

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

ROLL CALL 10 present 2 Absent- Fredrickson and Andersen

PRAYER AND PLEDGE John Sorich

APPROVAL OF THE MINUTES

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

[September 27, 2023 Special Meeting Minutes](#)

Michele Shea makes a motion to approve the Minutes, Hattie Thatcher seconds the motion.
10 yea 0 nay

ITEMS NOT ADDRESSED ON THE AGENDA

None

CHIEF EXECUTIVE'S REPORT

J.P Gallagher states that he is happy to announce the reopening of Civic Center Road. He went to the ribbon cutting of the new mural at the Finlen Hotel on the Motor Inn. Stodden Park is ahead of schedule cleaning up the playground, should be open sometime next week. The Lexington Wetlands project is going on that a great thing for our community as the wildlife bird watching, just a nice conservation area that we are working on with Atlantic Ridgefield.

PUBLIC COMMENT ON ANY ITEMS ON THE AGENDA

Evan Barrett, 1807 West Silver, discussed the issues presented with Council resolution 2023-55. how Govern and his party put local government in a difficult position when dealing with the distribution of property taxes and levies with the public schools.

Edward Banderob, 2601 Grand Ave, to talk about communication NO 2023-500, requesting the re-establishment of the playground and park in the Greeley neighborhood. How the space is being wasted as it sits right now.

Larry Winstel, GNDCDC, the same points as Edward Banderob made earlier. Thinks Butte-Silver Bow Parks & Rec should buy the Greeley School lot, so that it can be turned into a playground for children in the neighborhood.

Tom Pelleiter, to talk about the new program that Easter Seals Goodwill is getting grant funding from the Department of Labor to help seniors citizen find some work with local companies. Would be working with the Food bank, Animal Shelter, Civic Center and many more looking for extra help.



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.

Tutt Construction inc- Billings Mt, \$315,872.00

Michelle Shea makes a motion to refer to Civic Center staff, Hattie Thatcher seconds the motion.
10 yea 0 nay.

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.

Refer to Public Works Committee

Michelle Shea makes a motion to refer to the Public Works Committee. Hattie Thatcher seconds the motion.

10 yea 0 nay

SECTION 2: CONSENT AGENDA segregations: Michelle Shea -2023-492, Sorich 2023-500, Fisher 2023-501, Thatcher 2023-488. Michelle Shea makes a motion to approve the C.A. with exceptions above. Hattie Thatcher seconds the motion. 10 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. [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

Hattie Thatcher stated she has no issue with communication as stands, just wants to take time to thank Action Inc for all the work they do for the community. Especially with everything that is going on with urban camping. Hattie Thatcher makes a to Concur and Place on File. Michelle Shea seconds the motion. 10 yea 0 nay

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

Michelle Shea segregated this to change from concur and place on file to Note Place on File, because the resolution and the ordinance are already on the agenda to be referred to Judiciary. Michelle Shea makes a motion to Note and Place on file. Hattie Thatcher seconds the motion.
10 yea 0 nay

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

John Sorich segregated this communication to give a brief on why it was Noted and Place on File. Does not disagree that the Greeley area needs some green space and does not disagree that Greeley school is a mess and needs to be cleaned up. Butte- Silver Bow does not have the ability to develop because it is privately owned and can't discuss anything about it without owning it. John Sorich makes a motion to Note and Place on File. Michelle Shea seconds the motion.

10 yea 0 nay

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.

Jim Fisher wants to discuss why Butte-Silver Bow is paying for another fee of services 13,000 to 15,000 to reevaluate the department heads wages. Since we did not get the results the first time and paid 60,000. Chief executive J.P Gallagher states he will take accountability on the contract deadline found mistakes with pay structure and felt it was not ready to move forward. Butte-Silver Bow thought they need more input before they implement this pay structure.

Michelle Shea makes a motion place to communicate 2023-501 on Concur and Place on File. Hattie Thatcher seconds the motion. 8 yea 2 nay

[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. Chief Executive Gallagher appointed Julia Crain as the Planning Director. Chief Executive stated that they posted the job outside of Butte Silver-Bow and internally and our blessed to find an applicant that was raised in Butte Silver-Bow government went to school for planning like Julia Crain stating she will be amazing as the new Planning Director. Commissioner Thatcher and Shea praised Julia Crain on how much asset she will be as the Planning Director and she will do a wonderful job.

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

Michelle Shea makes a motion for suspension of the rules for the purpose of considering Council Bill Resolution 2023-55 by waving subsection 7 of rule XXXVI of the rules and order of business of the Council of Commissioners thereby having consider for advance passage without reference to the Judiciary Committee. Hattie Thatcher seconds the motion.



10 yea 0 nay

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.

Jim Fisher stated that the council is in a bad position and either way the council is going to get sued by the State or the taxpayers. Fisher said that he would rather get sued by the state than the taxpayers, because he works for the taxpayers. Fisher wants to ask Finance & Budget Director Danette Gleason input on the matter. Finance & Budget Director Danette Gleason does not disagree that the council is in a very difficult position. Director Gleason stated that in her 30-year career in government it was probably a difficult budget she has worked on. Director Gleason stated for the record that the commissioner did their job during the budget process. Director Gleason to make points that Evan Barrett made earlier on how well this commission has handled this budget process. Not only did this commission reduce the number of Mills, like Evan Barrett said but the commission reduced the number of Mills to get the same level of property tax. The commission cut property tax in Butte-Silver Bow by 3.5 million dollars, so the commission reduced property tax. The commission did not ask for the same level of payment as what the commission got last year. The commission sat at those Department of Revenue Meetings along her, Chief executive JP Gallagher, accessor and treasurer attended the meeting and heard the public. When the process started for 2023-47 resolutions the council held resolutions. The Council of Commissioners did not receive the letter from the State of Montana from the Department of Revenue that they had done any calculations or requested us to Levy any of the Mills the reason for holding the resolution. Until September 11,2023 that Butte- Sliver Bow Mill Levy card was late, Director Gleason informed the Department of Revenue it would be late because passed the resolution. The council went forward with 95 Mills. They had a letter from the Department of Revenue made calculations and said that you may, did not did not shall may levy up to 95 Mills like in the past. Until last Wednesday at Mako conference that Director Gleason and Chief Executive Gallagher were even told by the calculation that the State of Montana made it that Mills were 77.9. The mills coming up short of 95 puts the commissioner is bad spot with the taxpayers. Butte School District 1, Director of Business Affairs, Kevin Patrick, discussed the financial situation of the Tax Levey for the school district. Said would not be affected for fiscal year 2024 or fiscal year 2025 but might have to do some readjustment for fiscal year 2026.

Hattie Thatcher makes a motion to place on file and for final reading and passed been deemed fully read at length. Michelle Shea seconds the motion. 8 yea 2 nay

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	

Committee Members ***Present/Absent***

Bill Andersen, Chair	P
Hattie Thatcher, Vice-Chair	P
Dan Callahan	P
Eric Mankins	A
John Sorich	P
Tommy Walker	P

