

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING AGENDA
WEDNESDAY, OCTOBER 4, 2023
7:30 PM COURTHOUSE COUNCIL CHAMBERS**

ROLL CALL

PRAYER AND PLEDGE

APPROVAL OF THE MINUTES

[September 20, 2023 Regular Meeting Minutes](#)

[September 27, 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, PRESENTATIONS AND/OR PETITIONS

BID OPENINGS

1..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.

PETITIONS

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

Dave Aguirre, BSB Land Records Coordinator, has a petition that was filled with the Land Records Office to close and vacate for a platted and undeveloped portion of the Discovery Drive located in Section 25, Township 03 North, Range 08 West Principal Meridian Montana, Butte-Silver Bow City -County, Montana. The Right of Way is adjacent to lot 7 of the Copper Peaks Subdivision Phase 1 (Plat 264-B) and Lot 6 of the amended plat of the Copper Peaks Subdivision Phase 1 (Certificate of Survey 1078B-RB). See the attached map.

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. [2023-486](#)

Mark Neary, Public Works Director, requesting Council of Commissioners authorization for the Public Works Department to put the Big Hole House out for lease again.

Concur and Place on File

2.COMMUNICATION NO. [2023-487](#)

Mark Neary, Public Works Director, requesting Council of Commissioners authorization to have Chief Executive Gallagher sign an agreement between Rockwell Tech Connect Support and Butte-Silver Bow.

[Agreement 2023-487](#)

Concur and Place on File

3.COMMUNICATION NO. [2023-488](#)

JP Gallagher, Chief Executive, requesting Council of Commissioners review and authorize the Chief Executive to sign the Action Inc FY2024 Butte-Silver Bow Assistance Program Agreement.

[Agreement 2023-488](#)

Concur and Place on File

4.COMMUNICATION NO. [2023-489](#)

Zach Osborne, BSB Fire Chief, requesting Council of Commissioners concurrence to hold a public hearing for sole source of Air Pro Inc. Exhaust Removal System for the Butte Silver Bow Fire Department.

Hold in Abeyance

5.COMMUNICATION NO. [2023-490](#)

Beth Wurm, Human Resources Director, requesting the Council's authorization for Chief Executive J.P. Gallagher to sign the attached Collective Bargaining Agreement between the City-County of Butte-Silver Bow and the International Union of Operating Engineers (IUOE), Local No. 400.

[2023-490 Agreement](#)

[2023-490 Redline Agreement](#)

Concur and Place on File

6.COMMUNICATION NO. [2023-491](#)

Beth Wurm, Human Resources Director, requesting Council of Commissioners authorization to have Chief Executive Gallagher sign a Memorandum of Understanding (MOU) between Butte-Silver Bow and the Butte Police Protective Association.

[2023-491 MOU](#)

Concur and Place on File

7.COMMUNICATION NO. [2023-492](#)

Linda Sajor-Joyce, Clerk & Recorder, requesting Council of Commissioners authorization to approve the draft Resolution (for precinct boundaries) and Ordinance (for commission boundaries). These are products of the State redistricting that were approved in March.

Concur and Place on File



8.COMMUNICATION NO. [2023-493](#)

Beth Wurm, Human Resources Director, requesting Council of Commissioners authorization to have Chief Executive Gallagher sign a Memorandum of Understanding (MOU) between Butte-Silver Bow and the Machinists, Local No. 88 of the International Association of Machinists and Aerospace Workers.

[2023-493 MOU](#)

Concur and Place on File

9.COMMUNICATION NO. [2023-494](#)

Jim Merrifield, BSB Office of Emergency Management, requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the Obligating Document for Award and approve the Homeland Security Grant.

[2023-494 Agreement](#)

Concur and Place on File

10.COMMUNICATION NO. [2023-495](#)

Jim Merrifield, BSB Office of Emergency Management, requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the FFY2023-24 Obligating Document for Award and approve the Emergency Management Performance Grant Award.

[2023-495 Agreement](#)

Concur and Place on File

11.COMMUNICATION NO. [2023-497](#)

Beth Wurm, Human Resource Director, requesting Council of Commissioners authorization for the proposed amendments to the following policies of Butte-Silver Bow's Personnel Policy and Procedure annual be referred to the Council's Personnel Committee for its consideration. I would further request that following their review, the Personnel Committee make a recommendation to the full Council on whether to adopt such amendments.

[2023-497 Policy Amendments](#)

[2023-497 Policy Amendments](#)

Refer to the Personnel Committee

12.COMMUNICATION NO. [2023-498](#)

Karen Maloughney, BSB Health Officer, requesting Council of Commissioners concurrence to hold a public hearing for unanticipated revenue for the Health Department on October 18, 2023, resulting from receiving a contract for Parents as Teachers Program.

Hold in Abeyance

13.COMMUNICATION NO. [2023-499](#)

Jennifer McCloskey, founder of the Butte's Beekeepers requesting Council of Commissioners to review the 1977 Ordinance on behalf of the Butte's Beekeepers Club. The current Ordinance prohibits any beekeeping in Butte-Silver Bow.

Refer to the Judiciary Committee



14. COMMUNICATION NO. [2023-500](#)

Larry Winstel, GNCCDC, requesting Council of Commissioners to discuss the former Greeley School grounds and develop an open green space and playground.

Note and Place on File

15. COMMUNICATION NO. [2023-501](#)

J.P. Gallagher, Chief Executive, requesting Council of Commissioners authorization to have Chief Executive Gallagher to sign an agreement with Communication and Management Services, LLC for the effective date, the scope of work and payment for Butte-Silver Bow.

[2023-501 Agreement](#)

Concur and Place on File

16. COMMUNICATION NO. [2023-502](#)

J.P. Gallagher, Chief Executive, requesting Council of Commissioners authorization to have Chief Executive Gallagher sign an agreement with Easterseals Goodwill North Rocky Mountain to implement the Senior Community service Employment Program (SCSEP) within appropriate agencies of Butte-Silver Bow governance and operation.

[2023-502 Agreement](#)

Concur and Place on File

17. COMMUNICATION NO. [2023-503](#)

Matt Vincent, Montana Mining Association Director, requesting Council of Commissioners authorization for time on the October 11th, 2023, Committee of the Whole meeting to discuss the USFWS proposed Missouri Headwaters Conservation area.

Hold in Abeyance

SECTION 3: COMMUNICATIONS TO BE READ AND ACTED UPON

1. COMMUNICATION NO. [2023-496](#)

J.P. Gallagher, Chief Executive, requesting Council of Commissioners concurrence in the appointment of Julia Crain, 275 Roosevelt Drive, Butte MT, 59701 to the new Butte-Silver Bow Planning Director .

SECTION 4: ORDINANCES AND RESOLUTIONS INTRODUCED TO JUDICIARY

1. RESOLUTION NO. [2023-54](#)

A RESOLUTION PROVIDING FOR CHANGES IN THE BOUNDARIES OF ELECTION PRECINCTS TO CONFORM TO THE LEGISLATIVE DISTRICTING AND APPORTIONMENT PLAN PREPARED AND FILED FOLLOWING THE 2020 FEDERAL POPULATION CENSUS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2. COUNCIL BILL NO. [2023-06](#)

ORDINANCE NO [2023-06](#)

AN ORDINANCE PROVIDING FOR THE REAPPORTIONMENT OF COUNCIL OF COMMISSIONER DISTRICTS BASED UPON THE 2020 DECENNIAL UNITED STATES CENSUS; REPLACING ORDINANCE 13-11 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.



3. COUNCIL BILL NO. [2023-07](#)

ORDINANCE NO [2023-07](#)

AN ORDINANCE AMENDING CHAPTER 2.88 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) AND ENTITLED "ANIMAL SERVICES BOARD"; AND SPECIFICALLY AMENDING SECTIONS 2.88.010, 2.88.020, 2.88.030, AND 2.88.040 OF THE B-SB MC AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

4. COUNCIL BILL NO. [2023-08](#)

ORDINANCE NO [2023-08](#)

AN ORDINANCE AMENDING CHAPTER 2.87 ENTITLED "COMMUNITY ENRICHMENT DEPARTMENT" SPECIFICALLY CHANGING THE TITLE TO ANIMAL SERVICES DEPARTMENT AND AMENDING SECTION 2.87.010, 2.87.020, 2.87.030, AND 2.87.040, AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION 5: RESOLUTIONS AND ORDINANCES SUSPENSION OF THE RULES FOR FINAL PASSAGE

1. RESOLUTION NO. [2023-55](#)

A RESOLUTION REPEALING RESOLUTION NO. 2023-47 AND REVISING THE MANDATORY TAX LEVIES FOR THE VARIOUS FUNDS OF THE STATE OF MONTANA AND FIXING THE RATE TO BE RAISED BY TAX LEVY FOR EACH FUND FOR FISCAL YEAR 2024 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

CALENDAR OF OTHER MEETINGS AND EVENTS

October 3, 2023, Weed Board, 7:00 pm, Weed Office, 25 West Front

October 3, 2023, Historic Preservation Commission, 5:30 pm, Council Chambers

October 3, 2023, Fire Advisory Committee, 5:30 pm

October 4, 2023, Airport Authority, 12:00 pm, Bert Mooney Airport Authority Admin. Office

October 4, 2023, Butte AIDS Support Services, 7:00 pm, Community Center

October 5, 2023, Civic Center, 12:00 pm, Civic Center Hospitality Room

October 5, 2023, East Butte RRA, 9:00 am

October 9, 2023, Archives, 12:00 pm, Archives Center

October 9, 2023, Fair Board, 6:00 pm, Mackenzie Pizza Meeting Room

October 12, 2023, Greenway Service District Board, 4:30 pm, Anaconda Comm. Service Bldg.

October 11, 2023, Board of Health, 7:00 am, Health Dept. Conference Room

October 10, 2023, Land Sales Committee, 1:30 pm, Archives Auditorium

October 11, 2023, Law Enforcement Commission, 4:00 pm, Chief Executive Conference Room

October 10, 2023, Superfund Advisory (SARTA), 6:00 pm, Butte Justice Center

October 13, 2023, TIFID, 12:00 pm, Business Development Center



PUBLIC COMMENT ON ANY MATTER NOT ON THE AGENDA

**ADJOURN
MEETINGS**

ECONOMIC DEVELOPMENT COMMITTEE MEETING

October 4th, 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

October 4th, 2023

7:00 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS

Expenditure report for the week of October 4, 2023, was reviewed and approved in the amount of \$_____ for FY 2023 and \$_____ FY 2024.

MEETING REPORTS

COMMITTEE OF THE WHOLE REPORT

SEPTEMBER 27, 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

PRESENTATION

1.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.

HELD

2.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.

HELD



3.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.

HELD

SECTION 2: COMMUNICATIONS

1.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.

HELD

2.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.

DENY AND POF

3.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.

PLACE ON FILE

4.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.

PLACE ON FILE

5.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.

HELD

6.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.

HELD



7.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.

HELD

8.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.

HELD

9.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.

PLACE ON FILE

FINANCE AND BUDGET COMMITTEE MEETING REPORT

SEPTEMBER 27, 2023

6:00 PM BUTTE SILVER-BOW COURTHOUSE CHAMBERS

Expenditure report for the week of September 27, 2023, was reviewed and approved in the amount of 699,097.39 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

JUDICIARY COMMITTEE MEETING

SEPTEMBER 27, 2023

7:00 PM BUTTE SILVER-BOW COURTHOUSE CHAMBERS

1.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.



HELD

Name	Amount	Reason	Approved	
GUARDIAN TAX MT LLC	\$5,426.50	REFUND/REDEMPTION OF TAX ASSIGNMENT TAKEN PARCEL #000111600	YES	
GUARDIAN TAX MT LLC	\$4,598.10	REFUND/REDEMPTION OF TAX ASSIGNMENT TAKEN PARCEL #0000178300	YES	
GUARDIAN TAX MT LLC	\$2,698.54	REFUND/REDEMPTION OF TAX ASSIGNMENT TAKEN PARCEL #0000609800	YES	
GUARDIAN TAX MT LLC	\$7,599.20	REFUND/REDEMPTION OF TAX ASSIGNMENT TAKEN PARCEL #0001151100	YES	

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

