

**MINUTES OF THE REGULAR MEETING OF
THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
FOR February 6, 2019**

ROLL CALL

In attendance: Cindi Shaw, Brendan McDonough, Bill Andersen, Jim Fisher, John Sorich, Dan Callahan, Shawn Fredrickson, Josh O'Neill, Eric Mankins, John Morgan, Michele Shea, Dan Olsen

Also, in attendance: Jason Parish, Laura Sargent, Eileen Joyce, Danette Gleason and Jennifer Bradford

Absent: None

PRAYER AND PLEDGE

Led by Commissioner McDonough

PUBLIC COMMENT ON ANY ITEMS ON THE CONSENT AGENDA

R Edward Banderob- Communication 19-36

- Asked frequently, "What is my reason for coming back?"
- Section 2 Consent Agenda 19-36.
- Recommendation is the most appropriate at this time.
- We want you to understand the importance of this documentation.

Steve McGrath: Communication 19-36

- Support recommendation.
- Premature to think about dire consequences.
- Until results are in, talking about propagating air quality is premature.

APPROVAL OF THE MINUTES

Regular Meeting Minutes January 16, 2019

There was no approval of the minutes due to the absence of the link for the January 16, 2019 meeting minutes on the agenda. The minutes will be approved at the next regular meeting on February 20.



Chief Executive Palmer:

- If you are interested in tracking any of the bills being looked at in the Legislature in Helena, if you go Montana League of Cities and Towns that and how they are being voted on.
- Also, National League of cities will present next week, Rob Metsen about service line warranty program.
- Inform the Council on our public comment tonight that the Public Health Dept, MRI, Engineering, PM10 & PM2.5. can't ask for any changes until.
- Agencies have a lot of data to look at, we do not have the authority to create a Superfund site.

TO BE READ AND ACTED UPON

COMMUNICATION NO. 19-61 Chief Executive Palmer requesting Council of Commissioners concur with the promotion of Michael Shane Worley to Battalion Chief in the Butte-Silver Bow Fire Department. ([Activated at 00:17:46](#))

1. COMMUNICATION NO. 19-35

Karen Byrnes, Community Development Director requesting Council of Commissioners concur and authorize the allocation of up to \$11,000 from the Hard Rock Development Assistance Program to CenterPointe Development Group, to assist with the development expenses related to the construction of a new Starbucks.

Karen Byrnes-Director Community Development

- HardRock Development money are available because Mining operation
- Seized operations in Butte.
- The trust fund money can be used for many things.
- They can be used for businesses that will have some sort of impact on local business.
- Of 12 projects have been business that have expanded or relocated.
- Starbucks are expanding.
- Lots of interest in funds over last several years.
- These additional funds were earned from interest and became available due to the way the funds were pulled.
- We reached out to next project in line.
- They were interested.
- The project is very expensive.
- Some demolition is required.

Commissioner Shea:

- Recommendations are made by committee.
- you were reached out to CenterPointe?



- Were other businesses offered these funds?

Karen Byrnes:

- Funds have been available to any business that were interested in applying for the funds.
- We thought the fair way to disperse them would be to go to the next applicant in line.
- Centerpointe was next in line.

Shea:

- Has money been awarded backwards in the past?

Karen Byrnes:

- We have never been in that situation before.

Shea:

- CenterPointe had requested funds and were denied the funds?

Karen Byrnes:

- That is a correct assumption.

Morgan:

- Sat on many of boards and am familiar with the process.
- Received a lot of calls after the Newspaper article.
- Citizens think we are giving money to Starbucks, unhappy because they are a financially sound company.
- Why do we not save this money for local businesses?
- A proponent to have these funds depleted.
- This project was going forward regardless of them getting these funds.

Karen Byrnes:

- We are not giving money to Starbucks.
- We are giving this money to a development company.
- They take the risk, incentive to move this project forward.
- The project is on a difficult property.
- There is existing building that needs partial demolition.
- There will be a lag time if we do not come through with the funds.

Gary Meyers-Centerpointe Development Group.

- Preferred developer for Starbucks.
- We are dealing with the current economic climate/and the ability of trades.



- We were not able to start until October, put us in winter conditions this increases our costs.
- There are two components: 1) Construction of Starbucks. 2) What to do with the existing Hastings.
- Asbestos removal and demo need to happen to make this usable space.
- We have been Soliciting tenants.
- Redesigned so that traffic would be alleviated on Harrison.
- Improved the waterline from Harrison up to the connection.
- That is where some of these funds are allocated.
- Making up for some of the cost we incurred.

Commissioner Morgan:

- Looking at the site plan, looks like Rent a Center portion of building will be kept.
- Are there any plans to remodel this portion of building?

Gary:

- The plan that is shown, has had renditions, depending on the tenants trying to be enticed.
- It could be the whole Hastings building, ultimate goal.
- Site that has parking challenges.
- Enticing a business to compete with Starbucks for parking.
- Would like to keep as much of the building for tenants as possible.
- Figure a parking based on tenants.

Commissioner Morgan:

- Old Starbucks building was built to look like the back of the building with the electrical panels facing Harrison.
- Can you insure me this will not happen with the new building?

Gary:

- The drive-up window will be facing Harrison.
- We have made the changes to the new building, the electrical faces the Casino.

Commissioner Sorich:

- Article states that there will be 10-12 employees, will these be additional employees?

Gary:

- I do not have that information.



Commissioner Sorich:

- Also states, “Hundreds of construction workers at any time on site”. M

Gary:

- Based on current conditions, Markovich will be there.
- I can't speak to the numbers, but there will be less than that.

Commissioner Andersen:

- I will be voting against it.
- Taxes will be less on a parking lot versus the building you will demolition.
- This money was here to help bring development and ease the impact.
- I don't see where this project helps.
- Feel money could be better used elsewhere.

Commissioner O’Neill:

- Do you have a list of where the funds went, mainly for the public.
- How much went to where?
- Praxis- \$200,000?
- Where did that go and what was that for?

Karen Byrnes:

Do have a list of projects minus Praxis.

For Praxis the funds went to their costs of finishing their project and support their business in getting it off the ground. It is still in the process.

2006	McKenzie River Pizza	Powerline burial	\$75,000
2006	Bugs & Bullets	Expand/rebuild	\$32,500
2009	CPLT	Parking lot/infrastructure	\$12,500
2009	Thompson Warehouse	Reconstruction/storm water	\$100,000
	Pizza Ranch	Demolition	\$5,000
	Fairfield Inn	Demolition	\$75,000
	Copper King Inn	Renovation	\$400,000
	Airport Terminal		\$1,000,000
	Headframes	Renovation/Expansion	\$50,000
	Monson Properties	Expansion/Relocate	\$89,000
	Bonanza Freeze	Demolition/Parking Lot	\$9,000
	Ace Hardware	Construction/Relocate	\$200,000



	Loan for Rocky Mountain Super Computer-Paid in full		\$130,000
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Commissioner Morgan:

- Do we have information on the tax difference between the old building and the new building?
- To me the new building will bring in more tax.

Karen Byrnes:

- Would be guessing, not knowing for sure what first building pays, but it is a multi-tenant unit.
- Based on investment for the new building, it will be approximately \$45,000.

Commissioner Fisher:

- Listen to the list, they have all been good investments.
- The money isn't doing us any good sitting in a trust.
- It's money we have to spend.
- The return on our investment has been good.
- Proponent on spending Hard Rock money.
- Unless we invest in our Community, Butte will remain stagnant.
- We have contingencies on money all over.
- This fund is regulated by the state, only allowed to give 10% of the project.

Danette Gleason:

- Process and Procedure we have had in the past.
- Revert back to Copper King allocation.
- This is very similar.
- People come before us and if full dollar is already committed.
- At that time there were already commitments for those funds.
- That project fell through and the money was allocated back to the trust.
- At that time Copper King came back in and asked for additional funds.
- That was has happened here.
- At the time developers came to us the funds were already allocated.
- We had these funds come to us through interest on funds.

Commissioner Morgan:

- This is the process
- we were able to ask good questions.



- We are here to bring it forward from our constituents

It was moved by Commissioner Morgan, seconded by Commissioner McDonough and passed with a role vote to Concur with Communication 19-35 and place on file. Commissioners Shaw, Commissioner Andersen, Commissioner Fredrickson, Commissioner Mankins voted "nay".

SECTION 4 ORDINANCES AND RESOLUTIONS REFERRED TO JUDICIARY

1. COUNCIL ORDINANCE NO. 19-03 AN ORDINANCE AMENDING CHAPTER 9.24 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC), ENTITLED "WEAPONS", AND SPECIFICALLY AMENDING SECTION 9.24.030 G 1 ENTITLED "DEFINITIONS"- "REGULATED AREA" AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2. COUNCIL ORDINANCE NO. 19-04 AN ORDINANCE AMENDING SECTION 17.060.030 OF BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) WHICH SECTION ADOPTED THE ZONING MAP OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR A CHANGE TO THE OFFICIAL ZONING DISTRICT MAP BY REZONING APPROXIMATELY FIVE AND ONE-HALF ACRES FROM R-1 (SINGLE-FAMILY RESIDENCE) ZONE TO C-2 (COMMUNITY COMMERCIAL). THE AREA OF LAND IS LEGALLY DESCRIBED AS LOTS 5A-1 AND 5A-2 OF CERTIFICATE OF SURVEY 1059B-RB; LOT 6A OF CERTIFICATE OF SURVEY 953B-RB; AND LOTS 1-7 BLOCK 2 AND VACATED EVANS STREET ADJACENT, BELLEVUE ADDITION SECTION 30 TOWNSHIP 3 NORTH, RANGE 7 WEST, OF THE P.M.M. OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, COMMONLY LOCATED SOUTH OF THE 1900 BLOCK OF HARVARD AVENUE, EAST OF PINION STREET, AND NORTH OF INTERSTATE 15-90, PROVIDING FOR AN EFFECTIVE DATE HEREIN. ORDINANCE 19-04.pdf

3. COUNCIL RESOLUTION NO. 19-5 A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED GRANT FROM THE NATIONAL ENDOWMENT FOR THE HUMANITIES COMMON HERITAGE PROGRAM FOR A PROJECT TITLED : "ALL NATIONS" FOR MONTANA PRESERVATION ALLIANCE TO CONDUCT WORKSHOPS, RESEARCH AND GATHER COLLECTIONS THAT INFORM ON THE GERMAN, JEWISH, FINN AND HISPANIC PEOPLE OF BUTTE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. Resolution 19-05.pdf

3. COUNCIL RESOLUTION NO. 19-5 A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED



GRANT FROM THE NATIONAL ENDOWMENT FOR THE HUMANITIES COMMON HERITAGE PROGRAM FOR A PROJECT TITLED : "ALL NATIONS" FOR MONTANA PRESERVATION ALLIANCE TO CONDUCT WORKSHOPS, RESEARCH AND GATHER COLLECTIONS THAT INFORM ON THE GERMAN, JEWISH, FINN AND HISPANIC PEOPLE OF BUTTE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

Resolution 19-5 will be withdrawn and submitted at a different date.

SECTION 5 ORDINANCES SECOND READING

COUNCIL ORDINANCE NO. 19-01

AN ORDINANCE AMENDING CHAPTER 13.12 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "SOLID WASTE MANAGEMENT FACILITY", SPECIFICALLY AMENDING SECTIONS 13.12.020, 13.12.040, AND 13.12.070 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

It was moved by Commissioner Morgan, seconded by Commissioner Shaw that Council Ordinance No. 19-01 be placed on second reading and be passed, having been deemed fully read at length.

Commissioner Morgan amended his motion to pass as amended, Commissioner Shaw seconded the motion. The motion passed with a roll call vote of 12 yea and 0 nay.

2. COUNCIL ORDINANCE NO. 19-02

AN ORDINANCE ESTABLISHING A NEW CHAPTER OF THE BUTTE-SILVER BOW MUNICIPAL CODE (BSB-MC) TO BE NUMBERED 8.10 AND TO BE ENTITLED "COVERED LOADS", ESTABLISHING PROCEDURES AND PROVISIONS FOR ENFORCEMENT AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

It was moved by Commissioner Morgan, seconded by Commissioner Shaw that Council Ordinance No. 19-02 be placed on second reading and be passed, having been deemed fully read at length.

County Attorney Joyce:

There was also an amendment made on that Ordinance 19-02.

Commissioner Morgan amended his motion to pass as amended, Commissioner Shaw seconded the motion. The motion passed with a roll call vote of 12 yea and 0 nay.

SECTION 6 ORDINANCES AND RESOLUTIONS FINAL READING

1. COUNCIL RESOLUTION 19-4 A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE AMENDED PLAT OF BLOCKS 16, 25, AND 26 OF THE GILMAN



ADDITION, LEGION OASIS 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.

It was moved by Commissioner Morgan, seconded by Commissioner Shaw that Council Resolution No. 19-04 be placed on final reading and be passed, having been deemed fully read at length. The motion passed with a roll call vote of 12 yea and 0 nay.

SECTION 7 SUSPENSION OF THE RULES FOR FINAL PASSAGE

It was moved by Commissioner Morgan and seconded by Commissioner Shaw and passed by a verbal vote of 12 yea and 0 nay, to suspend the rules for the purpose of passing Council Resolution 19-6 by waiving Subsection 7 of Rule XXXVI of the Rules and Order of Business of the Council of Commissioners, thereby having it considered for advanced passage without reference to the Judiciary Committee.

1. COUNCIL RESOLUTION NO. 19-6 A RESOLUTION ESTABLISHING CRITERIA FOR DETERMINING THAT CERTAIN PROPERTY SHOULD BE HELD IN CITY-COUNTY OWNERSHIP BECAUSE OF COMPELLING PUBLIC INTEREST; ORDERING A PARCEL OF REAL PROPERTY BE HELD IN CITY-COUNTY OWNERSHIP AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

It was moved by Commissioner Morgan, seconded by Commissioner Shaw that Council Resolution No. 19-06 be placed on final reading and be passed, having been deemed fully read at length. The motion passed with a roll call vote of 12 yea and 0 nay.

CALENDAR OF OTHER MEETINGS AND EVENTS

The TBID Board meeting will February 11, 2019 @3:00am at the Chamber of Commerce building.

ADJOURN

Meeting was adjourned at 9:10p.m.

Dave Palmer, Chief Executive



ATTEST:

Clerk & Recorder

