

COUNCIL RESOLUTION NO. 15-18

1 A RESOLUTION ADOPTING AN EMERGENCY BUDGET FOR THE PURPOSE OF
2 APPROPRIATING FUNDS INTO THE FISCAL YEAR 2014-2015 BUDGET TO PAY
3 FOR THE DEMOLITION OF THE BUILDING LOCATED AT 750 SOUTH WYOMING
4 STREET, BUTTE, MONTANA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

5 WHEREAS, on June 28, 2014, the building located at 750 South
6 Wyoming Street, ("Building") Butte, Montana partially
7 collapsed; and

8 WHEREAS, the owner of the Building did not comply with a "Notice
9 to Repair or Demolish" the Building issued by the City-
10 County of Butte-Silver Bow's ("BSB") Building Official
11 pursuant to the Uniform Code for the Abatement of
12 Dangerous Buildings, adopted by BSB and codified in
13 Chapter 15.06 of the BSB Municipal Code; and

14 WHEREAS, on November 14, 2014, the City-County of Butte-Silver
15 Bow, Montana through its County Attorney's office filed
16 an action in the Montana Second Judicial District Court
17 seeking to have the Court declare the Building a public
18 nuisance and authorize the immediate abatement of the
19 public nuisance by BSB; and

20 WHEREAS, on March 27, 2015, while this court action was pending,
21 a fire occurred at the Building causing further
22 collapse; and

23 WHEREAS on April 2, 2015, BSB received authorization through a

1 Court Order to demolish the Building subject to fire
2 management considerations.

3 WHEREAS, during April 2015, BSB demolished the remainder of the
4 Building and is in need of emergency budget authority
5 to pay for the cost of demolition of the Building; and

6 WHEREAS, payment of the demolition costs constitute an
7 emergency; and

8 WHEREAS, Section 7-6-4032, MCA, provides that emergency budget
9 appropriations must be adopted by two-thirds of the
10 members of a governing body who are present at a
11 meeting.

12 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF COMMISSIONERS OF
13 THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA:

14 SECTION 1: That the emergency budget which is for the payment
15 of the costs of demolishing the Building,
16 excluding landfill fees totaling \$168,636.00, to
17 be expended in the 2014-2015 fiscal year is hereby
18 adopted as set out in Exhibit 1 attached and
19 incorporated herein.

20 SECTION 2: That this Resolution shall be in full force and
21

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39

effect from and after its passage and approval.
PASSED this ____ day of _____, 2015.

CINDI SHAW
CHAIRMAN OF THE COUNCIL OF COMMISSIONERS

APPROVED this ____ day of _____, 2015.

MATT VINCENT
CHIEF EXECUTIVE

ATTEST:

SALLY J. HOLLIS
CLERK AND RECORDER

BY

ITS

APPROVED AS TO FORM:

EILEEN JOYCE
COUNTY ATTORNEY

DAVID WALKER
CHAIRMAN, JUDICIARY COMMITTEE

Exhibit 1

Expenditures Charged to Community Enrichment for Lynch Building

GENERAL FUND-OPERATING SUPPLIES 1000.119.4401.11.220

Transaction Detail

<u>Date</u>	<u>Invoice Number</u>	<u>Voucher Number</u>	<u>Memo</u>	<u>Vendor</u>	<u>Amount</u>	<u>Total</u>
05/27/2015	1062745	12984	LYNCH BUILDING - COVERALLS, MASK, AND 5 GALLONS OF	MT BROOM & BRUSH COMPANY	\$46.46	
						\$46.46

GENERAL FUND-REPAIR & MAINT SUPPLIES 1000.119.4401.11.230

Transaction Detail

<u>Date</u>	<u>Invoice Number</u>	<u>Group ID</u>	<u>Memo</u>	<u>Vendor</u>	<u>Amount</u>	
05/27/2015	1062745	12984	LYNCH BUILDING - COVERALLS, MASK, AND 5 GALLONS OF	MT BROOM & BRUSH COMPANY	\$3.12	
05/27/2015	1505755568	12985	LYNCH FIRE/DEMO - HEX WASHERR HEAD MASONARY SCREWS	TRIPLE S BUILDING CENTER	\$7.20	
05/27/2015	1505755531	12985	LYNCH FIRE/DEMO - PREMIX CONCRETE	TRIPLE S BUILDING CENTER	\$8.58	
05/27/2015	1505755118	12985	LYNCH FIRE/DEMO - WAFERBOARD T&G	TRIPLE S BUILDING CENTER	\$28.58	
						\$47.48

GENERAL FUND-PROFESSIONAL SERVICES 1000.119.4401.11.350

09/22/2014	090914	2684	SERVE LEGAL DOCUMENTS TO NEIL LYNCH	LABRECHE INVESTIGATION SE	\$114.76	
12/23/2014	201438	6590	Archaeological research for 716-718 S Wyoming	MITZI ROSSILLON	\$296.70	
01/27/2015	151049	7684	LYNCH BUILDING PROJECT DESIGN AND CONSULTATION W/N	ENVIRONMENTAL SOLUTIONS	\$475.00	
02/18/2015	021215	8658	Community Enrichment Letters	LABRECHE INVESTIGATION SE	\$205.93	
05/26/2015	00443013H	12884	EXPERT WITNESS SERVICES FOR LYNCH BUILDING DEMOLIT	HDR ENGINEERING INC	\$2,103.35	
05/26/2015	00441727H	12884	EXPERT WITNESS SERVICES FOR LYNCH BUILDING DEMOLIT	HDR ENGINEERING INC	\$2,782.26	
05/26/2015	03826	12885	PROFESSIONAL SERVICES/LYNCH BUILDING	PIONEER TECHNICAL SERVICE	\$1,218.40	
						\$ 7,196.40

GENERAL FUND-OTHER PURCHASED SERVICES 1000.119.4401.11.390

Road Department Costs:		Fuel Costs	\$8,596.35	
		Labor	\$101,940.44	
		Equipment	\$115,740.50	
		Backfill (388 loads (1 load equals 10 yrds) @\$10/yard	\$38,800.00	
		Supplies	\$8,831.70	
		Paint	\$712.62	
		Consultants	\$1,102.20	

Total

\$275,723.81

\$283,014.15