

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING AGENDA
WEDNESDAY, DECEMBER 6, 2023
7:30 PM COURTHOUSE COUNCIL CHAMBERS**

ROLL CALL

PRAYER AND PLEDGE

APPROVAL OF THE MINUTES

[November 15, 2023, Regular Meeting Minutes](#)

ITEMS NOT ADDRESSED ON THE AGENDA

CHIEF EXECUTIVE’S REPORT

PUBLIC COMMENT ON ANY ITEMS ON THE AGENDA

SECTION 1: PUBLIC HEARINGS, BID OPENINGS, AND/OR PRESENTATIONS

PUBLIC HEARING

1.COMMUNICATION NO. [2023-553](#)

Ed Lester, BSB Sheriff, requesting that a Public Hearing be conducted 7:30 p.m., December 6, 2023, for a budget amendment to increase the Sheriff Budget 2023/24 for a DOJ grant of \$17,780.00.

BID OPENING

1.COMMUNICATION NO.[2023-539](#)

Jim Keenan, Water Treatment Chief Operator, requesting Council of Commissioners concurrence to schedule a bid opening for December 6, 2023, for the Landscape Restoration of the Basin Creek Watershed- Fuel Reduction Phase III.

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. [2023-563](#)

J. P. Gallagher, Chief Executive, requesting Council of Commissioners concurrence in the appointment of Melissa Wanamaker, P.O. Box 3711, Butte Mt to the Fair Board.

Concur and Place on File

2.COMMUNICATION NO. [2023-564](#)

Mike Clague, Deputy County Attorney, requesting Council of Commissioners authorization to apply for a grant from Justice for Vets in collaboration with the Bureau of Justice Assistance. The grant is required to be spent to enhance program effectiveness and does not require a match from BSB.

Concur and Place on File

3.COMMUNICATION NO. [2023-565](#)

Jeanette Kopf, World Museum of Mining Executive Director, requesting Council of Commissioners authorization to approve their selection of services for the recently published GCCM.

Concur and Place on File

4.COMMUNICATION NO. [2023-566](#)

J.P. Gallagher, Chief Executive, requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the Montana State University FY2024 Extension Services Agreement. BSB will contribute funds for the support of extension work in agriculture and natural resources, family, and consumer sciences, 4-H, and related fields.

[2023-566 Agreement](#)

Concur and Place on File

5.COMMUNICATION NO. [2023-567](#)

Trevor Peterson, Park & Recreation Arborist, requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the 2023 Tree City USA application from the Arbor Day Foundation. This year will be BSB's 29th year as a Tree City USA Community.

Concur and Place on File

6.COMMUNICATION NO. [2023-568](#)

Ed Heard, Parks & Recreation Event Coordinator, requesting Council of Commissioners authorization to have Chief Executive Gallagher sign a lease agreement between Mary Ann Kenneally (Town Pump) and Butte-Silver Bow for land used for Christmas Tree Collection.

[2023-568 Agreement](#)

Concur and Place on File

7.COMMUNICATION NO. [2023-569](#)

J.P. Gallagher, Chief Executive, requesting Council of Commissioners concurrence in the appointment of Josh Wiley, 600 Shields Avenue Butte MT, to the Fair Board.

Concur and Place on File



8.COMMUNICATION NO. [2023-570](#)

Sean Peterson, Deputy County Attorney, requesting Council of Commissioners authorization to have Chief Executive Gallagher sign an easement request from Northwestern Energy that will allow NWE to drill some boreholes for a geotechnical study related to repairs and upgrades located east of its substation on Montana Street.

[2023-570 Easement](#)

Concur and Place on File

9.COMMUNICATION NO. [2023-571](#)

J.P. Gallagher, Chief Executive, requesting Council of Commissioners concurrence in the re-appointments of Dan Callahan, 4900 Moulton Reservoir Road, and Kelly Lee, 3474 Hannibal Street, Butte MT to the Civic Center Board.

Concur and Place on File

10.COMMUNICATION NO. [2023-572](#)

Kyle West, Public Works Engineering Tech, requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the Storm Water Management/BMP Maintenance agreement for the BSW Warehouse project at 116 Iron Street.

[2023-572 Agreement](#)

Concur and Place on File

11.COMMUNICATION NO. [2023-573](#)

Kyle West, Public Works Engineering Tech, requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the Storm Water Management/BMP Maintenance agreement for the McGree Shop Expansion at 503 Centennial Avenue.

[2023-573 Agreement](#)

Concur and Place on File

12.COMMUNICATION NO. [2023-574](#)

Kyle West, Public Works Engineering Tech, requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the Storm Water Management/BMP Maintenance agreement for the Oppidan Office/Warehouse on Washoe Street.

[2023-574 Agreement](#)

Concur and Place on File

13.COMMUNICATION NO. [2023-575](#)

Kyle West, Public Works Engineering Tech, requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the Storm Water Management/BMP Maintenance agreement for the TDS Telecom project at 3888 Wynne Avenue.

[2023-575 Agreement](#)

Concur and Place on File



14.COMMUNICATION NO. [2023-576](#)

Kristen Rosa, Economic Development Coordinator, requesting Council of Commissioners authorization to have Chairman Shawn Fredrickson approve the proposed South Butte Industrial Targeted Economic Development District be of adequate size, to host a diversified base of multiple independent tenants.

[2023-576 Agreement](#)

Concur and Place on File

15.COMMUNICATION NO. [2023-577](#)

Sean Peterson, Deputy County Attorney, requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the Waiver request for Transfer of AERL Property subject to transfer pursuant to allocation and settlement agreement and mutual release.

[2023-577 Waiver](#)

Concur and Place on File

16.COMMUNICATION NO. [2023-578](#)

Mark Neary, Public Works Director, requesting Council of Commissioners authorization to have Chief Executive Gallagher sign a change order for the Rocker Lift Station site fencing to extend security fence around the SCADA tower.

[2023-578 Change Order](#)

Concur and Place on File

17.COMMUNICATION NO. [2023-579](#)

Mark Neary, Public Works Director, requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the License agreement between Shah Software and Butte-Silver Bow to allow BSB Para Transit service to continue to use the scheduling software provided by Shah Software.

[2023-579 Agreement](#)

Concur and Place on File

18.COMMUNICATION NO. [2023-580](#)

Mark Neary, Public Works Director, requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the Environmental System Research Institute (ERSI) Geographic Information Systems (GIS) Software agreement.

[2023-580 Agreement](#)

Concur and Place on File

19.COMMUNICATION NO. [2023-581](#)

Danielle McGee, Finance & Budget Accounting Manager, requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the Sub-recipient agreement between Montana independent living Project, Inc, d/b/a/ Ability Montana and Butte-Silver Bow County.

[2023-581 Agreement](#)

Concur and Place on File



20.COMMUNICATION NO. [2023-582](#)

Evan Barrett, 807 W. Silver Street, Butte MT suggesting the Council of Commissioners and Butte-Silver Bow local government as a PRP in the BPSOU CD processes, request the other PRP's join to review the NRDP cleanup process with the intent that it, or a minor variation of it, can become the process for cleanup along the entire Silver Bow Creek corridor.

Note and Place on File

21.COMMUNICATION NO. [2023-583](#)

Jim Keenan, Water Plant Superintendent, requesting Council of Commissioners concurrence to schedule a bid opening for January 10th, 2024, for the rehabilitation of Basin Creek Dam #1.

Hold in Abeyance

22.COMMUNICATION NO. [2023-584](#)

Beth Wurm, Human Resources Director, requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the Benefit Program Application through Blue Cross Blue Shield of Montana for January 1, 2024, to December 31, 2024, the City and County of BSB, Butte Police Protective Association for the health insurance coverage of the members Bargaining Unit.

[2023-584 Agreement](#)

Concur and Place on File

23.COMMUNICATION NO. [2023-585](#)

Beth Wurm, Human Resources Director, requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the Benefit Program Application through Blue Cross Blue Shield of Montana for January 1, 2024, to December 31, 2024, the City and County of BSB, Local No. 4372 MFPE Clerks for the health insurance coverage of members of the Bargaining Unit.

[2023-585 Agreement](#)

Concur and Place on File

24.COMMUNICATION NO. [2023-586](#)

Kelly Sullivan, BLDC Executive Director, requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the amended agreements approved through Council Communications 2022-202 and 2022-274 that were previously approved by the Butte Local Development/Anaconda ARCO Loan Committee in April 2022.

[2023-586 Loan Modification Agreement](#)

[2023-586 Amended Agreement](#)

Concur and Place on File

25.COMMUNICATION NO. [2023-587](#)

Jim Keenan, Water Plan Superintendent, informing the Council of Commissioners that the Public Works Department, Water Utility Division will be publishing the draft Community Wildfire Protections Plan (CWPP) for public comment on December 7, 2023, followed by a virtual public meeting on December 14, 2023.

Note and Place on File



26.COMMUNICATION NO. [2023-588](#)

Lisa Carey, BSB Office of Emergency Management, requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the FFY24 Hazardous Materials Emergency Preparedness (HMEP) Grant. This grant allows six BSB firefighters to attend the Continuing Challenge Hazardous Materials Emergency Response Workshop in Sacramento, CA.

[2023-588 Grant](#)

Concur and Place on File

27.COMMUNICATION NO. [2023-589](#)

Lisa Carey, BSB Office of Emergency Management, requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the FFY24 Hazardous Materials Emergency Preparedness (HMEP) Grant. This grant allows six BSB firefighters to attend the IAFC Hazardous Material Emergency Response Workshop in Baltimore, MD.

[2023-589 Grant](#)

Concur and Place on File

28.COMMUNICATION NO. [2023-590](#)

Lisa Carey, BSB Office of Emergency Management, requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the FFY24 Hazardous Materials Emergency Preparedness (HMEP) Grant. This grant will allow the BSB Fire Department to coordinate and host a regional 40-hour Hazmat Tech Course / Command and Control in Butte, MT by contracting with the Emergency Response Training Institute (ERTI).

[2023-590 Grant](#)

Concur and Place on File

SECTION 3: ORDINANCES AND RESOLUTIONS INTRODUCED TO JUDICIARY

1.RESOLUTION NO. [2023-65](#)

A RESOLUTION AUTHORIZING AND APPROVING THE TRANSFER OF THE REAL PROPERTY DESCRIBED AS TRACT 4A COS 801A LOCATED IN SECTION 25, TOWNSHIP 03 NORTH, RANGE 09 WEST, WITHIN THE CITY-COUNTY OF BUTTE-SILVER BOW, MONTANA TO SEACAST OF MONTANA, LLC, A LIMITED LIABILITY CORPORATION IN ACCORDANCE WITH THE PROVISIONS OF THE BUTTE-SILVER BOW MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2.RESOLUTION NO. [2023-67](#)

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 RECEIVING A CONTRACT WITH NASTAD FOR PREVENTION SERVICES PROVIDING FOR AN EFFECTIVE DATE HEREIN.



SECTION 4: ORDINANCES AND RESOLUTIONS FOR FINAL READING

1.RESOLUTION NO.2023-62

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 GRANT REVENUE TO THE BUTTE-SILVER BOW ARCHIVES-CLARK CHATEAU FROM HUMANITIES MONTANA FOR THE PURPOSE OF COMMISSIONING TEN MUSICIANS TO WRITE ESSAYS INTERPRETING BUTTE MINING AND LABOR SONGS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2.RESOLUTION NO.2023-63

A RESOLUTION AUTHORIZING AND APPROVING THE TRANSFER OF THE REAL PROPERTY DESCRIBED AS UNIT 3, GERMAN GULCH DEVELOPMENT CONDOMINIUMS, AND LOCATED IN SECTION 24, TOWNSHIP 03 NORTH, RANGE 09 WEST, UNIT 3, WITHIN THE CITY-COUNTY OF BUTTE-SILVER BOW, MONTANA TO GERMAN GULCH DEVELOPMENT, LLC, A LIMITED LIABILITY CORPORATION IN ACCORDANCE WITH THE PROVISIONS OF THE BUTTE-SILVER BOW MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

3.COUNCIL BILL NO. 2023-12

ORDINANCE NO. 2023-12

AN ORDINANCE ESTABLISHING A NEW CHAPTER OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) TO BE NUMBERED 6.28 AND TO BE ENTITLED “BEEKEEPING”, REPEALING SECTION 6.12.040 OF THE B-SB MC, AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

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

1.RESOLUTION NO. 2023-66

A RESOLUTION VACATING, CLOSING, DISCONTINUING AND ABANDONING AN UNDEVELOPED PORTION OF DISCOVERY DRIVE LOCATED IN SECTION 25, TOWNSHIP 03 NORTH, RANGE 08 WEST IN THE CITY AND COUNTY OF BUTTE-SILVER BOW, MONTANA, AND DEPICTED ON EXHIBIT “A”, FINDING THE NECESSARY FACTS HEREIN AND PRESCRIBING THE EFFECTIVE DATE OF THIS RESOLUTION.

CALENDAR OF OTHER MEETINGS AND EVENTS

December 6, 2023, Airport Authority, 12:00 pm, Bert Mooney Airport Authority Admin. Office

December 6, 2023, Butte AIDS Support Services, 7:00 pm, Community Center

December 7, 2023, Civic Center, 12:00 pm, Civic Center Hospitality Room

December 7, 2023, East Butte RRA, 9:00 am 1st Floor Conference Room

December 8, 2023, Zoning Board, 5:30 pm, Council Chambers

December 11, 2023, Archives, 12:00 pm, Archives Center



December 11, 2023, Fair Board, 6:00 pm, Mackenzie Pizza Meeting Room
December 12, 2023, Land Sales Committee, 1:30 pm, Archives Auditorium
December 12, 2023, Superfund Advisory (SARTA), 6:00 pm, Butte Justice Center
December 13, 2023, Law Enforcement Commission, 4:00 pm, Chief Executive Conference Room
December 13, 2023, Public Library Board, 5:00 pm, 3rd Floor, Library Bldg.
December 13, 2023, Board of Health, 7:00 am, Health Dept. Conference Room
December 14, 2023, Greenway Service District Board, 4:30 pm, Anaconda Comm. Service Bldg.
December 19, 2023, Public Housing Authority, 5:00 pm, New Deal Community Center
December 19, 2023, Urban Forestry Board, 1:00 pm, Business Development Center

PUBLIC COMMENT ON ANY MATTER NOT ON THE AGENDA

ADJOURN

MEETINGS

ECONOMIC DEVELOPMENT COMMITTEE MEETING

DECEMBER 6, 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

DECEMBER 6, 2023

7:00 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS

Expenditure report for the week of December 6, 2023, was reviewed and approved in the amount \$ _____ FY 2024.

MEETING REPORTS

COMMITTEE OF THE WHOLE REPORT

NOVEMBER 29, 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. [2023-536](#)

Karen Maloughney, BSB Health Officer, requesting Council of Commissioners concurrence to hold a public hearing for unanticipated revenue for the Health Department on November 15, 2023, for the purpose of amending the fiscal year 2023-2024 budget to allow for increased expenditures of unanticipated revenue resulting from receiving a contract with the National Alliance of State and



Territorial AIDS Directors (NASTAD).

Place on File

2.COMMUNICATION NO.2023-539

Jim Keenan, Water Treatment Chief Operator, requesting Council of Commissioners concurrence to schedule a bid opening for December 6, 2023, for the Landscape Restoration of the Basin Creek Watershed- Fuel Reduction Phase III.

Hold in Abeyance

3.COMMUNICATION NO. 2023-553

Ed Lester, BSB Sheriff, requesting that a Public Hearing be conducted 7:30 p.m., December 6, 2023, for a budget amendment to increase the Sheriff Budget 2023/24 for a DOJ grant of \$17,780.00.

Hold in Abeyance

4. COMMUNICATION 2023-557

Karen Maloughney, BSB Health Officer, requesting Council of Commissioners authorization to have Chief Executive Gallagher sign a task order between the Montana Department of Public Health and Human Services and Butte-Silver Bow Health Department.

[TASK ORDER 2023-557](#)

Place on File

FINANCE AND BUDGET COMMITTEE MEETING REPORT

NOVEMBER 29, 2023

6:00 PM BUTTE SILVER-BOW COURTHOUSE CHAMBERS

Expenditure report for the week of November 29, 2023, was reviewed and approved in the amount of \$1,656,278.35 for FY 2024.

<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	A
Justin Fortune	P

PUBLIC WORKS COMMITTEE MEETING

NOVEMBER 29, 2023

6:30 PM BUTTE SILVER-BOW COURTHOUSE CHAMBERS

No meeting was held.



JUDICIARY COMMITTEE MEETING

NOVEMBER 29, 2023

7:00 PM BUTTE SILVER-BOW COURTHOUSE CHAMBERS

1.RESOLUTION 2023-62

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 GRANT REVENUE TO THE BUTTE-SILVER BOW ARCHIVES-CLARK CHATEAU FROM HUMANITIES MONTANA FOR THE PURPOSE OF COMMISSIONING TEN MUSICIANS TO WRITE ESSAYS INTERPRETING BUTTE MINING AND LABOR SONGS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

Move to Final Reading

2.RESOLUTION 2023-63

A RESOLUTION AUTHORIZING AND APPROVING THE TRANSFER OF THE REAL PROPERTY DESCRIBED AS UNIT 3, GERMAN GULCH DEVELOPMENT CONDOMINIUMS, AND LOCATED IN SECTION 24, TOWNSHIP 03 NORTH, RANGE 09 WEST, UNIT 3, WITHIN THE CITY-COUNTY OF BUTTE-SILVER BOW, MONTANA TO GERMAN GULCH DEVELOPMENT, LLC, A LIMITED LIABILITY CORPORATION IN ACCORDANCE WITH THE PROVISIONS OF THE BUTTE-SILVER BOW MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

Move to Final Reading

Name	Amount	Reason	Approved
BOONE CAPITAL CORP	\$5645.70	REFUND REDEMPTION OF TAX ASSIGNEMTN TAKEN/PARCEL #0000344100	Yes

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

