ROLL CALL 12 Present 0 Absent

PRAYER AND PLEDGE John Sorich

APPROVAL OF THE MINUTES
April 21, 2021 Regular Meeting Minutes
Cindi Shaw makes a motion to approve the minutes. Shawn Fredrickson seconds the motion.
12 yea, 0 nay

ITEMS NOT ADDRESSED ON THE AGENDA
None

CHIEF EXECUTIVE’S REPORT
Thanks to the the local delegation that represented us in Helena. Local vaccinations, Butte is rated
number 2 in the state, we are proud of that. 48% of fully vaccinated individuals in Butte. We will be
bringing back alley rally which will start May 17th.

PUBLIC COMMENT ON ANY ITEMS ON THE AGENDA
PLEASE CALL IN AT 497-5009

WRITTEN COMMENTS WELCOME: John Ray-See
attached letter.
public-input@bsb.mt.gov
J.P. Gallagher goes to section 3.

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

PUBLIC HEARINGS

1. COMMUNICATION NO. 2021-188
Dylan Pipinich, Assistant Planning Director requesting Council of Commissioners authorization to
schedule a Public Hearing on May 5, 2021 to hear public comment on Zone Change Application
No. 182

2021-188 Staff Report
Dylan Pipinich- Zone change to amend a C2 zoning for about 1 1/2 acres. Chris Ewing would be
putting in Multifamily complex of 5 units and some storage units.
Thatcher: Why is it being changed?
Pipinich: R2 is only for a duplex.
Riordan: Will it affect Tom Riopellos business?
Pipinich: no, it will affect only the dentist off and the 2 parcels.
Mankins: will there be design standards?
Pipinich: this is only to extend the C2 which does not have design standards.
Karen Byrnes: This project is on the board meeting for the East Butte RRA and are requesting grant funds, so they have gone through design review and passed by the historic preservation.
O’Neill: This developer has other projects, and he has done them well.
Proponents 0
Opponents 0
J.P. Gallagher, Public hearing is now closed

PRESENTATION

1. COMMUNICATION NO. 2021-195
Mark Neary, Public Works Director requesting Council of Commissioners authorization to schedule a presentation for May 5, 2021 for the Rocker Water and Sewer District.
Mark Neary: The Rocker sewer system is in dire repair as well as the lagoons. In 96 metro sewer quite sending the sludge to sod farm. We have an open pipe all the way from Butte to Rocker. Testing has been done on the pipe and can take all the lift station waste water. In 2015, they designed a new lift station, and it will work with our system. This could be coming as a resolution or contract to accept their waste water. All the work will be on Rocker, and if and when we accept it they would pay rates like everyone in Butte does.
Shaw: Are we looking at budget authority?
Neary: No. If district dissolves, we may be spending money in engineering.
Thatcher: Money from the new arco funds could be used once we get them?
Neary: Doesn’t think we would have anything to do with it. The ball is in Rockers court.
Gleason: We are looking into different options to assist Rocker; Arco may be available down the road. The rate payers would not cover those costs with all the rate bases.
Fredrickson: Comm. 2021-210 on wastewater line how is it related?
Neary: The property where lift station is now, they just needed an easement where the line is.
Callahan: Rocker has been dealing with this for 6 or 7 years. The expense of such a small community. They just lost their accountant. They are SB County residents like the rest of us.
Fisher: Talking about this for 2 or 3 years now. We need current updates of what is going on. This is more complex.

2. COMMUNICATION NO. 2021-214
Paul Babb, NorthWestern Energy Community Relations Manager requesting Council of Commissioners concurrence to give a presentation on May 5, 2021 Regular agenda for the meter upgrade project that will be taking place in our community.
Babb: We are doing automated meters that will start in July, this will be a 3-year project. This started in Missoula and will be in Butte soon. We have mailed our flyers to our customers when this will start. We will be eliminating trucks driving around and reading the meters. We will install 13 antennas in our community, and they will be able to read the meters. Eclectic meters will be phase 1, and then gas will follow. 590,000 meters will be changed out statewide. A post card will be sent when we will be showing up to replace the meter. The meters will be read 3 times a day and will help with accuracy.
Shea: How long does it take for a meter to be changed out.
Babb: will be done the same day. All electric meters first and then the gas meter will be just the module.
Gallagher: will the power be shut off?
Babb: yes briefly.
Fisher: will the meters be changed in the very old houses.
Babb: Electric will be new; gas will just be the modules.

Cindi Shaw makes a motion to approve the Consent agenda with exceptions of above. Shawn Fredrickson seconds the motion 12 yea 0 nay

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. 2021-206
J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence of my appointments of Jamie Lynch 600 Dewey Blvd, and Jason Speer 405 Roosevelt Dr., Butte MT 59701 to the Fair Board.
Concur and Place on File

2. COMMUNICATION NO. 2021-207
J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence of my re-appointments of Kevin Goroski 106 Laurel Rd., Jaclyn Casagranda 2059 Carolina, and Wayne Chiamulera PO Box 38, Butte MT 59701 to the Fair Board.
Concur and Place on File

3. COMMUNICATION NO. 2021-208
Lori Baker-Patrick, BSB County Treasurer requesting Council of Commissioners to direct the County Attorney to prepare a Council Resolution authorizing the mailing of Tax Deed Notifications.
Hold in Abeyance

4. COMMUNICATION NO. 2021-209
Ellen Crain, BSB Public Archives Director requesting Council of Commissioners concurrence to make a presentation at the May 19th, 2021 Council of Commissioners Meeting. The presentation will provide a report on the activities of the Archives/Chateau department for the year 2020.
Hold in Abeyance

5. COMMUNICATION NO. 2021-210
Mollie Maffei, Deputy County Attorney requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign an Easement for a waste-water line for the Rocker Water and Sewer District that is making improvements to its system. We have approval from the Public Works Department.
2021-210 Easement
6. COMMUNICATION NO. 2021-211
Doug Conway, BSB Law Enforcement Captain requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign the Contract for the Provision of Supplemental Law Enforcement Services between the Butte-Silver Bow LED and Public Housing Authority of Butte.
2021-211 Contract
Concur and Place on File

7. COMMUNICATION NO. 2021-212
Kathy Kenison, BSB IT Manager requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign the Byrne Software Services Agreement. Byrne Software is currently completing the Accela software implementation. Byrne will also be providing services not included in the original contract, such as custom reporting.
2021-212 Agreement
Concur and Place on File

8. COMMUNICATION NO. 2021-213
Mike Clague, Deputy County Attorney requesting Council of Commissioners concurrence and authorization for the Chief Executive to execute the following contracts for the Butte-Silver Bow Veterans Treatment Court BVTC: Addictions Consulting Group Inc., Public Health Management Corporation, Datagain, All Systems Monitoring a Montana LLC.
2021-213 Addictions Consulting Group
2021-213 Public Health Management
2021-213 All Systems Monitoring a Montana
2021-213 Datagain
Concur and Place on File

9. COMMUNICATION NO. 2021-215
Robert Whelan, District Court Judge requesting Council of Commissioners concurrence and authorization for the Chief Executive to execute the agreement for the Butte-Silver Bow Veterans Treatment Court (BVTC).
2021-215 Agreement
Concur and Place on File

10. COMMUNICATION NO. 2021-216
Ed Randall, Community Enrichment Director requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign the Professional Services Agreement between Stahly Engineering & Associates Inc and Butte-Silver Bow for shoring of a shared wall located at 135 E. Park Street and the building to the west.
2021-216 Agreement
Concur and Place on File
Randall: we have met with both owners and there is a shared wall. WET did decide that there was a shared wall. Stahly engineering drafted an agreement. It will not exceed $4000.
Callahan: year ago we drafted the dangerous building ordinance. This is the 3rd time that you have come to council to ask for money.
Randall: I am not asking for money. We had an ordinance approved by the council, we do have some buildings who are in bad shape, but feel we followed the process. Most of your comments are not correct.
Callahan: Which are not correct?
Randall: that we are asking for money, we are not, and we did not own the building until we owned it. The owners did not have the money to pay for the upgrades.
Callahan: This is taxpayers money. The Owner has multiple buildings around town. If you cannot afford to keep up with your building’s needs, it is just wrong.
Gallagher: I think the owners of this building have dissolved?
Randall: We have done everything right. We are not asking for money.
Byrnes: Some of our properties have been dissolved. Any leans are being satisfied, and I think 3 or 4 have been sold. This property was a very difficult situation and took over a year to get done.
Riordan: the procedure that we go through is different every time. The taxpayers are asking questions. I am looking for a solution and we need to get our act together.
Randall: we are consistent in how we do the Ordinance. Our department was running out of time and everything does not fit perfectly with every situation. We are trying the best that we can.
Fisher: This was in Judiciary for more than a year. One way was how to demolish the buildings. Makes a motion to concur and place on file. Shawn Fredrickson seconds the motion.
Fortune: Is it possible for Stahly revise their estimate?
Randall: yes, we could.
Andersen: the $4000 is just for engineering work?
Randall: up to $4000 for design in shoring up wall.
Andersen: What is the cost to shore up the wall.
Randall: That is correct. The owners at the Thrift store. We can discuss what it may cost to the building and if there is a shared cost.
Andersen: if we bring the problem to them, are we liable what happens to the building in the process.
Randall: If something happened, I would think so.
Fortune: how did that last engineering firm come up with $1500?
Randall: Not certain, they did a walk thru and was trying to find where the buildings were joined.
Shea: The frustration lies with the unknown. We need to find a way to do better and has given us a black eye. The process needs to be cleaned up the way you handle it.
Callahan: agrees with Shea, the ordinance shows that it hasn’t worked, wants to do a seconds motion of what did not work with the ordinance.
Joyce: Callahan’s motion would take another communication, so we cannot take the motion.
Callahan: withdraws motion.
12 yea 0 nay

11.COMMUNICATION NO. 2021-217
Jim Fisher, BSB Commissioner District 6 requesting Council of Commissioners authorization for the Chief Executive J.P. Gallagher to invite someone from the DEQ and EPA to our Council Meeting to update and explain the clean-up and future use of the Montana Pole site.
Refer to the Chief Executive’s Office
Fisher: 1962 the interstate came through and was treating timbers. The pole plant ended up being part of the superfund clean-up and is the most poisonous of all the sites because of dioxanin. He
lived in that area as a kid, and had pets who would go down there and die within 2 to 3 days. How did we get to 37 million dollars for the EPA and DEQ and how did we come up with that amount. A few years ago they dug up 14 feet and sifted off of 25,000 gallons and put a liner in there. The job was a failed cleanup back then and I would like the EPA and DEQ to come explain what the future plan is. Thinks this is way more polluted than anyone is letting on. Hopes the Chief Executive will come through. Makes a motion to refer to the Chief executives office. Shawn Fredrickson seconds the motion.
Gallagher: has reached out and they will present to us but not in person, and probably at the COW meeting so we will have more time.
Shea: Great idea. The EPA and DEQ are very good at communicating what they will be doing.
Sorich: Jon Sesso may also be very good at speaking with us.
Mankins: If you have been following along at the meetings, they are very transparent. Things have not been done right in the past but believes that the DEQ and EPA will answer and it will not be heresay.
Fisher: I do wish to have someone from the EPA Or DEQ not anyone else. The 34 million clean-up was a failed attempt and we need answers.
12 yea 0 nays

12. COMMUNICATION NO. 2021-218
Selina Pankovich, M&M Bar and Cafè requesting Council of Commissioners authorization to request a street closure on Thursday nights starting June 24, 2021 through August 26, 2021 from 6pm-9pm. This would be for the block of Main Street between Park and Broadway Streets to host Music on Main.
2021-218 Applications
Concur and Place on File

13. COMMUNICATION NO. 2021-219
Angie Mullikin, Public Works Budget Analyst requesting Council of Commissioners authorization for the Chief Executive J.P. Gallagher to sign two agreements with Systems Northwest for monitoring and security alarms for the new shops.
2021-219 Monitoring Agreement
2021-219 Systems Agreement
Concur and Place on File

14. COMMUNICATION NO. 2021-220
Padraig Cunneen, Public Works Operations Engineer requesting Council of Commissioners authorization for the Chief Executive J.P. Gallagher to sign the Storm Water Management/BMP Maintenance Agreement for Copper Fox Estates subdivision bounded by South Arizona Street, Meadowlark lane, Electric Street and Western Boulevard in Butte.
2021-220 Agreement
Concur and Place on File

15. COMMUNICATION NO. 2021-222
Pat Holland, Government Buildings Manager requesting Council of Commissioners authorization for the Chief Executive J.P. Gallagher to sign the Professional Services Agreement between the City-County of Butte-Silver Bow and R.H.R. Construction to repair the columns located at the Kelly Warehouse.
2021-222 Agreement
Concur and Place on File

16. COMMUNICATION NO. 2021-223
Karen Byrnes, Community Development Director requesting Council of Commissioners authorization for the Chief Executive J.P. Gallagher to sign the Extension Amendment NAHN Development Agreement related to the construction of the Uptown Parking Garage.

2021-223 Agreement
Concur and Place on File
Fredrickson: Explain what the agreement is about and why it needs to be extended.
Byrnes: The original agreement was put in place before we started the parking garage. Park West had a development agreement and the Phoenix building. There was land transfers, and demo’s and how we were compensating them. It was amended in 2019. The deck was started in 2019 and the price of steel was high. They delayed their project and was to kick off in March of 2020. Early this spring the agreement was going to expire and we needed to extend this so that they can get started.
Fortune: How much money is BSB going to give?
Byrnes: $350,000 is the same and has not been changed. The funds come from the URA even since the agreement was signed.
Fortune: Are the sidewalks covered?
Byrnes: Yes they are covered in the agreement.
Fortune: The $400,000.00 into this building, where does it stop?
Byrnes: The sidewalks were not $400,000 and the sidewalk work is run by the individuals that do the work. Vaulted sidewalks are done a lot in Butte and are reimbursed by the URA, 10% on the property owner and BSB takes on the rest.
Fredrickson: Makes a motion to concur and place on file, Shaw seconds the motion.
11 yea 1 nay

SECTION 3: COMMUNICATION TO BE READ AND ACTED UPON

1. COMMUNICATION NO. 2021-204
J.P. Gallagher, Chief Executive requesting Council of Commissioners to accept this letter as my formal request for your concurrence in the appointment of Brandt Bristol, 451 Little Basin Creek Road, Butte Mt as the Butte-Silver Bow Fire Department Captain.
Zack Osborne- the process is quite involved and we have such A-plus guys. We have 100-point Chiefs evaluations, written test, 100-pt. oral test, years of service. These guys are great dads, hard workers, and very deserving of this position.
Cindi Shaw makes a motion to concur and place on file, Shawn Fredrickson seconds the motion.
12 yea 0 nay

2. COMMUNICATION NO. 2021-205
J.P. Gallagher, Chief Executive requesting Council of Commissioners to accept this letter as my formal request for your concurrence in the appointment of Pat Doherty 182 Carousel Way, Butte Mt as the Butte-Silver Bow Fire Department Captain.
J.P. Gallagher congratulates both men and it is a hard process.
Cindi Shaw makes a motion to concur and place on file, Shawn Fredrickson seconds the motion.
12 yea 0 nay
COMMUNICATION NO. 2021-221

J.P. Gallagher, Chief Executive requesting Council of Commissioners to accept this letter as my formal request for you to consider the use of $500,000 of CARES Act Funds. I am requesting fund that are in reserve to run a COVID 19 Public Education Vaccination campaign.

Gallagher: trying to put together a robust campaign. Karen Sullivan and Father Baretta are in charge of that and had limited funds on what we are doing. We have lost 85 lives do to COVID. Now the lines have gone away with people getting vaccinated and COVID has not gone away. We need heard immunity. The CARES ACT fund is to deal with the pandemic. Can we give people an incentive to get vaccinated? I tested on my own children, my son did not want to get vaccinated but asked him about the potential about winning some money. The young people are not anti vacs. We had a $500,000 campaign that is donated by a business which remains to be anonymous. This is an all or none deal. The $500,000 will go into the BSB citizens hands. No restrictions of a non-profit running this campaign. Thinks we can move the bar.

Karen Sullivan: the people who are getting vaccinated has slowed. This campaign is needed to get to herd immunity. There has been found in our waste water the UK Variant. Also one of the two in California has been found. The vaccine will at least lessen the virus if it is caught. Asking for this council to accept this and match with our CARES ACT dollars.

Gallagher: Important for people to come and get prizes for incentive.

Thatcher: if we spend this money, I would surely hope the money is spent locally?

Gallagher: yes, St. James Health Care will help with the campaign as well as other businesses.

Sorich: All have worked hard on this, however, I am not sure it is right to pay people to do the right thing. If we need another shot will people only do it if they get paid.

Gallagher: we are not paying everyone to get vaccinated.

Fisher: Fully supports this idea.

O’Neill: would like to see the plan.

Shea: COVID CAREs money is taxpayer’s money. Stimulus checks is also taxpayer’s money. How do we receive the donor’s money? Would like to see a plan before we approve this. Would we require to get bids? How can a donor making a donation remain anonymous?

Gallagher: any donor can remain anonymous going through a nonprofit. Will announce who the donor is if this passes. There are no restrictions for a non-profit. You need to entrust in the people of local leadership to encourage the vaccination.

Gleason: The $500,000 would have to comply with all procurement procedures and requirements. This will not be part of our books and only to show that we met our obligation. The ARP money is more of the recovery money.

Shea: if the funding is run through, is it up to them to charge a fee, and assume that the awards are taxable? Hope we have all diverse religions involved, not just Father Baretta.

Gallagher: we will be responsive to the needs of the non-profit.

Gleason: This will be more of educating people to get vaccinated.

O’Neill: Less is more so to stimulate the economy we could buy 100 Tregor BBQ’s from Ace Hardware. On the 500,000, there are string attached to it and we can get away with using the funds.

Gallagher: The donor is tied to that and want larger prizes.

Fredrickson: we are making this more complex than it needs to be. If the donor wants to do whatever, that is his prerogative. BSB has nothing to do with that. BSB is just to match the money and market the vaccine.

Callahan: Concerned about CARES ACT money if we have a variance down the road, can we give shots in the future.
Gleason: we have 6.2 million that we have invested and are holding. We are looking into how to spend the CARES Act money for the future. Total we got about 7 million. We need to have a proper plan in order to spend the money correctly.
Gallagher: That is due to Director Gleason.
Andersen: has seen the devastation that the virus has caused, and has had COVOD. Encourages people to get the vaccine. Great opportunity to pump money into the community.
Makes a motion to concur and place on file and Hattie Thatcher seconds the motion.
Sorich: for Karen Sullivan, is the 70% that is vaccinated will that be with the 16 year old kids.
Sullivan: That is not, we still need the approval of the state, and will be available from 2 to 11 year olds if FDA approves. Total population is 34.9 and we have eligible 25.6. Set a goal to keep us safe is 70 to 80 percent.
Sorich: We have people who believe in Butte because they care. Makes a substitute motion to hold in the COW and see if anyone gets back to me.
Shaw: Has agonized over this and looked at the numbers. You have a campaign already started and if this had not come about I think we would have done something. It is extremely disappointing that we are committed to the $500,000 and I bet St. James isn’t even that much. It is all or nothing we can still do it if we didn’t do the actual incentive portion of it. I am more into the education part of it. The health department has done a super job with all of this. The bar was set way higher than we had to do. The incentives are not a part of the education. We love our neighbors and I would depend on people doing the right thing. I am not going to be able to approve this on these grounds.
Shea: Has concerns with being told what we are going to do with our own money. The questions I have asked have been answered. Our health care workers do deserve a break. Commends everyone who was involved. We still do not have a plan and don’t feel confident, but I will be approving this.
O’Neill: This is an opportunity. 6.2 million dollar is a lot of money to do the right thing. If this will help us get back to normal I am all for it.
Gallagher: This is an education program that is ours and we want to do it right. This is BSB public education program, and people will want to replicate around the nation.
10 yeas 2 nays

SECTION 4: ORDINANCES AND RESOLUTIONS INTRODUCED TO JUDICIARY

1. RESOLUTION NO. 2021-15
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 FROM THE SUPERFUND PROGRAM TRUST ACCOUNT PROCEEDS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2. RESOLUTION NO. 2021-16
A RESOLUTION AMENDING THE FISCAL YEAR 2020-2021 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 BUILDING CODE RESERVE FUNDS TO THE PLANNING-BUILDING AND CODE DEPARTMENT FOR THE PURPOSE OF HIRING A BUILDING INSPECTOR AND COVERING THE ASSOCIATED COSTS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.
3. RESOLUTION NO. 2021-17
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 FROM THE WILDLAND FIRE
DEPLOYMENTS EMERGENCY MANAGEMENT ASSISTANCE COMPACTS TO
CALIFORNIA (EMAC) TO BE USED ON THE WAGES AND BENEFITS FOR THOSE
MEMBERS WHO PARTICIPATED IN THE DEPLOYMENTS AND FOR EQUIPMENT
PURCHASES FOR THE FIRE DEPARTMENT AND PROVIDING FOR AN EFFECTIVE DATE
HEREIN.

SECTION 5: ORDINANCES AND RESOLUTIONS FOR FINAL READING

1. COUNCIL BILL NO. 2021-04
ORDINANCE NO. 2021-04
AN ORDINANCE AMENDING TITLE 15 OF THE BUTTE-SILVER BOW MUNICIPAL CODE
(B-SB MC) ENTITLED “BUILDINGS AND CONSTRUCTION”; AMENDING CHAPTER 15.05
ENTITLED “ADOPTION OF INTERNATIONAL ENERGY CONSERVATION CODE” AND
PROVIDING FOR AN EFFECTIVE DATE HEREIN.
Cindi Shaw make a motion to place the ordinance on final reading and passed having been fully
read and passed, Shawn Fredrickson seconds the motion
12 yea 0 nay

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA
PLEASE CALL IN AT 497-5009
None

CALENDAR OF OTHER MEETINGS AND EVENTS

May 5, 2021, Airport Authority, 12:00 pm, Bert Mooney Airport Authority Admin. Office
May 5, 2021, Butte AIDS Support Services, 7:00 pm, Community Center
May 6, 2021, Civic Center, 12:00 pm, Civic Center Hospitality Room
May 6, 2021, East Butte RRA, 9:00 am, 1st Floor Conference Room
May 10, 2021, Fair Board, 6:00 pm, Perkins or HOPS Meeting Room
May 10, 2021, Archives, 12:00 pm, Archives Center
May 11, 2021, Superfund Advisory (SARTA), 6:00 pm, Butte Justice Center
May 12, 2021, Board of Health, 7:00 am, Health Dept. Conference Room
May 12, 2021, Land Sales Committee, 1:30 pm, First Floor Conference Room
May 12, 2021, Public Library Board, 5:00 pm, 3rd Floor, Library Bldg.
May 13, 2021, Law Enforcement Commission, 4:00 pm, Chief Executive Conference Room
May 13, 2021, Greenway Service District Board, 4:30 pm, Butte 1st Floor Conference Room
May 14, 2021, TIFID, 12:00 pm, Business Development Center
May 16, 2019, Animal Services, 5:30 pm, 1st Floor Conference Room
May 17, 2021, Parks & Recreation, 11:30 am, Highland View Clubhouse
May 18, 2021, Technical Review Committee, 1:30 pm, 3rd Floor, Water Building
May 18, 2021, Urban Forestry Board, 1:00 pm, Business Development Center
May 18, 2021, Public Housing Authority, 5:00 pm, New Deal Community Center

ADJOURN
Gallagher: the donation has come from the Town Pump Foundation and we can’t thank them enough. Thank you.

MEETINGS

ECONOMIC DEVELOPMENT COMMITTEE MEETING
MAY 5, 2021
6:00 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS

1. Butte Local Development Report- Joe Willauer

FINANCE & BUDGET COMMITTEE MEETING
MAY 5, 2021
7:00 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS

Expenditure report for the week of May 5, 2021 was reviewed and approved in the amount of $______________________ 2021.

REPORTS

COMMITTEE OF THE WHOLE REPORT
APRIL 28, 2021
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
PUBLIC HEARING

1. Resolution No. 2021-13
A public hearing regarding a Resolution of Intent to extend Special Tourism Business Improvement District No. 1 for the for the purpose of promoting tourism, conventions, trade shows and travel to the City-County of Butte-Silver Bow and designating and describing the boundaries of said proposed Special Tourism Business Improvement District.

SECTION 1. COMMUNICATIONS

1. COMMUNICATION NO. 2021-131

City and County of Butte-Silver Bow
Ed Lester, Butte-Silver Bow Sheriff requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign the Memorandum of Understanding (MOU) between Butte-Silver Bow and the Southwest Montana Drug Task Force.
2021-131 MOU
Hold in Abeyance.

2.COMMUNICATION NO. 2021-150
Brian Doherty, Fire Chief requesting Council of Commissioners permission to schedule a Public Hearing for Wednesday, April 21, 2021 for the purpose of amending the Fiscal Year 2020-2021 Fire Department budget to allow for increased expenditures of unanticipated revenue.
Concur and Place on File

3.COMMUNICATION NO. 2021-164
Lori Casey, Planning Director requesting Council of Commissioners authorization to schedule a Public Hearing on April 21, 2021 for the purpose of amending the FY2020-2021 Code Enforcement budget.
Concur and Place on File

4.COMMUNICATION NO. 2021-168
Eric Hassler, requesting Council of Commissioners authorization to schedule a Public Hearing on April 21, 2021 for the purpose of amending the Fiscal Year 2021 ARCO Source Area and Stormwater budget.
Concur and Place on File

5.COMMUNICATION NO. 2021-182
Carrie Keane, on behalf of Geo. Steele Co. requesting Council of Commissioners authorization to purchase the vacant Butte-Silver Bow property located at 750 S. Wyoming Street. It is our intention, upon approval of our application to use this property for a new metal sided garage which will house our new delivery vans.
2021-182 Maps
Hold in Abeyance

6.COMMUNICATION NO. 2021-188
Dylan Pipinich, Assistant Planning Director requesting Council of Commissioners authorization to schedule a Public Hearing on May 5, 2021 to hear public comment on Zone Change Application No. 182
2021-188 Staff Report
Hold in Abeyance

7.COMMUNICATION NO. 2021-195
Mark Neary, Public Works Director requesting Council of Commissioners authorization to schedule a presentation for May 5, 2021 for the Rocker Water and Sewer District.
Hold in Abeyance

FINANCE & BUDGET COMMITTEE MEETING REPORT

APRIL 28, 2021
6:00 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS

City and County of Butte-Silver Bow
TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COMMISSIONERS

Ladies and Gentlemen,
We, your Council of Commissioners, and Madame Chairman Cindi Shaw, respectfully recommends as follows: Expenditure report for the week of April 28, 2021 was reviewed and approved in the amount of $648,052.68 for 2021.

FINANCE AND BUDGET COMMITTEE MEMBERS  PRESENT/ ABSENT
John Sorich, Chair  P
Josh O’Neill, Vice Chair  P
Hattie Thatcher  P
Jim Fisher  P
John Riordan  P
Justin Fortune  P

PUBLIC WORKS COMMITTEE MEETING REPORT

APRIL 28, 2021
6:30 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS
TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COMMISSIONERS
This meeting was not held this week.

JUDICIARY COMMITTEE MEETING REPORT

APRIL 14, 2021
7:00 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS
TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COMMISSIONERS

1. COUNCIL BILL NO. 2021-04
ORDINANCE NO. 2021-04
AN ORDINANCE AMENDING TITLE 15 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “BUILDINGS AND CONSTRUCTION”; AMENDING CHAPTER 15.05 ENTITLED “ADOPTION OF INTERNATIONAL ENERGY CONSERVATION CODE” AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.
Move to Final Reading

2. RESOLUTION NO. 2021-13
A RESOLUTION DECLARING THE INTENTION OF THE COUNCIL OF COMMISSIONERS OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, MONTANA TO EXTEND SPECIAL TOURISM BUSINESS IMPROVEMENT DISTRICT NO. 1, FOR THE PURPOSE OF PROMOTING TOURISM, CONVENTIONS, TRADE SHOWS AND TRAVEL TO THE CITY-
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1) ROLL CALL
- Yes
- Yes
- Yes
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2) Approval of the Minutes - 21APR2021
- Yes
- Yes
- Yes
- Yes
- Yes
- Yes
- Yes
- Yes
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3) COMMUNICATION NO. 2021-204 - Concur and Place on File
- Yes
- Yes
- Yes
- Yes
- Yes
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- Yes
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4) COMMUNICATION NO. 2021-205 - Concur and Place on File
- Yes
- Yes
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5) NON-SEGREGATED COMMUNICATIONS - Concur and Place on File
- Yes
- Yes
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6) COMMUNICATION NO. 2021-216 - Concur and Place on File
- Yes
- Yes
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- Yes
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- Yes
- Yes
- Yes
- Yes
- Yes
- Yes

7) COMMUNICATION NO. 2021-217 - Refer to the Chief Executive's Office
- v-Yes
- Yes
- Yes
- Yes
- Yes
- Yes
- Yes
- Yes
- Yes
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8) COMMUNICATION NO. 2021-223 - Concur and Place on File
- v-Yes
- Yes
- Yes
- No
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9) COMMUNICATION NO. 2021-221
- v-Yes
- Yes
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10) COUNCIL BILL NO. 2021-04 ORDINANCE NO. 2021-04
- v-Yes
- Yes
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- Yes

v (verbal)
Letter to Butte – Silver Bow County Commissioners

Dear County Commissioners,

I very much regret not being able to attend your meeting in person.

I have always understood my role to be servant of our community.

My congregation and I have practiced this service in the context of the Covid crisis initially through a message of vigilance and calm. Then we emphatically offered very vocal support for all the public measures of our Health Dept. Then we transitioned into providing a large number of volunteers to assist the very successful vaccination clinics.

It is now urgent, in my opinion, to pivot toward the effort of motivating enough people to get vaccinated in order to achieve community immunity.

The substantial offer of a very generous donor to match the proposed Butte Silver Bow funding, affords us incomparable opportunities to attain quickly the necessary levels of immunity.

Conceptually, I am an ardent proponent of partnership. Government, Foundations, Corporations and Communities of Faith all make irreplaceable contributions. But what we can accomplish together vastly surpasses the individual capability of each entity.

I have considerable confidence in the sophistication, innovation, effectiveness and positive tone of the upcoming Messaging campaign. The additional prize incentives, though, will reach a younger and more hesitant population less receptive to message alone.

In addition, I have the comfort of realizing that the prize recipients will spend most of the money locally, further energizing our economic recovery.

Without any reservations, I enthusiastically support the plan of Mr. John Gallagher, our Chief Executive. I view his strategy as a form of service and a trail-blazing formula to successfully rid of pandemic perils, the community we all love dearly.

Yours very respectfully,

Patrick Beretta
Parish priest, St Patrick, Immaculate Conception Parish.
Chaplain, Montana Tech
Frugality is founded on the principal that all riches have limits. Edmund Burke

Submitted by: Dr. John W. Ray

Earlier I sent an email related to the issue/question of whether or not sufficient funds were available to cleanup the Montana Pole Plant in the manner prescribed by the Consent Agreement for the site. I asked that these be addressed forthwith. While waiting, and after reading the Consent Decree again as well as the Responsiveness Summary for the ESD and reviewing appropriate EPA documentation pertaining to cash out sites under Superfund, I continue to have the same concerns that I addressed last week. I wish to add the following to those concerns based on my research of the topic.

We must not lose sight of the fact that the Montana Pole Plant is a cash-out site which means there is a limited amount of money available to clean up the Montana Pole Plant in order to protect human health and the environment.

The ESD document provides no comprehensive or complete analysis or data to support the claims of MDEQ that:

1. There will be adequate money available under the cash out agreement to assure and ensure that the remedy will be developed and that the cleanup will be maintained in perpetuity and

2. In particular, the unsupported claim that changes in the remedy will add very little to the overall cost of the remedy. All we have is the assurance of the MDEQ project
manager without any insight as to upon what data, inferences or reasoning he passed this intuition. We need to rely on more than intuition.

I would respectfully request that MDEQ make available to the pubic all information and data pertaining to the cost estimates used in the formulation of the ESD for:

A. The construction of the CAMU and the maintenance of the CAMU in perpetuity.

B. The cost of the altered remedy versus the cost estimate for the bioremediation protocol.

C. The cost of the maintenance of the water treatment plant for the length of time required to fully implement the cleanup.

D. A compete estimate of the funds that will be available pursuant to the cash out settlement to accomplish the construction and maintenance of the CAMU for the length of time required to fully implement the cleanup.

E. An estimate of the cost of removing the contaminants found under the Interstate running through the Pole Plant which has contamination that must be remediated. Also, an answer to the question as to how much money was set aside pursuant to the cash out for this purpose.

The above should have been done during the preparation of the ESD not only as an exercise in sound fiscal planning but in order to meet the requirements under 40C.F.R., Section 300.435(c)(2) and ROD Guidance Document Sections 7-2 and 7-3.

If such fiscal planning and analysis was NOT done, I respectfully request an explanation as to WHY NOT? It is folly to simply rely in such an important matter that affects the accomplishment of the cleanup solely on the intuition of the project manager I pray this did not occur. In short, I would like released to the public MDEQ’s detailed cost estimates.

If also repeat my request that we be informed as to what is the legal status of the assurances of the MDEQ project manager. Does it have legal force? Is it legally binding? We would like to know, I repeat.

Also, can increased costs of cleanup be addressed by a simple ESD. What protection does an ESD provide for underestimated cost? Does an ESD provide significant grounds/justification if it becomes necessary to try to reopen the cash out settlement for Montana Pole Plant?

What assurances does the public have that the cleanup will not be reduced or lessened in order to save money?
If the current monies for the cleanup are found to be inadequate, from whence will come the money? From what fund? By what process? Who will be liable? Could the liability pool expand? Could local government be liable? We are adults. We want more than just assurances attempting to mollify us that somewhere, somehow the money for the cleanup will be found. I know of few pots of money for cleanup that are just lying around waiting to be used.

This is an important issue. If there isn’t enough money and given how difficult if not impossible it is to reopen a cash out settlement, either the cleanup quality will be severely compromised or new sources of funding will need to be found. What is be that new source of funding? Does MDEQ know? Does MDEQ have any idea? Are we to rely solely on the intuition MDEQ’s project manager? Will Butte Silver Bow local government be liable? We could be betting a lot on that hunch or intuition?

This message did not originate from a Butte-Silver Bow email and therefore cannot be validated. Please ensure you respond accordingly and proceed with caution.
CITY-COUNTY

J.P. GALLAGHER
CHIEF EXECUTIVE

ATTEST: