

**April 11, 2023**  
**Butte-Silver Bow Land Sales Committee**  
**Archives Auditorium**

MEMBERS PRESENT: Dave Aguirre, Chairman, Karen Byrnes, Cinda Seys, Eric Hassler, Zane Gleason, Eileen Joyce, Dan Fisher, Dylan Pipinich, (Lila (Elizabeth) Osborn), Kate McCourt

NON-MEMBERS PRESENT: None

MEMBERS ABSENT: Cynthia Winston, Kelly J. Lee, Rusty Christensen, Lori Patrick

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**MINUTES**

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**Call to Order:** The meeting was called to order at ~ 1:32 P.M.

**Roll Call of Members:** Having a majority of the Land Sales Committee (LSC) Members in attendance, a quorum was established, and a sign-in sheet was passed around.

**Approval of the Minutes:** Call for vote to approve Minutes for the December 13, 2022, LSC meeting. Mr. Fisher motioned to approve the minutes and Eric Hassler seconded the motion. The vote passed to approve the minutes of the LSC meeting.

**Public Comment on any item on the Agenda:** None

**New Requests:**

- Communication # 2023-143 Steve Maloney – Cable Station LLC, 3560 Willoughby Ave, Butte, MT 59701. Property Address: 109 N Montana St. Mr. Maloney is requesting Council of Commissioners approval to purchase property adjacent to the property he owns at 109 N Montana St, legally described as North 25 feet of Lots 11 & 12, Block 22 of the Butte Townsite Tax Parcel # 1505300.
  - Dave Aguirre, summarized that the topic was a bit of a continuation from late December 2020, where Mr. Maloney requested to conduct a survey of the property to identify the portion of the property that he would like to purchase. Mr. Maloney would then submit a request to purchase the property and that is what is now in front of the committee. Dave explained that there is an issue that the committee should be aware. Dave said that the west portion of the south portion of lot eleven was deeded to Butte-Silver Bow from the Church in 1988. He then said that all of lot 12 and both the east and west portions of the south portion of lot eleven was deeded to Kimball Pipes from the church in 2020. Dave said that it appeared the 2020 deed appeared to be in error in that it should have been all of lot 12, and all of the south portion of lot 11 excepting the west portion of the south portion of lot 11 that was deeded to Butte-Silver Bow in 1988. Dave said it isn't much different as

other properties that BSB has sold on mining claims when ownership is not crystal clear and Butte-Silver Bow agrees to deed their interest in the property to the purchaser via quit claim deed. However, Dave said that Mr. Maloney's surveyor (Bob Everly) brought the issue to light and that Dave had explained that to Mr. Everly, but also said that he told Mr. Everly that it would be nice if they fixed the deed at the same time as this land transfer, if approved.

- Karen Byrnes Stated she was in support of the sale.
- Cinda Seys asked for clarification whether Parking Lot K will be impacted. Karen responded no, and showed on the map the area that was being requested.
- Kate McCourt asked if the land to be purchased would include the Emma Higgins Memorial Garden. Karen responded yes, and that Mr. Maloney plans to make the land look nice and upkeep the garden.
- Karen Byrnes brought up that we may need to update the price as it has been two years. Dan Fisher said that the price hasn't changed much since the original discussion took place in 2020, and that the offer price can stay the same (\$4200.00), though he didn't think we could waive the cost of the survey as mentioned in his request. Karen mentioned that she remembered that being discussed as part of original discussion in the Land Sales Committee in 2020. Dave cautioned that while it may have been discussed in 2020, Mr. Maloney's letter to council in 2020 stated that he understood that he would be responsible for the cost of the survey and the Land Sales Committee recommending approval of the survey stated that Mr. Maloney would adhere to the Adjacent Landowner Policy. Dylan Pipinich stated that the Adjacent Land Owner Policy requires the purchaser to be responsible for the cost of the survey.
- Eileen Joyce asked about the status of the survey. Dylan Pipinich said that a preliminary survey has been done, but it hasn't been finalized or filed, but that shouldn't take long. Eileen recommended the communication to council say the sale is contingent on the survey being completed as we need a legal description for the portion of the property Mr. Maloney would be buying.
- Dylan Pipinich made a motion that the Land Sales Committed recommend approving the purchase contingent on the survey being completed and the Mr. Maloney paying for the survey. Dan Fisher seconded the motion. All were in favor.
- The Land Sales Committee agreed that they should be consistent with recommending purchasers pay for surveys.

**Previous Months Request(s):** None

**Other Business:** None

Before adjourning, the Land Sales Committee touched base on the progress of the Missoula and North Wyoming Street properties. Dylan Pipinich said the Missoula Street house has been demolished and a surveyor will be hired to survey the roads out. He said two estimates were submitted. Eileen said we could move forward if the estimates are less than \$50,000. Karen Byrnes shared that at a previous meeting it was decided that her Department would research designing a lease agreement and developers packet for the North Wyoming Street property, but the research concluded that a lease was not in the best interest of Butte-Silver Bow. The research led to possibly hiring a surveyor to survey the property using existing mining claim boundaries to prevent from

leaving a remainder tract and/or surveying the entire 130-acre parcel. Another surveyor would need to be hired for this project.

**Public Comment on any item not on the Agenda:** None

**Adjournment:** The motion to adjourn was made by Dan Fisher and Seconded by Cinda Seys, all in favor. The meeting adjourned at ~ 1:53 p.m.