

**MINUTES OF THE REGULAR MEETING OF THE
BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
AUGUST 3, 2016**

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The Regular Meeting of the Council of Commissioners was called to order Wednesday, August 3, 2016, in the Council Chambers, Third Floor, Room 312, Courthouse Building, 155 West Granite Street, Butte, Montana, by the Chief Executive Matt Vincent.

ROLL CALL

Commissioner Morgan	<i>Present</i>	Commissioner Shaw	<i>Present</i>
Commissioner Palmer	<i>Present</i>	Commissioner McDonough	<i>Present</i>
Commissioner Andersen	<i>Present</i>	Commissioner Henderson	<i>Present</i>
Commissioner Walker	<i>Present</i>	Commissioner Fisher	<i>Present</i>
Commissioner Foley	<i>Present</i>	Commissioner Perdue-Dolan	<i>Present</i>
Commissioner Ralph	<i>Absent</i>	Commissioner Sorich	<i>Absent</i>

STAFF PRESENT

Mollie Maffei, Butte-Silver Bow Deputy County Attorney
Colleen Safratowich, Deputy Clerk & Recorder
Tracy Watt, Council Secretary

PRAYER AND PLEDGE

- Commissioner Henderson said prayer.
- Boy Scout from Troop #1618 led pledge.

PUBLIC COMMENT ON ANY ITEMS ON THE CONSENT AGENDA

R. Edward Banderob, 2601 Grand Ave., Butte, Montana, stated the following:

- With regard to Communication No. 16-377 and on behalf of people I've talked to, request the Council to call for and authorize a Community Council to conduct discussions as stipulated in the Butte-Silver Bow charter.

Bill Ferko, 4815 S. Wyoming, Butte, Montana, stated the following:

- Here to talk about relocation of County Shops Communication No.16-377.
- We've talked about different proposed sights, some were bad others minimally acceptable.
- Mansfield Center best choice.
- Collateral damage – Parrott Tailings perfect example of collateral damage.



- Collateral benefit – relocation of shops. Been said, going to be winners and losers in selection process. Doubt anyone wants noise and smell near their neighborhood. If locate shops in middle of town, win for Butte-Silver Bow staff who want it.
- Unfortunate people around shops will experience poor quality of life and plummeting property value. Collateral damage. Pretty bleak.
- BLD Director Pam Haxby-Cote said it's more important to keep a business than attract a new business.
- If choose Mansfield Center, will have huge collateral benefit and keep 30 professionals right here in this town.
- I am the Contracts Manager at MSE. We have on-going contracts and we are an ongoing concern.
- One thing slowing us down is burden of the facility we no longer require. To retain jobs and future growth will increase tax base – collateral benefit and no collateral damage.
- Center of town is moving south. Mansfield is perfectly located for 21st century operations.
- Has utilities and is ready today. No delay.
- Will preserve a longstanding existing business and create a spark in economic activity and growth.
- Encourage you cast aside winner / loser mentality. Recognize Mansfield center is community win.

William Rigby, 2610 State St., Butte, Montana, stated the following:

- Here to talk about Butte-Silver Bow shop move.
- Only sight that makes sense is Mansfield. Others require starting from scratch.
- If going to cost \$7-8 million to build a parking garage, what would the true cost be for a new shop complex?
- Invite commissioners to come look at MSE site to see what a great deal it is. Investigate on your own.
- Put this industrial complex where it belongs.
- With Headframe Spirits leasing part of the Kelley, some of the Metro Sewer folks were left without an office and storage space. So come on out, we have lots of room at MSE.

Rich Van Halogen, 828 W. Quartz St., Butte, Montana, stated the following:

- Vote on parking garage tonight. Is there still going to be free parking on streets? Want on public record.
- I have heard NorthWestern Energy is having some doubt about taking these parking spaces. Maybe I'm completely mistaken though.
- Didn't know shops were on Agenda tonight. If that space is going to be saved for private development and sweetheart deal, then I say no – let's use it for shops. But if we can keep it for public use, then I say don't put the shops there and let's have a public area.



Joe Casagrande, 3212 Harvard Ave., Butte, Montana, stated the following:

- Want to touch base tonight regarding 4-H, MSU management and the County of Butte-Silver Bow.
- I'm in private sector. Confident we can all be measured by fiscal responsibility.
- In my opinion you are a service provider. Serving need, implies making prudent financial decisions.
- Asking you to do same thing regarding service provider – MSU Extension.
- We are responsible. If we are paying, we must be playing.
- Ask to understand from MSU their past performance. Why did we not hear about 4-H before, but now regularly read about it? Are we happy with MSU's current results?
- Are we, along with MSU, contemplating a bailing wire fix, or long-term solution? And if so, what is that solution and why have we not heard about it?
- If you don't have necessary answers, please get the information.

Cameron Moylan, 208 S. Washington St., Butte, Montana, stated the following:

- With regard to #19, my Communication No. 16-375, request to purchase property. Others want the property too.
- Don't know which is more qualified, but I could restore the exterior of this property before end of building season. Would do it out of pocket and ask for no money from URA or the City.

Jesse LaBuff, 1907 Thornton, Butte, Montana, stated the following:

- On Petition No. 16-3, I support closure of ally way.
- My family has been involved with that property for long time. Like to see that closed and move forward.

Chief Executive Vincent stated the following:

- For other folks, you'll have an opportunity to speak on this later in the meeting when we open the Public Hearing.
- So Commissioners, take note of Mr. LaBuff's comments relevant to the alley closure, Petition No. 16-3 as a Proponent.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF JULY 20, 2016

It was moved by Commissioner Shaw, seconded by Commissioner Morgan, and passed by a unanimous verbal vote, to approve the minutes of the Regular meeting of July 20, 2016.

ITEMS NOT ADDRESSED ON THE AGENDA

None.



CHIEF EXECUTIVE REPORT

Chief Executive Vincent reported the following:

- Fair starts tomorrow at 9 a.m. *Montana Standard* and Butte-Silver Bow Web site have schedule. Please support.
- Public Hearing on budget tonight. Special Meeting next week at 7:30 p.m. to close the Public Hearing and adopt the Budget.
- On Wednesday, 75th anniversary of Silver Bow Homes public housing project. Event at their gazebo at 4 p.m. All are invited.

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

Deputy County Attorney Maffei reported there is Proof of Publication which appears to be in order for the following Agenda item.

1. PUBLIC HEARING
PETITION NO. [16-3](#)

Michael A. Nasheim, Building Official, Butte-Silver Bow Building Code Department, requesting Council of Commissioners authorize a petition to close and vacate that portion of the eight (8) foot alley adjacent to the W 20' of Lot 3, all of Lots 4-7, Block 3 of the Rocker Town Site on the Webster Lode and Tract K of the Spier and Bauer Placer #1445, Section 21, T03N, R08W. [Legal Description](#). [Map](#). [Petition Form](#).

Mr. Nasheim stated the following:

- Received two comments. One from owner in the area, but the alley they were concerned with was not this one.
- Anonymous comment that if closed could affect future trash removal.
- My understanding is that this area has always been part of this yard, and it has never been used as alley.

Chief Executive Vincent opened the public hearing. He called for any Proponents.

Richard Peterson, 1106 Cougar Ln., Rocker, Montana, stated the following:

- My wife Bonnie Peterson and I have been working with Butte-Silver Bow Planning Division to resolve encroachment issue with our property.
- Worked with Pioneer Engineering. Survey map shows alley through our property.
- We had no knowledge of such, so we've asked for alley closure to claim our property.
- This alley does not physically exist. Only shown on survey map. Only 8' wide. That part of yard is fenced. Affects no other people.



Jess LaBuff, 1907 Thornton, Butte, Montana, stated the following:

- Support closure of alley.

Chief Executive Vincent then called for any Opponents. There were none. Chief Executive Vincent closed the Public Hearing.

2. PUBLIC HEARING
COMMUNICATION NO. [16-305](#)
(Opened at July 27, 2016 Committee of the Whole Meeting; Proof of Publication Noted)

Danette L. Gleason, Director, Butte-Silver Bow Finance and Budget Department, requesting Council of Commissioners authorize a Public Hearing on the final budget to begin on July 27, 2016 to be continued until adoption of fiscal year 2017 final budget.

Handouts: 

- [Superfund Advisory & Redevelopment Trust Authority, 2016 Grant Awardees](#)
- [2016-2017 Resource and Requirement Schedule](#)
- [Home Tax Comparisons](#)
- [Mill Value – 10 Year Trend](#)
- [Summary of Amendments to Preliminary Budget](#)

Director Gleason stated the following:

- More information to share tonight. Received certified values from Dept. of Revenue.
- Summary of Amendments. Several grant funds.
- On long Summary Amendment sheet, first amendments relate to mainly law enforcement.
- Changed capital lease on equipment in Superfund sites. Determined it's a capital lease. No real budget impact. Just accounting for that piece of equipment.
- URA and RRA certified values. Adjustments regarding 18 mills in the TIFID.
- Added items relating to the new parking structure.
- Next page, Resource and Requirements Schedule.
- Holding taxes neutral. Except for aquatic facility.
- Difference of \$1.2 million less than last year for total appropriations.
- Sixteen percent reserve levels. We have a well established balanced budget.
- Ready to move forward with final budget.
- Mill Value, 10 year trend. Values are increasing, though we are down from last fiscal year.
- Comparison on home tax values. Exclusive of aquatic facility bonding, staying neutral. When add voter approved levies, increases are slightly less than we estimated.
- Resource Requirement Schedule is balanced. Computation done with regard to number of mills that we can levy. Left some on the table. Exclusive of any debt service payments.



- We have been in the habit (maybe to our own fault) of rolling in debt service payments that are voter approved and then saying that we're not raising taxes.
- We should actually be looking at operating mills separate from our debt service mills, then determine where taxes are really going.
- Those mills are voter approved. But we put pressure on ourselves when we're calculating taxes.
- That's why I took the option and backed out, just on aquatic center, to demonstrate how that mill works.

Commissioner Morgan stated the following:

- On ladder truck for Fire Department, how many more years of debt service?

Director Gleason stated the following:

- Eighteen more months of payments.

Commissioner Perdue-Dolan stated the following:

- How much debt service does Butte-Silver Bow currently have?

Director Gleason stated the following:

- Look at Resource Requirement Schedule. Talks about appropriations.

Commissioner Perdue-Dolan stated the following:

- Wondering about all of the debt service we have to pay collectively.

Director Gleason stated the following:

- On an annual basis? We would have to add them up.
- Roughly \$2.1 million in general obligation debt.
- We did the bond calculations showing we have enough capacity to service the debt we have.
- We have \$34 million in outstanding general obligation debt. We have another \$25 million available.

Commissioner Perdue-Dolan stated the following:

- We have so many mills, what is the balance we have left available?

Director Gleason stated the following:

- Forty-five to fifty mills left. Rough calculation. Will have final number next Wednesday night. Calculating at 49.23 mills.



Commissioner Henderson stated the following:

- Could you explain on the Summary Amendments the TIFID, #2, Transfer to Fire Department?

Director Gleason stated the following:

- Relates to 18 mill contract entered into with TIFID and the Fire Department for the Fire Equipment Fund.

Chief Executive Vincent opened the public hearing. He called for any comments, Proponents or Opponents.

R. Edward Banderob, 2601 Grand Ave., Butte, Montana, stated the following:

- At this last Public Hearing, please correct me if I'm wrong, but I must object to this budget not containing, other than the sidewalk program, an allocation of funds to encourage and support neighborhood SIDs.

Chief Executive Vincent continued to hold open the public hearing until next Wednesday when we will hold a Special Meeting to close the Public Hearing.

3. PRESENTATION
COMMUNICATION NO. [16-352](#)

Julia M. Crain, Superfund Program Data Administrator, Butte-Silver Bow Planning Department, requesting Council of Commissioners authorize time on July 27, 2016 to present the outcome of the 2016 Superfund Advisory & Redevelopment Trust Authority (SARTA) Grant Cycle.

Bill Joyce, Chairman of SARTA, stated the following:

- I am 1 of 11 voting members tasked with making funding decisions between Butte-Silver Bow and ARCO.
- Members have worked diligently for 18 months. Meeting twice a month. Evaluated 41 grant proposals.
- Established detailed criteria to evaluate proposals.
- In June of this year we made final funding decisions for 21 projects.
- Julia Crain has prepared presentation for you.

[View Presentation Here](#) 

Commissioner Fisher stated the following:

- Earlier talked about spending \$250,000-\$300,000 of this Fund. Numbers are all different.
- What made you double amount of money you decided to spend?
- Thought you were planning to just spend the interest.



Chairman Joyce stated the following:

- During early stages we endeavored to give ourselves a budget. Hoped we would be able to maintain the fund and just spend the interest. But the interest was not what we hoped.
- When we got all 41 project proposals we still tried to make a cut off to stay within the interest, but Board as a whole decided projects were worthwhile so decided to spend more money.

Commissioner Fisher stated the following:

- Then there was another \$70,000. Was that divided amongst the 21 projects or just one or two that were added?

Ms. Crain stated the following:

- Accounting error, my mistake. Accurate number is on handout.

Commissioner Fisher stated the following:

- What was interest on \$15 million?

Director Gleason stated the following:

- Started in long-term investment pool. Left some in short-term. So hands weren't tied.
- Earned in six months, long-term about \$170,000, or about 3%.

Commissioner Shaw stated the following:

- What oversight is there for projects?

Ms. Crain stated the following:

- We are putting applicants under contract. Reimbursement basis program.
- Will meet with them on quarterly basis.

Commissioner Morgan stated the following:

- Regarding festival economy grants – was there consideration about using this funding for prolonging festivals rather than just use the money this year and not have any type of equipment to utilize in the future?

Chairman Joyce stated the following:

- Festival funding is in the Allocation Agreement, earmarked funds.



Commissioner Henderson stated the following:

- I know how hard you worked.
- Want to ask Mr. Sesso to explain interest.

Jon Sesso, Director, Butte-Silver Bow Planning Board, stated the following:

- Started year with \$14 million. Decided to invest \$12.5 million into long-term bond pool. Averaged approximately 3% over time. To generate \$442,000 interest annually.
- Held approximately \$1.5 million in short-term accounts. Hope to average at least 3%. Had previously averaged much more than that.
- Others were generating 6-7%, but after crash, more in 3% range.

Commissioner Perdue-Dolan stated the following:

- Other than earmarked for festival economy, seems several items duplicated.
- You're funding projects, and they're in our Budget, as well. Like Miner's Field, Copper Mountain and other projects.

Chairman Joyce stated the following:

- Some of grant applications made on behalf of Butte-Silver Bow. So Butte-Silver Bow had projects in place, such as Miner's Field.
- Butte-Silver Bow was grant applicant, and they were considered same as private entities.

SECTION 2 CONSENT AGENDA

- A.
 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

Before entertaining a motion for approval of the Consent Agenda, Chief Executive Vincent called for any friendly amendments or segregations.

Commissioner Shaw segregated #21, 16-377.

Commissioner Fisher segregated #3, 16-359 and #20, 16-376.

Commissioner Morgan segregated, #18, 16-374.

It was then moved by Commissioner Shaw, seconded by Commissioner Morgan and passed with a unanimous verbal vote to approve the Consent Agenda, Section A, Items 1 through 4, and Section B, Items 1 through 21, with the exception of #3, 16-359, #18, 16-374, #20, 16-376 and #21, 16-377.



Segregation – #3, Communication No. 16-359

Jason Killam, Accounting Associate Manager, Butte-Silver Bow Extension Office, advising Council of Commissioners regarding Estimated County Leave Liability for Fiscal Year 2016. Estimated Liability.

Commissioner Fisher stated the following:

- Confused why brought up at this time. Usually brought up when people leaving. Why are we being notified?

Kellee Anderson, MSU County Extension Agent, stated the following:

- Brought to my attention that I should have given to Danette [Danette L. Gleason, Director, Butte-Silver Bow Finance and Budget Department].

It was moved by Commissioner Fisher, seconded by Commissioner Shaw, and passed by a unanimous verbal vote, to Note Communication No. 16-359 and Place it on File.

Segregation – #18, Communication No. 16-374

Karen Byrnes, Director, Butte-Silver Bow Community Development Department, requesting Council of Commissioners authorize the Chief Executive to sign a Guaranteed Maximum Price (GMP) Contract Amendment for Uptown Parking Garage. GMP Amendment with attachments.

Commissioner Morgan stated the following:

- Have questions on what Rich [Van Halogen] was asking earlier.
- Can you give information about NorthWestern Energy and their use of the parking garage and the URA, as well as free parking in uptown Butte?

Director Byrnes stated the following:

- Parking Commission manages parking. No intention of making changes to free parking.
- NorthWestern Energy employees – the way we structured our agreement is they are very interested in this garage. They are not able to lease or purchase because that would change way we can bond for this public garage. But they are interested in buying multiple permits in garage.

It was moved by Commissioner Morgan, and seconded by Commissioner Walker, to Concur with Communication No. 16-374 and Place on File.



On the question:

Commissioner Perdue-Dolan stated the following:

- Can you address permits for parking garage and how we can get them?

Director Byrnes stated the following:

- First come, first serve. Public garage. May be a pre-sale.
- Estimating monthly permit charge of \$40 per month. That's what we're basing revenue on. Slightly more than our surface lots.

Commissioner Andersen stated the following:

- Will not have to have a permit to park in garage, but can park any time, correct?

Director Byrnes stated the following:

- Could be true. But if we sell entire garage – we're not going to manage the garage that way. We do want to have public spaces available. Have not determined ratio. Need to take temperature of demand.
- Hope it will be full. Would free up free spaces for commerce.
- In my mind, there will always be spaces available in the garage.

Motion passed by a vote of 9 yea and 1 nay to Concur with Communication No. 16-374 and Place on File. Commissioner Fisher voted nay.

Segregation – #20, Communication No. 16-376

Chief Executive Matt Vincent, requesting Council of Commissioners authorize the Chief Executive to join with the Montana League of Cities and Towns in an intervention in Upper Missouri Waterkeeper v. U.S. EPA legal case. [Attorney Work Product Letter. E-mail from Montana League.](#)

Commissioner Fisher stated the following:

- Confusing. Secretive. Want more information, even though our part only \$2,800.

Chief Executive Vincent stated the following:

- Well respected firm. County Attorney not here tonight. She is in favor of moving ahead with this.
- These folks are experienced with this.
- Good way for us to go forward for us to challenge controversial regulations as they relate to our future regulatory requirements regarding sewage treatment plant, nutrient standards, etc.



- Could be very significant financial impacts. Standards unattainable.
- Matt Moore is our resident expert. Maybe he can shed more light.

Commissioner Fisher stated the following:

- Whenever we join a lawsuit with other cities, we get short end of stick.
- Want to make sure we get fair representation.

Chief Executive Vincent stated the following:

- Different than a lot of other cases.
- Put forward for benefit of all our communities to challenge this group.
- Your concerns are well founded, but not necessarily in this case.

Matt Moore, Metro Operations Manager, Butte-Silver Bow Public Works Department, stated the following:

- Lawsuit is against EPA who created the nutrient limits which are administered by the DEQ. The lawsuit says EPA didn't do good enough and they want to see more strict limits enforced.
- This lawsuit might require us to invest more, immediately. But we're at technological limit.
- We're all in the same boat here. Lawsuit is quite egregious.

Director Sesso stated the following:

- We worked to pass Senate Bill 325 last year.
[AN ACT REVISING THE BOARD OF ENVIRONMENTAL REVIEW PROCESS FOR ADOPTING WATER QUALITY REGULATIONS MORE STRINGENT THAN FEDERAL REGULATIONS; REVISING IMPLEMENTATION OF WATER QUALITY STANDARDS THAT ARE PURER THAN A NATURAL CONDITION OF A WATERCOURSE OR WATER SOURCE; REVISING THE PROCESS FOR RECLASSIFYING WATER QUALITY STANDARDS; REVISING THE PROCESS FOR ADOPTING SITE-SPECIFIC WATER QUALITY STANDARDS; PROVIDING A DEFINITION; AMENDING SECTION 75-5-203, MCA; AND REPEALING SECTION 75-5-309, MCA.]
- Getting to a limit on how much money we can afford to pay to preserve our waterways.
- Our citizens have to be given a break here. Only so much money we can spend on clean water, primarily to protect fish.
- If we let this go unchecked, there will never be a satisfactory limit.
- This group wants to sue the EPA for failure to enforce the law effectively.
- The cities and towns who are joining in on this lawsuit are going broke trying to implement the law they are already being compelled to follow.
- Important stand to take. We all want to do right by our natural resources. But there is a limit as to how much people can pay.



- Alleged retainage between Butte-Silver Bow and attorneys Browning, Kaleczyc, Berry & Hoven. I can assure everybody on the Council that there is no retained counsel by Butte-Silver Bow. We have not retained Leo Berry. Leo Berry sits in on consent decree, but no relationship whatsoever between Butte-Silver Bow and that firm.

It was moved by Commissioner Fisher, seconded by Commissioner Morgan, and passed by a unanimous verbal vote, to Concur with Communication No. 16-376 and Place it on File.

On the Question:

Chief Executive Vincent stated the following:

- Conference call Tuesday at 1:30 p.m. with League of Cities and Browning, Kaleczyc to discuss this legal suit.
- If interested, let me know.

Segregation – #21, Communication No. 16-377

Chief Executive Matt Vincent, requesting Council of Commissioners allow for ongoing discussion regarding efforts to relocate the City-County shops as a result of the State of Montana’s pending removal of the Parrott Tailings beneath.

Commissioner Shaw stated the following:

- This is going to be held in the Committee of the Whole until we decide we’ve vetted this enough.

Chief Executive Vincent stated the following:

- Will try to give ongoing updates.
- Comments coming in online from citizens. Twenty-three received so far.
- Have talked about taking some field tours, but not scheduled yet. Looking at paring down sites. Will have more discussion at Committee of the Whole next Wednesday and also at SARTA meeting on Tuesday, August 9, 2016, at 6 p.m.
- Have discussed with NRD additional time on moving ahead. Additional funds to do further evaluations of sites.
- Closer look at existing and new sites.
- Frank Joseph, site that’s been offered. Seems small and flood plain issues.
- Bill Hollow Contracting, south of Montana Pole Plant. Trying to get idea if that area makes sense.
- Copper Peaks subdivision property over by YMCA.
- Continue to evaluate area north of Civic Center Road, property on Centennial, Burlington Northern property, Montana Resources property, and MSE Mansfield.
- More next week at meetings on Tuesday and Wednesday.



It was moved by Commissioner Shaw, seconded by Commissioner Morgan, and passed by a unanimous verbal vote, to Refer Communication No. 16-377 to the Committee of the Whole and Hold Open.

**SECTION 3 ORDINANCES AND RESOLUTIONS
REFERRED TO JUDICIARY**

1. COUNCIL RESOLUTION NO. [16-35](#)

A RESOLUTION APPROVING TAX BENEFIT FOR REMODELING, RECONSTRUCTION OR EXPANSION OF AN EXISTING COMMERCIAL STRUCTURE IN BUTTE-SILVER BOW CITY-COUNTY BY 3D PROPERTIES, LLC, ALL IN ACCORDANCE WITH THE PROVISIONS OF SECTION 15-24-1502, MCA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**SECTION 4 ORDINANCES AND RESOLUTIONS
FINAL READING**

1. COUNCIL RESOLUTION NO. [16-30](#)

RESOLUTION RELATING TO FINANCING OF CERTAIN PROJECTS; ESTABLISHING COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE.

It was moved by Commissioner Shaw and seconded by Commissioner Morgan that Council Resolution No. 16-30 be placed on final reading and be passed, having been deemed fully read at length. The motion passed by a roll call vote of 10 yea and 0 nay.

2. COUNCIL RESOLUTION NO. [16-33](#)

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$8,080,000 PRINCIPAL AMOUNT OF TAX INCREMENT URBAN RENEWAL REVENUE BOND, SERIES 2016 (BUTTE UPTOWN URBAN RENEWAL DISTRICT) TO FINANCE THE PARKING GARAGE PROJECT; AND PRESCRIBING THE FORM AND TERMS THEREOF AND THE SECURITY THEREFOR. [Draft](#). [Redline](#).

It was moved by Commissioner Shaw and seconded by Commissioner Morgan that Council Resolution No. 16-33 be placed on final reading and be passed, having been deemed fully read at length. The motion passed by a roll call vote of 8 yea and 2 nay. Commissioners Fisher and Henderson voted nay.

3. COUNCIL RESOLUTION NO. [16-34](#)

A RESOLUTION VACATING, CLOSING, DISCONTINUING AND ABANDONING THAT UNIMPROVED PORTION OF UTAH AVENUE ADJACENT TO LOTS 4, 5, 8, 9, 12, 13, AND 18 IN BLOCK 1 AND Lots 1, 6, 7, 10, 11, 14 and 15 in BLOCK 2 AND LOTS 1 AND 8 IN BLOCK 3 AND LOTS 4 AND 5 IN BLOCK 4 OF THE SUBURBAN TRACTS, AND



FURTHER VACATING, CLOSING, DISCONTINUING AND ABANDONING THE UNIMPROVED PORTION OF AVON STREET ADJACENT TO LOTS 15 THROUGH 18 IN BLOCK 1 AND LOTS 15 THROUGH 18 IN BLOCK 2 AND LOTS 1 THROUGH 4 IN BLOCK 3 AND LOTS 1 THROUGH 4 IN BLOCK 4 OF THE SUBURBAN TRACTS, ALL SUCH PROPERTY DEPICTED ON PLAT 391-B, BLOCKS 1-4 IN SECTION 31 TOWNSHIP 3, RANGE 7 WEST TO THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, PRESCRIBING THE EFFECTIVE DATE OF THIS RESOLUTION AND FINDING THE NECESSARY FACTS HEREIN.

It was moved by Commissioner Shaw and seconded by Commissioner Morgan that Council Resolution No. 16-34 be placed on final reading and be passed, having been deemed fully read at length. The motion passed by a roll call vote of 10 yea and 0 nay.

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA

Brian McGregor 362 E. Galena St., Butte, Montana, stated the following:

- My neighbor to west is building large structure on his property.
- He's not a good neighbor. Been nothing but trouble to me and others.
- My inquiries indicate to me that it's not in the process that I would be consulted or told about this project.
- I'm phrasing this in the form of a complaint, if that is indeed the way it is that, as adjacent landowner, I have no rights to be notified of this kind of thing.
- 35 x 45 feet is a "big garage," maybe two stories.
- Person has right to build on their property, but not right for adjacent landowner not to be notified.
- Understand that even if in historic district, unless demolition, no input.
- Think it's unfair that something like this could happen without notification to those around it.
- My place is three lots, 362. I think his is 358 Galena, not exactly sure. Fellow's name is Riley.
- Had to change zoning to build this garage. Had to join properties in order to make garage code-worthy. Through all that, I was never notified.

Rich Van Halogen, 828 W. Quartz St., Butte, Montana, stated the following:

- Thanks to Commissioner Morgan for asking my questions, although no specific answers.
- Park Street Plan about changing from four lanes to two lanes. Planning department said there'd be multiple public forums, but there have been none.
- Need to be more public forums.
- Four lanes to two lanes – I'm not in favor.
- Would like some public forums so people can make comments, not those quick little meetings of whatever group or company you've paid to come out with a conclusion they wanted to come out with.
- Please open public forums so more people can give their input on Park Street.



ADJOURN

It was moved by Commissioner Shaw, seconded by Commissioner Morgan, and passed with a unanimous verbal vote, to Rise to the Call of the Chair.

The meeting adjourned at 9:10 p.m.

MATT VINCENT
CHIEF EXECUTIVE

ATTEST:

CLERK & RECORDER