

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING AGENDA
WEDNESDAY, SEPTEMBER 20, 2023
7:30 PM COURTHOUSE COUNCIL CHAMBERS**

ROLL CALL

PRAYER AND PLEDGE

APPROVAL OF THE MINUTES

[September 6, 2023, 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

1. COMMUNICATION NO. [2023-445](#)

Ben Gilles and David Allen, U.S. Fish and Wildlife Service, requesting Council of Commissioners authorization to give presentation on September 20th, 2023, on the proposed High Divide Conservation Area.

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. [2023-458](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence in the following appointments of Pamella Rozan, 100 Garret Way, Warm Springs MT, and Michael Kays, 627 W. Park Street Butte MT to the Behavior Health Local Advisory Council.

Concur and Place on File



2.COMMUNICATION NO. [2023-459](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence in the following re-appointment of Emmett Riordan, 1100 West Gold Street, Butte MT to the Port of Montana Board.

Concur and Place on File

3.COMMUNICATION NO. [2023-460](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence in the following re-appointment of Patricia Leinhart, 1125 S. Main Street Apt. 109, Butte MT to the Public Housing Authority Board.

Concur and Place on File

4.COMMUNICATION NO. [2023-461](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence in the following re-appointment of Dale Mahugh, 110 Green Acres Dr., Butte MT to the URA Board of Directors.

Concur and Place on File

5.COMMUNICATION NO. [2023-462](#)

Ed Lester, BSB Sheriff requesting Council of Commissioners to authorize the implementation and required signatures in reference to the award for the NHTSA - MT Department of Transportation STEP Grant.

Concur and Place on File

6.COMMUNICATION NO. [2023-463](#)

Christine Martin, Clark Chateau Curator requesting Council of Commissioners authorization to have Chief Executive Gallagher sign a Professional Services Agreement for New Songs for butte Mining Camp Project.

[2023-463 Agreement](#)

Concur and Place on File

7.COMMUNICATION NO. [2023-464](#)

Sam Schultz and the MNICL Team requesting Council of Commissioners authorization to hold the second annual Montana Interscholastic Cycling League Race on September 29th and 30th. We request permission to close off a small section of Bluebird Trail Road from the Mining Museum to the first dirt road to the West, to allow for a safe starting chute. We would also like to use the Copper Mountain Recreation Complex which we used last year.

Concur and Place on File

8.COMMUNICATION NO. [2023-465](#)

Linda Sajor-Joyce, Clerk & Recorder requesting Council of Commissioners to review a Records Destruction Documents (RM88`) for expired certificate of insurance. Records less than 50 years old may be destroyed without State approval.

Concur and Place on File



9.COMMUNICATION NO. [2023-466](#)

Mike Clague, Deputy County Attorney requesting Council of Commissioners adopt Resolution No. 2023-53, and that the rules be suspended, and the matter not be referred to the Judiciary Committee. The suspension of the rules is necessary, so the prosecution of this matter be completed in an expedited manner.

Concur and Place on File

10.COMMUNICATION NO. [2023-467](#)

Brendan McDonough, Butte MT requesting Council of Commissioners consideration to revise Municipal Code 10.68.05 that addresses removal of junk or abandoned vehicle left on private property. There is currently no solution for the property owner as Butte-Silver Bow will not remove vehicles abandoned on private property. The burden is shifted to property owners to have it removed themselves.

Refer to the Judiciary Committee

11.COMMUNICATION NO. [2023-468](#)

Jim Merrifield, BSB Emergency Management Director requesting Council of Commissioners authorization to have Chief Executive Gallagher sign a 3-year agreement between Butte-Silver Bow and Everbridge for the upgrade of our current Emergency Notification System. Due to the upgrade, the year one total reflects an upgrade credit and one time set up fee totaling \$4,201.26.

[2023-468 Agreement](#)

Concur and Place on File

12.COMMUNICATION NO. [2023-469](#)

Kelly Sullivan, BLDC Director requesting Council of Commissioners authorization to have Chief Executive Gallagher sign an agreement between Butte-Silver Bow and the Butte Local Development Corporation for its obligations under this agreement to pay BLDC \$46,000 a year continuing through June 30, 2024.

[2023-469 Agreement](#)

Concur and Place on File

13.COMMUNICATION NO. [2023-470](#)

Jeanette Kopf, World Museum of Mining Director requesting Council of Commissioners authorization to issue an RFQ for a General Contractor Construction Manager (GCCM) delivery method and to adopt the included justifications for using this process.

Concur and Place on File

14.COMMUNICATION NO. [2023-471](#)

Karen Byrnes, Community Development Director requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the Development Agreement approved by the Harrison Avenue South URD (HASURD) with Northwest Meadowlark LLC.

[2023-471 Agreement](#)

Concur and Place on File



15.COMMUNICATION NO. [2023-472](#)

Karen Byrnes, Community Development Director requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the contract for intersection improvements #MT-MMS-CG-23-014.

[2023-472 Agreement](#)

Concur and Place on File

16.COMMUNICATION NO. [2023-473](#)

Karen Maloughney, Health Officer requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the subcontract between Anaconda-Deer Lodge Public Health Department for the operation of the Montana Asthma Control and Montana Tobacco Use Prevention programs.

[2023-473 Agreement](#)

Concur and Place on File

17.COMMUNICATION NO. [2023-474](#)

Karen Maloughney, Health Officer requesting Council of Commissioners authorization to have Chief Executive Gallagher sign a renewal subscription between Patagonia Health EHR and the BSB Health Department.

[2023-474 Agreement](#)

Concur and Place on File

18. COMMUNICATION NO. [2023-475](#)

Karen Maloughney, Health Officer requesting Council of Commissioners authorization to have Chief Executive Gallagher sign an agreement between the Sherry Lesar School of Nursing at Montana Tech and Butte-Silver Bow Health Department.

[2023-475 Agreement](#)

Concur and Place on File

19. COMMUNICATION NO. [2023-476](#)

Ed Lester, Sheriff's Office requesting Council of Commissioners authorization to have Chief Executive Gallagher sign an emergency contract for food service at the detention center.

[2023-476 Agreement](#)

Concur and Place on File

20.COMMUNICATION NO. [2023-477](#)

Angie Mullikin, Public Works Budget & Grants Manager requesting Council of Commissioners concurrence to schedule a bid opening for October 18, 2023, for the Landscape Restoration of the Basin Creek Watershed. This project is a grant funded by the Department of Natural Resources and Conservation to address dead and dying trees within the watershed.

Hold in Abeyance

21.COMMUNICATION NO. [2023-478](#)

Angie Mullikin, Public Works Budget & Grants Manager requesting Council of Commissioners concurrence to schedule a bid opening for October 18, 2023, for the Moulton Water Treatment Plan Filtration replacement project.

Hold in Abeyance



22.COMMUNICATION NO. [2023-479](#)

Hattie Thatcher, District #3, Commissioner and Board of Health member requesting Council of Commissioners authorization for time on the September 27, 2023 Committee of the Whole meeting for Mark Thompson, Vice President of Environmental Affairs for Montana Resources, to give a presentation regarding the dust control Mitigation program.

Hold in Abeyance

23.COMMUNICATION NO. [2023-480](#)

Bill Melvin, Butte Civic Center Manager requesting Council of Commissioners concurrence to schedule a bid opening for October 4, 2023, regular meeting agenda for a bid opening for the replacement bleachers at the Butte Civic Center.

Hold in Abeyance

24.COMMUNICATION NO. [2023-481](#)

Kristen Rosa, TIFID Administrator requesting Council of Commissioners authorization to have Chief Executive Gallagher sign an Amendment to the purchase and sale agreements with the Stace McGee Group.

[2023-481 Agreement](#)

Concur and Place on File

25.COMMUNICATION NO. [2023-482](#)

Kristen Rosa, TIFID Administrator requesting Council of Commissioners authorization to sign a change order for a no cost extension for MJD Contracting for the Rail Park subdivision Project.

[2023-482 Change Order](#)

Concur and Place on File

26.COMMUNICATION NO. [2023-483](#)

Joe Griffin, Montana Department of Environmental Quality (Retired), requesting Council of Commissioners authorization for time on the September 27, 2023, Committee of the Whole meeting, to present a Power Point titled The Waters of Upper Silver Bow Creek - Superfund Management. Attached are two relevant documents.

Hold in Abeyance

27.COMMUNICATION NO. [2023-484](#)

Mike Clague, Deputy County Attorney requesting Council of Commissioners authorization to have Chief Executive Gallagher sign an agreement with the Montana Department of Transportation accepting a grant to fund the Butte-Silver Bow DUI Court. The Grant Award is for \$120,000 and will be used to help fund the BSB DUI Court from October 1, 2023, to September 30, 2024.

[2024-484 Agreement](#)

Concur and Place on File



SECTION 3: ORDINANCES AND RESOLUTIONS FOR FINAL READING

1.COUNCIL BILL NO. [2023-04](#)
ORDINANCE NO. [2023-04](#)

AN ORDINANCE AMENDING CHAPTER 13.12 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “SOLID WASTE MANANGEMENT FACILITY”, SPECIFICALLY AMENDING SECTION 13.12.070, AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

[2023-04 REDLINE](#)

2.RESOLUTION NO. [2023-47](#)

A RESOLUTION FIXING THE MANDATORY TAX LEVY FOR VARIOUS COUNTY WIDE FUNDS OF THE SCHOOL DISTRICTS WITHIN THE CITY-COUNTY OF BUTTE-SILVER BOW AT A RATE WHICH WILL RAISE THE AMOUNT SET OUT IN THE FINAL BUDGET AS THE AMOUNT NECESSARY TO BE RAISED BY TAX LEVY FOR EACH FUND FOR FISCAL YEAR 2024 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION 4: ORDINANCES AND RESOLUTIONS FOR EMERGENCY SUSPENSION OF THE RULES FOR FINAL PASSAGE

1.RESOLUTION NO. [2023-50](#)

A RESOLUTION LEVYING SPECIAL ASSESSMENTS TO PAY THE COSTS OF LIGHTING WITHIN THE SPECIAL IMPROVEMENT DISTRICTS ENUMERATED BY THIS RESOLUTION WITHIN THE CITY-COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, FOR FISCAL YEAR 2024 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2.RESOLUTION NO. [2023-51](#)

A RESOLUTION ESTIMATING AS NEAR AS POSSIBLE THE COST OF MAINTAINING SPECIAL IMPROVEMENT DISTRICTS NUMBER 401 AND NUMBER 402 FOR THE PURPOSE OF FIRE HYDRANT RENTAL WITHIN THE CITY-COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, FOR THE FISCAL YEAR 2024 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

3.RESOLUTION NO. [2023-52](#)

A RESOLUTION ESTABLISHING THE ASSESSMENT FOR FISCAL YEAR 2024 ON THE PROPERTIES INCLUDED IN SPECIAL TOURISM BUSINESS IMPROVEMENTT DISTRICT NO. 1, FOR THE PURPOSE OF PROMOTING TOURISM, CONVENTIONS, TRADE SHOWS AND TRAVEL TO THE CITY-COUNTY OF BUTTE-SILVER BOW; DESIGNATING AND DESCRIBING THE BOUNDARIES OF SAID SPECIAL TOURISM BUSINESS IMPROVEMENT DISTRICT AND PROVIDING FOR THE EFFECTIVE DATE HEREIN.

4.RESOLUTION NO. [2023-53](#)

A RESOLUTION REQUESTING APPOINTMENT OF SPECIAL DEPUTY PROSECUTORS FROM THE PROSECUTOR’S SERVICES BUREAU OF THE DEPARTMENT OF JUSTICE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.



CALENDAR OF OTHER MEETINGS AND EVENTS

September 20, 2023, Parking Commission, 3:00 pm, Chief Executive Conference Room
September 25, 2023, Mental Health LAC, 1:00 pm, 3rd Floor, Library Bldg.
September 26, 2023, Urban Revitalization, 8:30 am
September 26, 2023, Port of Montana, 12:00 pm, Hub Center, Silver Bow
September 27, 2023, Local Emergency Planning, 12:00 pm, Butte Justice Center
September 27, 2023, South Butte TEDD, 4:00 pm, Business Development Center
Sept. 27, 2023, Substance Abuse Task Force, 3:30 pm, Emergency Operations Center, 3615 Wynne
September 28, 2023, Planning Board, 5:30 pm, Council Chambers
October 3, 2023, Fire Advisory Committee, 5:30 pm
October 3, 2023, Historic Preservation Commission, 5:30 pm, Council Chambers
October 3, 2023, Weed Board, 7:00 pm, Weed Office, 25 West Front

PUBLIC COMMENT ON ANY MATTER NOT ON THE AGENDA

ADJOURN

MEETINGS

FINANCE & BUDGET COMMITTEE MEETING

SEPTEMBER 20, 2023

7:00 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS

Expenditure report for the week of September 20, 2023, was reviewed and approved in the amount of \$ _____ for FY 2023 and \$ _____ FY 2024.

MEETING REPORTS

COMMITTEE OF THE WHOLE REPORT

SEPTEMBER 13, 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: COMMUNICATIONS

1.COMMUNICATION NO. [2023-327](#)

Dan Villa, 146 Whisper Ridge, Butte MT, informing the Council of Commissioners that the Homestake Meadow II Homeowners Association voted overwhelmingly at their June 13, semi-annual meeting to request Butte-Silver Bow form a special improvement district for the purpose of road paving. Attached is a map of the proposed properties for inclusion and the successful bid we



received from a local contractor.

Note and Place on File

2.COMMUNICATION NO. [2023-436](#)

Jim Fisher, Commissioner District 6, requesting a resolution to be considered for expressing the policy of Butte-Silver Bow regarding Consent Decree commitments, communications, and public transparency.

Hold in Abeyance to discuss at the Committee of the Whole Meeting

3.COMMUNICATION NO. [2023-444](#)

Julie Jaksha, 3251 S. Montana Street, Butte MT, requesting Council of Commissioners consideration to ban plastic bag usage in Silver-Bow County and adopt an environmentally conscious stance.

Hold in Abeyance

4.COMMUNICATION NO. [2023-445](#)

Ben Gilles and David Allen, U.S. Fish and Wildlife Service, requesting Council of Commissioners authorization to give presentation on September 20th, 2023, on the proposed High Divide Conservation Area.

Hold in Abeyance

5.COMMUNICATION NO. [2023-454](#)

Kayla Sheridan, 212 Bavaria Street, Butte MT requesting Council of Commissioners authorization to give presentation on September 27, 2023, relating to the remodel of 739 South Main Street, Butte MT.

Hold in Abeyance

6.RESOLUTION NO. [2023-47](#)

A RESOLUTION FIXING THE MANDATORY TAX LEVY FOR VARIOUS COUNTY WIDE FUNDS OF THE SCHOOL DISTRICTS WITHIN THE CITY-COUNTY OF BUTTE-SILVER BOW AT A RATE WHICH WILL RAISE THE AMOUNT SET OUT IN THE FINAL BUDGET AS THE AMOUNT NECESSARY TO BE RAISED BY TAX LEVY FOR EACH FUND FOR FISCAL YEAR 2024 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

Passed to Final Reading

FINANCE AND BUDGET COMMITTEE MEETING REPORT

SEPTEMBER 13, 2023

6:00 PM BUTTE SILVER-BOW COURTHOUSE CHAMBERS

Expenditure report for the week of September 13, 2023, was reviewed and approved in the amount of \$1,044,892.28 for FY 2024

<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 A

PUBLIC WORKS COMMITTEE MEETING REPORT

SEPTEMBER 13, 2023

6:30 PM BUTTE SILVER-BOW COURTHOUSE CHAMBERS

1. PETITION NO. [2022-01](#)

Dave Aguirre, BSB Land Records Coordinator, has a petition that was filed with the Land Records Office to close and vacate the east half of the platted and undeveloped portion of Western Avenue, north of the intersection of Western Avenue and Waukesha Street. Refer to the Public Works Committee until the public hearing is scheduled.

Refer to Full Council without a recommendation with a vote of 6-0

2. PETITION NO. [2022-02](#)

Dave Aguirre, BSB Land Records Coordinator, has a petition that was filed with the Land Records Office to close and vacate the east half of the platted and undeveloped portion of Radium Street, a portion of an adjacent dedicated and undeveloped alley, and a portion of an adjacent dedicated alley. The Rights-of-Way are located south of Mercury Street and North of Silver Street. Refer to the Public Works Committee until the public hearing is scheduled.

Approved the petition with a vote of 5-1 with Commissioners Callahan against.

<u>Committee Members</u>	<u>Present /Absent</u>
Eric Mankins, Chair	P
John Sorich, Vice Chair	P
Dan Callahan	P
Jim Fisher	P
Justin Fortune	P
Josh O’Neill	P
Tommy Walker	P

JUDICIARY COMMITTEE MEETING REPORT

SEPTEMBER 13, 2023

7:00 PM BUTTE SILVER-BOW COURTHOUSE CHAMBERS

1. COUNCIL BILL NO. [2023-04](#)

ORDINANCE NO. [2023-04](#)

AN ORDINANCE AMENDING CHAPTER 13.12 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “SOLID WASTE MANANGEMENT FACILITY”, SPECIFICALLY AMENDING SECTION 13.12.070, AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

[2023-04 REDLINE](#)

Moved to Final Reading



Name	Amount	Reason	Approved	
GUARDIAN TAX MT LLC	\$6,167.64	REFUND/REDEMPTION OF TAX ASSIGNMENT TAKEN PARCEL #0001174000	YES	
GUARDIAN TAX MT LLC	\$3,544.82	REFUND/REDEMPTION OF TAX ASSIGNMENT TAKEN PARCEL #0000145800	YES	
GUARDIAN TAX MT LLC	\$8,685.87	REFUND/REDEMPTION OF TAX ASSIGNMENT TAKEN PARCEL #00000063600	YES	

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

