

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING AGENDA
WEDNESDAY, OCTOBER 19, 2022
7:30 PM COURTHOUSE COUNCIL CHAMBERS**

ROLL CALL

PRAYER AND PLEDGE

APPROVAL OF THE MINUTES

[October 5, 2022 Regular Meeting Minutes](#)

ITEMS NOT ADDRESSED ON THE AGENDA

CHIEF EXECUTIVE’S REPORT

PUBLIC COMMENT ON ANY ITEMS ON THE AGENDA

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

PUBLIC HEARING

1.COMMUNICATION NO. [2022-502](#)

Ann Shea, Deputy County Attorney requesting Council of Commissioners authorization to have Chief Executive Gallagher accept grant funding for the Residential Substance Abuse Treatment Program (RSAT) program in our local detention facility and to schedule a public hearing for October 19, 2022 regarding this unanticipated revenue.

[2022-502 Grant](#)

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. [2022-507](#)

Trevor Peterson, BSB Parks and Rec Arborist requesting Council of Commissioners authorization for Butte-Silver Bow Parks and Recreation to apply for the 2022 Montana Department of Natural Resources and Conservation (DNRC) Program Development Grant.

Concur and Place on File



2.COMMUNICATION NO. [2022-508](#)

Aubrey Jaap, BSB Public Archives Director requesting Council of Commissioners authorization to have Chief Executive Gallagher enter into a film agreement with Bongo, LLC to film at the Butte Archives throughout September to October 2022.

[2022-508 Agreement](#)

Concur and Place on File

3.COMMUNICATION NO. [2022-509](#)

Beth Wurm, Human Resources Interim Director requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the Collective Bargaining agreement between the City-County of Butte-Silver Bow and the Butte Teamsters' Union, Local No. 2 (IT).

[2022-509 Agreement](#)

[2022-509 Redline Agreement](#)

Concur and Place on File

4.COMMUNICATION NO. [2022-510](#)

Jim Ford, Parrot Tailings Waste Removal Project Manager requesting Council of Commissioners for time on the October 26, 2022, BSB Committee of the Whole agenda for a presentation on the Parrot Tailings Waste Removal Project.

Hold in Abeyance

5.COMMUNICATION NO. [2022-511](#)

Daniel Hogan, Butte America Foundation requesting Council of Commissioners permission to have the Halloween Parade that will be held on Saturday, October 29th, 2022, at 7 P.M. The parade route will begin at the corner of Arizona and Granite, proceeding West on Granite to Main, South on Main to Park Street and East on Park to Arizona.

Concur and Place on File

6.COMMUNICATION NO. [2022-513](#)

Karen Maloughney, BSB Health Officer requesting Council of Commissioners concurrence to hold a Public Hearing for November 2, 2022 for the purpose of amending the fiscal year 2022-2023 budget to allow for increased expenditures of unanticipated revenue resulting from a Montana Healthcare Foundation Grant.

Hold in Abeyance

7.COMMUNICATION NO. [2022-514](#)

Karen Maloughney, BSB Health Officer requesting Council of Commissioners authorization to have Chief Executive Gallagher sign an amendment to the Maternal and Child Health Block Grant Program between the Montana Department of Public Health and Human Services and the Butte-Silver Bow Health Department.

[2022-514 Agreement](#)

Concur and Place on File



8.COMMUNICATION NO. [2022-515](#)

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

[2022-515 Agreement](#)

Concur and Place on File

9.COMMUNICATION NO. [2022-516](#)

Karen Maloughney, BSB Health Officer requesting Council of Commissioners authorization to have Chief Executive Gallagher sign a cooperative agreement between the Montana Department of Public Health and Human Services and the Butte-Silver Bow Health Department for inspections of licensed establishments and other related duties.

[2022-516 Agreement](#)

Concur and Place on File

10.COMMUNICATION NO. [2022-517](#)

Karen Maloughney, BSB Health Officer requesting Council of Commissioners authorization to have Chief Executive Gallagher sign an agreement between the Divide School District and the Butte-Silver Bow Health Department to provide school nursing services to the district.

[2022-517 Agreement](#)

Concur and Place on File

11.COMMUNICATION NO. [2022-518](#)

Karen Maloughney, BSB Health Officer requesting Council of Commissioners authorization to have Chief Executive Gallagher sign an agreement between the Montana Department of Transportation and the Butte-Silver Bow Health Department for the distribution of car safety seats.

[2022-518 Agreement](#)

Concur and Place on File

12.COMMUNICATION NO. [2022-519](#)

Elizabeth Osborn, BSB Senior Planner requesting Council of Commissioners conditionally approve the preliminary plat of the Bell-Mont Minor Subdivision subject to all six conditions as stated on the Staff Analysis.

Concur and Place on File

13.COMMUNICATION NO. [2022-520](#)

Elizabeth Osborn, BSB Senior Planner requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the Subdivision Improvement agreement after the commissioners conditionally approve the Final Plat of the Eclipse Minor Subdivision.

[2022-520 Agreement](#)

Concur and Place on File



14.COMMUNICATION NO. [2022-522](#)

Lisa Carey, BSB office of Emergency Management requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the FFY23 Hazardous Materials Emergency Preparedness (HMEP) Grant on behalf of the Butte-Silver Bow Fire Department. The grant will allow six BSB firefighters/hazmat technicians to attend the IAFC (HMEP) workshop in Baltimore, MD.

[2022-522 Agreement](#)

Concur and Place on File

15.COMMUNICATION NO. [2022-523](#)

Lisa Carey, BSB office of Emergency Management requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the FFY23 Hazardous Materials Emergency Preparedness (HMEP) Grant on behalf of the Butte-Silver Bow Fire Department. The grant will allow the BSB Fire Department to coordinate and host a 40-hour hazmat response regional training event in Butte, Mt by contracting with the Emergency Response Training Institute.

[2022-523 Agreement](#)

Concur and Place on File

16.COMMUNICATION NO. [2022-524](#)

Lisa Carey, BSB office of Emergency Management requesting Council of Commissioners authorization to have Chief Executive Gallagher sign the FFY23 Hazardous Materials Emergency Preparedness (HMEP) Grant on behalf of the Butte-Silver Bow Fire Department. The grant will allow six BSB firefighters/hazmat technicians to attend the Continuing Challenge Hazardous Materials Emergency Response Workshop in Sacramento, CA.

[2022-524 Agreement](#)

Concur and Place on File

SECTION 3: COMMUNICATIONS TO BE READ AND ACTED UPON

1.COMMUNICATION NO. [2022-12](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners concurrence in the appointment of Elizabeth Wurm, 1304 W. Gold, Butte, MT 59701 as Director of Human Resources.

2.COMMUNICATION NO. [2022-521](#)

J.P. Gallagher, Chief Executive requesting Council of Commissioners approval of recommendation to award the RFP for development of 123-135 East Park Street to Luke Anderson.

SECTION 4: ORDINANCES AND RESOLUTIONS INTRODUCED TO JUDICIARY

1.RESOLUTION NO. [2022-73](#)

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE ECLIPSE MINOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.



SECTION 5: ORDINANCES AND RESOLUTIONS FOR FINAL READING

1.RESOLUTION NO. [2022-71](#)

A RESOLUTION REQUESTING DISTRIBUTION OF BRIDGE AND ROAD SAFETY AND ACCOUNTABILITY (BaRSAA)PROGRAM FUNDS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2.RESOLUTION NO. [2022-72](#)

A RESOLUTION REQUESTING DISTRIBUTION OF BRIDGE AND ROAD SAFETY AND ACCOUNTABILITY (BaRSAA)PROGRAM FUNDS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION 6: ORDINANCES AND RESOLUTIONS FOR EMERGENCY SUSPENSION OF THE RULES FOR FINAL PASSAGE

1.RESOLUTION NO. [2022-74](#)

A RESOLUTION ESTABLISHING THE ASSESSMENT FOR FISCAL YEAR 2023 ON THE PROPERTIES INCLUDED IN SPECIAL TOURISM BUSINESS IMPROVEMENT DISTRICT NO. 1, WHICH WAS ESTABLISHED IN 2011 AND EXTENDED IN 2021, FOR THE PURPOSE OF PROMOTING TOURISM, CONVENTIONS, TRADE SHOWS AND TRAVEL TO THE CITY-COUNTY OF BUTTE-SILVER BOW, MONTANA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

CALENDAR OF OTHER MEETINGS AND EVENTS

October 19, 2022, Parking Commission, 3:00 pm, Chief Executive Conference Room
October 20, 2022, Zoning Board, 5:30 pm, Council Chambers
October 24, 2022, Mental Health LAC, 1:00 pm, 3rd Floor, Library Bldg.
October 25, 2022, Port of Montana, 12:00 pm, Hub Center, Silver Bow
October 25, 2022, Urban Revitalization, 8:30 am
October 26, 2022, South Butte TEDD, 3:30 pm, 1st Floor Conference Room
October 26, 2022, Substance Abuse Task Force, 3:30 pm, Emergency Operations Center, 3615 Wynne
October 26, 2022, Local Emergency Planning, 12:00 pm, Butte Justice Center
October 27, 2022, Planning Board, 5:30 pm, Council Chambers
November 1, 2022, Fire Advisory Committee, 5:30 pm
November 1, 2022, Historic Preservation Commission, 5:30 pm, Council Chambers

PUBLIC COMMENT ON ANY MATTER NOT ON THE AGENDA

ADJOURN

MEETINGS



FINANCE & BUDGET COMMITTEE MEETING

OCTOBER 19, 2022

7:00 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS

Expenditure report for the week of October 19, 2022 was reviewed and approved in the amount of \$ _____ for FY 2023.

MEETING REPORTS

COMMITTEE OF THE WHOLE REPORT

OCTOBER 12, 2022

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. [2022-495](#)

Karen Byrnes, Community Development Director requesting Council of Commissioners authorization to schedule a presentation for October 12, 2022, to update the Council on the progress and recommendations related to the courthouse restroom renovation project.

Held

2.COMMUNICATION NO. [2022-504](#)

Shawna Yates, SW Montana Community Health Center Director requesting Council of Commissioners authorization to have a presentation on October 12, 2022, about Southwest Montana Community Health Center's operations, services, and programs.

Held

SECTION 2: COMMUNICATIONS

1.COMMUNICATION NO. [2022-444](#)

James Dolan, 315 W. 4th Street, Anaconda Mt requesting Council of Commissioners to address the general decline in the condition of the parking structure located on West Park Street. The municipal parking structure on West Park Street needs some serious attention before someone becomes sick and/or injured by the physical conditions that appear to be currently unabated and /or tolerated there.

Note and Place on File

2.COMMUNICATION NO. [2022-469](#)

Kelly Sullivan, Headwaters RC&D Area, Inc requesting Council of Commissioners concurrence to have representatives from the Montana Department of Environmental Quality, including Jason Seyler, give a presentation to the full council on Wednesday, October 5th.

Place on File



3.COMMUNICATION NO. [2022-486](#)

John Sullivan, Government Building Manager requesting Council of Commissioners authorization to allow the Request for Proposals be opened on October 5, 2022 regarding the Mother Lode Theatre Fire Annunciation/Alarm System Design/Build.

Place on File

4.COMMUNICATION NO. [2022-491](#)

Maria Pochervina TIBID Secretary requesting Council of Commissioners authorization for a presentation of the fiscal year 2023 work plan and budget for the BSB Tourism Business Improvement District (TIBID) and to request a public hearing on October 5, 2022 to present the fiscal year 2023 work plan and budget.

Place on File

5.COMMUNICATION NO. [2022-494](#)

Robert Farren, 3501 Hancock Avenue Butte Mt. requesting Council of Commissioners authorization purchase a parcel of land owned by BSB. The property is on the west boundary of 2935 Richardson Street Butte, MT 59701. I plan to put an entry level priced single-family dwelling on the property.

Hold in Abeyance

6.COMMUNICATION NO. [2022-495](#)

Karen Byrnes, Community Development Director requesting Council of Commissioners authorization to schedule a presentation for October 12, 2022, to update the Council on the progress and recommendations related to the courthouse restroom renovation project.

Place on File

7.COMMUNICATION NO. [2022-502](#)

Ann Shea, Deputy County Attorney requesting Council of Commissioners authorization to have Chief Executive Gallagher accept grant funding for the Residential Substance Abuse Treatment Program (RSAT) program in our local detention facility and to schedule a public hearing for October 19, 2022 regarding this unanticipated revenue.

[2022-502 Grant](#)

Hold in Abeyance

8.COMMUNICATION NO. [2022-504](#)

Shawna Yates, SW Montana Community Health Center Director requesting Council of Commissioners authorization to have a presentation on October 12, 2022, about Southwest Montana Community Health Center's operations, services, and programs.

Place on File

FINANCE AND BUDGET COMMITTEE MEETING REPORT

OCTOBER 12, 2022

6:00 PM BUTTE SILVER-BOW COURTHOUSE CHAMBERS



Expenditure report for the week of October 12, 2022 was reviewed and approved in the amount of \$815,726.16 for FY 2023.

| <u>Committee Members</u> | <u>Present /Absent</u> |
|--------------------------|------------------------|
| John Sorich, Chair | P |
| Josh O’Neill, Vice Chair | P |
| Hattie Thatcher | P |
| Jim Fisher | P |
| John Riordan | A |
| Justin Fortune | P |

JUDICIARY COMMITTEE MEETING REPORT

OCTOBER 12, 2022

7:00 PM BUTTE SILVER-BOW COURTHOUSE CHAMBERS

1.COUNCIL BILL NO. [2022-10](#)

ORDINANCE NO. [2022-10](#)

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

[2022-10 REDLINE](#)

Place on File

2.COUNCIL BILL NO. [2022-11](#)

ORDINANCE NO. [2022-11](#)

AN ORDINANCE AMENDING CHAPTER 4 OF TITLE 13 ENTITLED "WASTEWATER TREATMENT SYSTEM" AND CHAPTER 8 OF TITLE 13 ENTITLED “SERVICE CHARGES FOR USE OF WASTEWATER TREATMENT SYSTEM” OF THE BUTTE-SILVER BOW MUNICIPAL CODE AND; SPECIFICALLY ADDING SECTIONS 13.04.105, RENUMBERING 13.04.110 TO 13.04.109, ADDING NEW SECTIONS 13.04.110, AND 13.04.051, AMENDING SECTION 13.04.350, AMENDING SECTIONS 13.04.681, 13.04.684, AND 13.04.686, ADDING SECTIONS 13.04.740,13.04.750 and 13.04.760 AND AMENDING SECTIONS 13.08.055, 13.08.057 AND 13.08.060 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

[2022-11 NEW REDLINE](#)

Hold in Judiciary

3.RESOLUTION NO. [2022-71](#)

A RESOLUTION REQUESTING DISTRIBUTION OF BRIDGE AND ROAD SAFETY AND ACCOUNTABILITY (BaRSAA)PROGRAM FUNDS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

Move to Final Reading



4.RESOLUTION NO. [2022-72](#)

A RESOLUTION REQUESTING DISTRIBUTION OF BRIDGE AND ROAD SAFETY AND ACCOUNTABILITY (BaRSAA)PROGRAM FUNDS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

Move to Final Reading

| Name | Amount | Reason | Approved | |
|---------------------------|---------------|--|-----------------|--|
| GLEN & KATHERINE FONTAINE | \$1110.50 | REFUND TAX YEAR 2021 (FY2022) SID PAID IN FY2021 | YES | |
| CODY CARESTIA | \$9954.16 | REFUND/REDEMPTION OF TAX ASSIGNMENT #0001399610 | YES | |
| GUARDIAN TAX MT LLC | \$778.76 | REFUND/REDEMPTION OF TAX ASSIGNMENT #0001394600 | YES | |

| <u><i>Committee Members</i></u> | <u><i>Present/Absent</i></u> |
|---------------------------------|------------------------------|
| Bill Andersen, Chair | A |
| Michele Shea, Vice-Chair | P |
| Dan Callahan | P |
| Eric Mankins | A |
| John Sorich | P |
| Hattie Thatcher | P |
| Cindi Shaw | P |

