steps at Montana Pole & Treatment Plant Superfund Site (Montana Pole) 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. [2023-58](#)

John Sullivan, Government Buildings Manager requesting Council of Commissioners authorization to have Chief Executive Gallagher sign a Professional Services agreement between the City-County of Butte Silver Bow and Granite Mountain Electric for the design build of a fire annunciation and alarm system for the Mother Lode Theatre.

[2023-58 Agreement](#)

Concur and Place on File

2.COMMUNICATION NO. [2023-60](#)

Kristen Rosa, TIFID Administrator requesting Council of Commissioners authorization to have Chief Executive Gallagher sign a Purchase and Sale Agreement with Sterling Capitol Investments for property in Montana Connections.

[2023-60 Agreement](#)

Concur and Place on File

3.COMMUNICATION NO. [2023-61](#)

Beth Wurm, Human Resources Director requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the Consulting Services agreement allowing Westaff to provide departmental assessment consulting services, harassment training, policy review, and general consulting services.

[2023-61 Agreement](#)

Concur and Place on File

4.COMMUNICATION NO. [2023-62](#)

Beth Wurm, Human Resources Director requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the Collective Bargaining Agreement between the City-County of Butte-Silver Bow and the Laborers' International Union of North America, Local No. 1686 (Public Works).

[2023-62 Agreement](#)

[2023-62 Redline Agreement](#)

Concur and Place on File

5.COMMUNICATION NO. [2023-63](#)

Lori Baker-Patrick, BSB Treasurer requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the agreement with Montana Abstract and Title Company for the Title Litigation Guarantee (TLG) that must be completed on the 2019 delinquent Tax Lien for the 2023 Tax Deed.

[2023-63 Agreement](#)

Concur and Place on File

6.COMMUNICATION NO. [2023-64](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners approval for a presentation on the Dangerous Buildings Ordinance to take place at the February 8, 2023, Committee of the Whole Meeting.

Hold in Abeyance



7.COMMUNICATION NO. [2023-65](#)

John Sullivan, Government Buildings Manager requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the Professional Services Agreement between the City-County of Butte-Silver Bow and ACE, Inc to provide professional engineering services for the purchase and installation of an emergency backup generator and automated transfer switch for the BSB Civic Center.

[2023-65 Agreement](#)

Concur and Place on File

8.COMMUNICATION NO. [2023-66](#)

Zach Osborne, Director of Fire Services requesting Council of Commissioners concurrence to apply to the FEMA Assistance to Firefighters Grant (AFG) Program requesting federal assistance to purchase wildland firefighting equipment, personal protective equipment (PPE), and fire station exhaust system upgrades to accommodate wildland fire response vehicles.

Concur and Place on File

9.COMMUNICATION NO. [2023-67](#)

Dylan Pipinich, BSB Planning Director requesting Council of Commissioners authorization to have Chief Executive Gallagher sign an agreement with Prowest & Associates to implement the Enterprise system implementation and additional support for the GIS office.

[2023-67 Agreement](#)

Concur and Place on File

10.COMMUNICATION NO. [2023-68](#)

Bob Lazzari, BSB Park & Recreation Director requesting Council of Commissioners approval for a presentation by Water and Environmental Technologies and SCJ Alliance on the Parks Master Plan on February 8, 2023, Committee of the Whole meeting.

Hold in Abeyance

11.COMMUNICATION NO. [2023-69](#)

Jim Keenan, BSB Water Plant Superintendent requesting Council of Commissioners approval for a bid opening on February 15, 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.

Hold in Abeyance

12.COMMUNICATION NO. [2023-70](#)

Jim Keenan, BSB Water Plant Superintendent requesting Council of Commissioners authorization to have Chief Executive Gallagher sign an agreement with the Montana Department of Natural Resources and Conservation (DNRC) for Landscape Scale Restoration Program Hazardous Fuels Reduction grant.

[2023-70 Agreement](#)

Concur and Place on File



13.COMMUNICATION NO. [2023-71](#)

Mark Neary, Public Works Director requesting Council of Commissioners to schedule a bid opening for February 15, 2023 for Doors and Openers for the Shop Buildings Roads Division.
Hold in Abeyance

14.COMMUNICATION NO. [2023-72](#)

Mark Neary, Public Works Director requesting Council of Commissioners to schedule a bid opening for February 15, 2023 for a camera truck for the Metro Maintenance Division.
Hold in Abeyance

15.COMMUNICATION NO. [2023-73](#)

Mark Neary, Public Works Director requesting Council of Commissioners to schedule a bid opening for March 1, 2023 for the Excelsior Avenue reconstruction project.
Hold in Abeyance

16.COMMUNICATION NO. [2023-74](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence to appoint Dan Olsen, 1066 Standby Creek Rd, Butte Mt to the Big Sky Passenger Rail Authority Board.
Concur and Place on File

SECTION 3: ORDINANCES AND RESOLUTIONS INTRODUCED TO JUDICIARY

1.RESOLUTION NO. [2023-03](#)

A RESOLUTION DECLARING THE INTENTION OF THE COUNCIL OF COMMISSIONERS OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, MONTANA TO CREATE A SPECIAL LIGHTING DISTRICT, TO BE KNOWN AS SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 1030, FOR THE PURPOSE OF DIRECTING, EQUIPPING, MAINTAINING, AND INSTALLING AN ELECTRICAL LIGHTING SYSTEM; DESIGNATING AND DESCRIBING THE BOUNDARIES OF SAID PROPOSED SPECIAL IMPROVEMENT LIGHTING DISTRICT; STATING THE PURPOSE OF AND GENERAL CHARACTER OF THE IMPROVEMENTS TO BE MADE IN SAID SPECIAL IMPROVEMENT DISTRICT; ESTIMATING THE APPROXIMATE COST THEREOF FOR THE FIRST YEAR; FINDING, DETERMINING AND DECLARING THAT PROPERTY WITHIN SAID SPECIAL IMPROVEMENT DISTRICT WILL BE ESPECIALLY BENEFITED AND AFFECTED BY SUCH PROPOSED IMPROVEMENT; DECLARING THAT SUCH PROPERTY SHOULD BE ASSESSED FOR THE COST THEREOF OF MAINTENANCE AND ENERGY AND EXTENDING SUCH ASSESSMENTS TO BE IN ANNUAL INSTALLMENTS AND PROVIDING FOR THE FUNDS UPON WHICH SAID SPECIAL IMPROVEMENT ENERGY AND MAINTENANCE FUNDS SHALL BE DRAWN; PROVIDING FOR THE PUBLICATION AND GIVING OF NOTICE OF THE PASSAGE AND ADOPTION OF THIS RESOLUTION AND PROVIDING FOR THE EFFECTIVE DATE HEREOF.



2.RESOLUTION NO. [2023-04](#)

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 HEPATITIS C PREVENTION ACTIVITIES AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

3.RESOLUTION NO. [2023-05](#)

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 FOR DEVELOPMENT OF A 3-YEAR STRATEGIC PLAN AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION 4: ORDINANCES AND RESOLUTIONS FOR SECOND READING

1.COUNCIL BILL NO. [2023-1](#)

[ORDINANCE NO. 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.

2023-1 [REDLINE](#)

SECTION 5: ORDINANCES AND RESOLUTIONS FOR FINAL READING

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.

CALENDAR OF OTHER MEETINGS AND EVENTS

February 1, 2023, Airport Authority, 12:00 pm, Bert Mooney Airport Authority Admin. Office

February 1, 2022, Butte AIDS Support Services, 7:00 pm, Community Center

February 2, 2022, Civic Center, 12:00 pm, Civic Center Hospitality Room

February 2, 2022, East Butte RRA, 9:00 am, 1st Floor Conference Room

February 7, 2022, Fire Advisory Committee, 5:30 pm

February 7, 2022, Fire Advisory Committee, 5:30 pm, Butte



February 7, 2022, Weed Board, 7:00 pm, Weed Office, 25 West Front
February 8, 2022, Law Enforcement Commission, 4:00 pm, Chief Executive Conference Room
February 8, 2022, Public Library Board, 5:00 pm, 3rd Floor, Library Bldg.
February 8, 2022, Board of Health, 7:00 am, Health Dept. Conference Room
February 9, 2022, Greenway Service District Board, 4:30 pm, Anaconda Comm. Service Bldg.
February 10, 2022, TIFID, 12:00 pm, Business Development Center
February 13, 2022, Archives, 12:00 pm, Archives Center
February 13, 2022, Fair Board, 6:00 pm, Perkins or HOPS Meeting Room
February 14, 2022, Land Sales Committee, 1:30 pm Archives Auditorium
February 14, 2022, Superfund Advisory (SARTA), 6:00 pm, Butte Justice Center

PUBLIC COMMENT ON ANY MATTER NOT ON THE AGENDA

ADJOURN

MEETINGS

ECONOMIC DEVELOPMENT COMMITTEE MEETING

FEBRUARY 1, 2023

6:30 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS

Kelly Sullivan will be presenting on behalf of Butte Local Development Corporation.

FINANCE & BUDGET COMMITTEE MEETING

FEBRUARY 1, 2023

7:00 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS

Expenditure report for the week of February 1, 2023 was reviewed and approved in the amount of \$ _____ for FY 2023.

MEETING REPORTS

COMMITTEE OF THE WHOLE REPORT

JANUARY 25, 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

PRESENTATIONS

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.

Held

2. 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.

Held

SECTION 2: COMMUNICATIONS

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.

Concur and Place on File

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.

Concur and Place on File

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.

Concur and Place on File

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.

Concur and Place on File

5. 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.

Concur and Place on File



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

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

Hold in Abeyance

7. 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.

[DEMO GRANT APP 2023-45](#)

Hold in Abeyance

FINANCE AND BUDGET COMMITTEE MEETING REPORT

JANUARY 25, 2023

6:00 PM BUTTE SILVER-BOW COURTHOUSE CHAMBERS

Expenditure report for the week of January 25, 2023 was reviewed and approved in the amount of \$1,075,862.34 for FY 2023.

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

PUBLIC WORKS COMMITTEE MEETING REPORT

JANUARY 25, 2023

6:30 PM BUTTE SILVER-BOW COOURTHOUSE 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.

2. 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.



Committee Members Present/Absent

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

JUDICIARY COMMITTEE MEETING REPORT

JANUARY 25, 2023

7:00 PM BUTTE SILVER-BOW COURTHOUSE CHAMBERS

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.

Move to Final Reading

2. COUNCIL BILL NO. [2023-1](#)

[ORDINANCE NO. 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.

2023-1 [REDLINE](#)

Move to Second Reading

Name	Amount	Reason	Approved	
GUARDIAN TAX MT LLC	\$995.49	REFUND/REDEMPTION OF TAX ASSIGNMENT #0000992500	YES	
GUARDIAN TAX MT LLC	\$4966.38	REFUND/REDEMPTION OF TAX ASSIGNMENT #0001005000	YES	



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

