

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING AGENDA
WEDNESDAY, FEBRUARY 15, 2023
7:30 PM COURTHOUSE COUNCIL CHAMBERS**

ROLL CALL

PRAYER AND PLEDGE

APPROVAL OF THE MINUTES

[February 1, 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 AND/OR PRESENTATIONS

BID OPENINGS

1.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.

2.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.

3.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.

PRESENTATION

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. [2023-75](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence in the re-appointments of Linda Granger, 83 Burning Tree Lane and Judy Jonart, 2215 Skyway Butte MT to the Targeted Economic Development District (TEDD).

Concur and Place on File

2. COMMUNICATION NO. [2023-76](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence in the re-appointment of Bobby Stauffer, 1253 W. Aluminum Butte MT to the Historic Preservation Commission.

Concur and Place on File

3. COMMUNICATION NO. [2023-77](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence in the re-appointments of Emily Lott, 25 W. Front Street and Cindy Rahn, 218 N. Washington Butte MT to the Behavioral Health Local Advisory Council.

Concur and Place on File

4. COMMUNICATION NO. [2023-78](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence in the re-appointment of Bill McKenzie, 5050 Sherman Avenue Butte MT to the Archives Board.

Concur and Place on File

5. COMMUNICATION NO. [2023-79](#)

Dori Skrukrud, Greenway Service District Project Manager requesting Council of Commissioners approval for a bid opening for February 22, 2023 Committee of the Whole meeting for the Silver Bow Creek Greenway Reach Q and R Trail.

Hold in Abeyance

6. COMMUNICATION NO. [2023-80](#)

Karen Maloughney, BSB Health Officer requesting Council of Commissioners authorization to have Chief Executive Gallagher sign an agreement between the Montana Department of Public Health and Human Services and BSB to fund the Butte-Silver Bow Health Department in the participation and completion of the Pathways to Recognition Program.

[2023-80 Agreement](#)

Concur and Place on File



7.COMMUNICATION NO. [2023-81](#)

Daniel Hogan, Butte American Foundation requesting Council of Commissioners concurrence to have the St. Patrick's Day Parade on Friday, March 17, 2023 at 12:00 pm. The parade route is the same route that was used in past year and has proven itself very successful.

Concur and Place on File

8.COMMUNICATION NO. [2023-82](#)

Karen Maloughney, BSB Health Officer requesting Council of Commissioners authorization for the Butte-Silver Bow Health Department to apply for the Strengthening Public Health Workforce funding opportunity.

Concur and Place on File

9.COMMUNICATION NO. [2023-83](#)

Kristen Rosa, TIFID Administrator requesting Council of Commissioners approval for a bid opening for March 1, 2023 for a bid relocating a dirt pile in Montana Connections Park to Solvay property.

Hold in Abeyance

10.COMMUNICATION NO. [2023-84](#)

Kristen Rosa, TIFID Administrator requesting Council of Commissioners authorization to have Chief Executive Gallagher sign a Professional Services agreement for engineering and construction oversight services with Water and Environmental Technologies.

[2023-84 Agreement](#)

Concur and Place on File

11.COMMUNICATION NO. [2023-85](#)

Karen Byrnes, Community Development Director requesting Council of Commissioners authorization to have Chief Executive Gallagher sign a Professional Services agreement with SMA Architects to provide professional design, engineering, and construction oversight for Phase 1 of the Courthouse Restroom Renovation Project.

[2023-85 Agreement](#)

Concur and Place on File

12.COMMUNICATION NO. [2023-86](#)

Danette Gleason, Finance & Budget Director requesting Council of Commissioners approval for a presentation on March 8, 2023, to present the Fiscal Year 2022 Annual Comprehensive Financial Report, Schedule of Federal Awards, and related Audit Opinions.

Hold in Abeyance

13.COMMUNICATION NO. [2023-87](#)

Kate McCourt, Historic Preservation Officer requesting Council of Commissioners approval to pursue an annual grant application to the Montana State Historic Preservation Office Certified Local Government (CLG) Program for the period beginning April 1, 2023 thru March 31, 2024.

[2023-87 Grant Application](#)

Concur and Place on File



14.COMMUNICATION NO. [2023-88](#)

Jim Merrifield, BSB Office of Emergency Management Director requesting Council of Commissioners authorization to have Chief Executive Gallagher sign a Professional Services agreement between The City-County of Butte-Silver Bow and Pine Cove Consulting for the implementation of a security system to be installed in the Courthouse and Archive Buildings.

[2023-88 Agreement](#)

Concur and Place on File

15.COMMUNICATION NO. [2023-89](#)

Lisa Carey, Office of Emergency Management requesting Council of Commissioners authorization to have Chief Executive Gallagher sign a Hazardous Material Emergency Preparedness (HMEP) Grant on behalf of Butte-Silver Bow Fire Department. This grant will allow the BSB Fire Department to coordinate and host a Command-and-Control Hazmat Seminar in Butte MT.

[2023-89 Grant App](#)

Concur and Place on File

16.COMMUNICATION NO. [2023-90](#)

Lisa Carey, Office of Emergency Management requesting Council of Commissioners approval to hold a Public Hearing on March, 1, 2023 for the purpose of amending the Fiscal Year 2022-2023 budget to allow for increased expenditures of unanticipated revenue to attend the annual IAFC Hazmat Conference in Baltimore, MD.

Hold in Abeyance

17.COMMUNICATION NO. [2023-91](#)

Lisa Carey, Office of Emergency Management requesting Council of Commissioners approval to hold a Public Hearing on March 1, 2023 for unanticipated revenue-Hazardous Material Emergency Preparedness (HMEP) grant to facilitate a Command-and-Control Seminar in Butte MT.

Hold in Abeyance

18.COMMUNICATION NO. [2023-92](#)

Lisa Carey, Office of Emergency Management requesting Council of Commissioners approval to hold a Public Hearing on March 1, 2023 for unanticipated revenue-Hazardous Material Emergency Preparedness (HMEP) grant to host a 40-hour ERTI Hazmat Response Regional Training in Butte, MT.

Hold in Abeyance

19.COMMUNICATION NO. [2023-93](#)

Jim Merrifield, BSB Office of Emergency Management requesting Council of Commissioners approval to pursue an annual grant application for the FY 2022-2023 Homeland Security Grant.

Concur and Place on File

20.COMMUNICATION NO. [2023-94](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the Settlement agreement with Northwestern Energy for the Ramsey Pump Station.

[2023-94 Agreement](#)

Concur and Place on File



21.COMMUNICATION NO. [2023-95](#)

Jim Keenan, BSB Water Plant Superintendent requesting Council of Commissioners approval to pursue the Montana DNRC RRGL Program Project Planning grant funds in the amount of \$15,000 and have the Chief Executive sign the grant app by February 24, 2023.

Concur and Place on File

22.COMMUNICATION NO. [2023-96](#)

Mark Neary, Public Works Director requesting Council of Commissioners approval for a bid opening on March 1, 2023 for the 2023 Sidewalk Program.

Hold in Abeyance

23.COMMUNICATION NO. [2023-97](#)

Mark Neary, Public Works Director requesting Council of Commissioners approval for a bid opening on March 1, 2023 for the 2023 Asphalt supply Public Works.

Hold in Abeyance

24.COMMUNICATION NO. [2023-98](#)

Mark Neary, Public Works Director requesting Council of Commissioners approval to pursue the Butte-Silver Bow annual application for Federal Section 5311 Transit operating assistance funds in the amount of \$980,049 and State of Montana TransADE Funding in the amount of \$329,645.

Concur and Place on File

25.COMMUNICATION NO. [2023-99](#)

Kristen Rosa, TIFID Administrator requesting Council of Commissioners authorization to have Chief Executive Gallagher sign a Professional Services agreement with the Butte Local Development Corporation for marketing services.

[2023-99 Agreement](#)

Concur and Place on File

26.COMMUNICATION NO. [2023-100](#)

Kristen Rosa, TIFID Administrator requesting Council of Commissioners authorization to have Chief Executive Gallagher sign a Purchase and Sales agreement with Curt Stone for the purchase of property in Montana Connections.

[2023-100 Agreement](#)

Concur and Place on File

27.COMMUNICATION NO. [2023-101](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the agreement with Alec Industries for the Bucket Truck.

[2023-101 Agreement](#)

Concur and Place on File



28.COMMUNICATION NO. [2023-102](#)

Mark Neary, Public Works Director requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the agreement with RDO Equipment for the mini excavator.

[2023-102 Agreement](#)

Concur and Place on File

29.COMMUNICATION NO. [2023-103](#)

Kathy Kenison, BSB IT Director requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the Accel SaaS contract renewal for an additional five-year term.

[2023-103 Agreement](#)

Concur and Place on File

SECTION 3: ORDINANCES AND RESOLUTIONS FOR FINAL READING

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.

1.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.



2. 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.

3. 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](#)

CALENDAR OF OTHER MEETINGS AND EVENTS

February 15, 2022, Parking Commission, 3:00 pm, Chief Executive Conference Room
February 17, 2022, Zoning Board, 5:30 pm, Council Chambers
February 20, 2022, Parks & Recreation, 11:30 am, Highland View Clubhouse
February 21, 2022, Technical Review Committee, 1:30 pm, 3rd Floor, Water Building
February 21, 2022, Urban Forestry Board, 1:00 pm, Business Development Center
February 21, 2022, Public Housing Authority, 5:00 pm, New Deal Community Center
February 22, 2022, South Butte TEDD, 3:30 pm, 1st Floor Conference Room
February 22, 2022, Substance Abuse Task Force, 3:30 pm, Emergency Operations Center, 3615 Wynne
February 22, 2022, Local Emergency Planning, 12:00 pm, Butte Justice Center
February 23, 2022, Planning Board, 5:30 pm, Council Chambers
February 27, 2022, Mental Health LAC, 1:00 pm, 3rd Floor, Library Bldg.
February 28, 2022, Port of Montana, 12:00 pm, Hub Center, Silver Bow
February 28, 2022, Urban Revitalization, 8:30 am

PUBLIC COMMENT ON ANY MATTER NOT ON THE AGENDA

ADJOURN

MEETINGS

FINANCE & BUDGET COMMITTEE MEETING

FEBRUARY 15, 2023

7:00 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS

Expenditure report for the week of February 15, 2023 was reviewed and approved in the amount of \$ _____ for FY 2023.



MEETING REPORTS

COMMITTEE OF THE WHOLE REPORT

FEBRUARY 8, 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, PRESENTATIONS AND/OR

PETITIONS

PRESENTATION

1. 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.

Held

2. 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.

Held

PETITIONS

3. 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.

Concur and Place on File

SECTION 2: COMMUNICATIONS

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.

Concur and Place on File



2. 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

3. 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

4. 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.

Hold in Abeyance

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

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8. 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

9. 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



10.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

FINANCE AND BUDGET COMMITTEE MEETING REPORT

FEBRUARY 8, 2023

6:00 PM BUTTE SILVER-BOW COURTHOUSE CHAMBERS

Expenditure report for the week of February 8, 2023 was reviewed and approved in the amount of \$713,922.61 for FY 2023.

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

PUBLIC WORKS COMMITTEE MEETING REPORT

FEBRUARY 8, 2023

6:30 PM BUTTE SILVER-BOW COOURTHOUSE CHAMBERS

No Meeting was Held.

JUDICIARY COMMITTEE MEETING REPORT

FEBRUARY 8, 2023

7:00 PM BUTTE SILVER-BOW COURTHOUSE CHAMBERS

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

[ORDINANCE NO. 2023-1](#)

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2023-1 [REDLINE](#)

Move to Final Reading

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

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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.

Move to Final Reading

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Move to Final Reading

4.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.

Move to Final Reading

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



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

