

RESOLUTION NO. 14-10348

A RESOLUTION RELATING TO **W.O. 14-02, MISCELLANEOUS IMPROVEMENTS**; ORDERING THE PROGRAM FOR THE PURPOSE OF UNDERTAKING CERTAIN LOCAL IMPROVEMENTS AND FINANCING THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF SIDEWALK, CURB AND GUTTER IMPROVEMENT BONDS SECURED BY THE CITY'S SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND AND ESTABLISHING COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE.

BE IT RESOLVED by the City Council of the City of Billings (the "City"), Montana, as follows:

Section 1. Passage of Resolution of Intention. This Council, on March 24, 2014, adopted Resolution No. 14-10341 (the "Resolution of Intention"), pursuant to which this Council declared its intention to order in certain sidewalks, curb, gutter and street improvements, designated as W.O. 14-02 (the "Project") of the City, under Montana Code Annotated, Title 7, Chapter 14, Part 41, as amended, for the purpose of financing the costs of certain local improvements described generally therein (the "Improvements") and paying costs incidental thereto, including costs associated with the sale and the security of sidewalk, curb and sidewalk, curb and gutter improvement bonds drawn on the Project (the "Bonds"), the creation and administration of the Project, and the funding of a deposit to the City's Special Improvement District Revolving Fund (the "Revolving Fund").

Section 2. Notice and Public Hearing. Notice of passage of the Resolution of Intention was duly published and mailed in all respects in accordance with law, and on April 14, 2014, this Council conducted a public hearing on the ordering in of the Project and the making of the Improvements.

Section 3. Order. It is hereby ordered that the following improvements shall be constructed, reconstructed, repaired, or replaced:

See Exhibit "A" attached hereto.

Section 4. Affected Properties. All properties which will be required to pay any portion of the costs of the improvements identified herein are identified in Exhibit "B" attached hereto.

Section 5. Reimbursement Expenditures.

5.01. Regulations. The United States Department of Treasury has promulgated final regulations governing the use of proceeds of tax-exempt bonds, all or a portion of which are to be used to reimburse the City for project expenditures paid by the City prior to the date of issuance of such bonds. Those regulations (Treasury Regulations, Section 1.150-2) (the "Regulations") require that the City adopt a statement of official intent to reimburse an original expenditure not later than 60 days after payment of the original expenditure. The Regulations also generally require that the bonds be issued and the reimbursement allocation made from the proceeds of the bonds within 18 months (or three years, if the reimbursement bond issue qualifies for the "small issuer" exception from the arbitrage rebate requirement) after the later of (i) the date the expenditure is paid or (ii) the date the project is placed in service or abandoned, but (unless the issue qualifies for the "small issuer" exception from the arbitrage rebate requirement) in no event more than three years after the date the expenditure is paid. The Regulations generally permit reimbursement of capital expenditures and costs of issuance of the bonds.

5.02. Prior Expenditures. Other than (i) expenditures to be paid or reimbursed from sources other than the Bonds, (ii) expenditures permitted to be reimbursed under the transitional provisions contained in Section 1.150-2(j) (2) of the Regulations, (iii) expenditures constituting preliminary expenditures within the meaning of Section 1.150-2(f)(2) of the Regulations, or (iv) expenditures in a "de minimus" amount (as defined in Section 1.150-2(f)(1) of the Regulations), no expenditures for the Improvements have been paid by the City before the date 60 days before the date of adoption of this resolution.

5.03. Declaration of Intent. The City reasonably expects to reimburse the expenditures made for costs of the Improvements out of the proceeds of Bonds in an estimated maximum aggregate principal amount of \$157,000 after the date of payment of all or a portion of the costs of the Improvements. All reimbursed expenditures shall be capital expenditures, a cost of issuance of the Bonds or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Regulations.

5.04. Budgetary Matters. As of the date hereof, there are no City funds reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to the Improvements, other than pursuant to the issuance of the Bonds. The statement of intent contained in this resolution, therefore, is determined to be consistent with the city's budgetary and financial circumstances as they exist or are reasonably foreseeable on the date hereof.

5.05. Reimbursement Allocations. The City's financial officer shall be responsible for making the "reimbursement allocations" described in the Regulations, being generally the transfer of the appropriate amount of proceeds of the bonds to reimburse the source of temporary financing used by the City to make prior payment of the costs of the Improvements. Each allocation shall be evidenced by an entry on the

official books and records of the City maintained for the Bonds or the Improvements and shall specifically identify the actual original expenditure being reimbursed.

Section 6. Property Owner Option to Construct Improvements. Notice of passage of this Resolution shall be mailed to all affected property owners and said owners shall have thirty (30) days from the date of said Notice in which to install the ordered improvements at their cost and expense. In the event the owners do not take said action within the said thirty (30) day period, the City will install the improvements and will assess the costs thereof, all costs of administration and engineering and all bond issuance costs against the real property.

PASSED AND ADOPTED by the City Council of the City of Billings, Montana, this 14th day of April 2014.



THE CITY OF BILLINGS:

BY Thomas W. Hanel
Thomas W. Hanel, Mayor

ATTEST:

BY Cari Martin
Cari Martin, City Clerk

Location of Work
Work Order 14-02
Miscellaneous Curb, Gutter & sidewalk & Drive Apron Project

Exhibit "A"

- A) Sidewalk: 1711 3rd Avenue North * 2913 4th Avenue South * 819 North 23rd Street * 1002 Terry Avenue * 1648 Lewis Avenue * 104 7th Street West * 1016 Princeton Avenue * 1130 Princeton Avenue * 1003 Princeton Avenue * 1027 Princeton Avenue * 1014 Calendula Circle * 2040 Miles Avenue * 529 Avenue C * 535 Avenue C * 543 Lewis Avenue *
215 19th Street West * 203 19th Street West * 121 19th Street West * 111 21st Street W * 4623 Stone Street * 633 Cook Avenue * 604 31st Street West * 1640 Parkhill Drive (Approx.) *
- B) Curb, Gutter: 421 Glee Place * 2428 11th Street West *
- C) Sidewalk, Curb & Gutter: 2007 Ash Street * 223 Fairpark Drive * 601 Parkhill Drive * 1016 Princeton Avenue * 2631 Broadwater Avenue * 2625 Broadwater Avenue * 1648 Alderson Avenue * 1638 Parkhill Drive * 1822 11th Street West * 2032 Cook Avenue * 1810 Belvedere Avenue * 748 Cook Avenue *
- D) Sidewalk, Drive Aprons: 2633 Lewis Avenue *
- E) Sidewalk, curb & Gutter, Drive Aprons: 914 Princeton Avenue * 2620 Cook Avenue * 2014 Avenue D * 1016 Parkhill Drive * 118 19th Street West * 3295 Pipestone Drive * 751 South 24th Street West * 741 South 24th Street West * 2935 Lewis Avenue * 934 Poly Drive *
- F) Sidewalk, curb & gutter Drive Aprons & Alley Aprons: West Side of North 23rd Street, between 8th Avenue North and 9th Avenue North * 803 North 24th Street *
- H) Curb, Gutter, Drive Aprons: 117 N Crestwood Drive *
- I) Drive Aprons: 327 South 24th Street West *

Exhibit B
WO 14-02 Miscellaneous

Tax Code	SID #	SID Pay-off (A)	Delinquent (B)	WO 10-27- Assessment (C)	A + B + C	Market Value
A00167		\$0.00	\$0.00	\$1,600.68	\$1,600.68	\$57,761.00
A01099	2904	\$5,235.61	\$0.00	\$1,641.74	\$6,877.35	\$80,079.00
A02101		\$0.00	\$0.00	\$4,423.93	\$4,423.93	\$56,745.00
A02108		\$0.00	\$0.00	\$1,577.74	\$1,577.74	\$68,481.00
A02976		\$0.00	\$0.00	\$4,858.92	\$4,858.92	\$94,395.00
A03486		\$0.00	\$0.00	\$363.30	\$363.30	\$67,140.00
A03712		\$0.00	\$0.00	\$2,423.73	\$2,423.73	\$61,723.00
A04394		\$0.00	\$0.00	\$3,168.56	\$3,168.56	\$61,964.00
A04499		\$0.00	\$0.00	\$3,462.37	\$3,462.37	\$89,151.00
A04853		\$0.00	\$0.00	\$11,596.11	\$11,596.11	\$855,368.00
A04944		\$0.00	\$0.00	\$4,329.68	\$4,329.68	\$82,631.00
A05218		\$0.00	\$0.00	\$4,274.29	\$4,274.29	\$84,664.00
A05240		\$0.00	\$0.00	\$3,418.57	\$3,418.57	\$89,234.00
A05260		\$0.00	\$0.00	\$790.94	\$790.94	\$79,013.00
A05315		\$0.00	\$0.00	\$411.30	\$411.30	\$85,871.00
A05322		\$0.00	\$0.00	\$507.45	\$507.45	\$85,942.00
A06330		\$0.00	\$0.00	\$8,314.06	\$8,314.06	\$81,539.00
A07648		\$0.00	\$0.00	\$3,558.82	\$3,558.82	\$92,119.00
A07750	2902	\$124.51	\$0.00	\$0.00	\$124.51	\$92,393.00
A07752	2902	\$98.00	\$0.00	\$956.25	\$1,054.25	\$89,978.00
A07861		\$0.00	\$0.00	\$1,094.49	\$1,094.49	\$87,272.00
A10286		\$0.00	\$0.00	\$1,941.50	\$1,941.50	\$89,104.00
A10287		\$0.00	\$0.00	\$7,905.92	\$7,905.92	\$68,091.00
A10498		\$0.00	\$0.00	\$5,901.99	\$5,901.99	\$80,694.00
A10643		\$0.00	\$0.00	\$2,669.71	\$2,669.71	\$64,752.00
A11009		\$0.00	\$0.00	\$2,377.97	\$2,377.97	\$63,874.00
A11010		\$0.00	\$0.00	\$2,608.36	\$2,608.36	\$84,120.00
A12697		\$0.00	\$0.00	\$2,422.01	\$2,422.01	\$77,653.00
A12918		\$0.00	\$0.00	\$0.00	\$0.00	\$118,606.00
A15270	2701	\$73.24	\$0.00	\$0.00	\$73.24	\$85,464.00
A16110		\$0.00	\$0.00	\$3,584.21	\$3,584.21	\$76,446.00
A16237		\$0.00	\$0.00	\$557.91	\$557.91	\$65,007.00
A16894		\$0.00	\$0.00	\$3,089.43	\$3,089.43	\$80,888.00

A16896		\$0.00	\$0.00	\$2,573.04	\$2,573.04	\$96,902.00
A16897		\$0.00	\$0.00	\$5,469.99	\$5,469.99	\$85,653.00
A16924		\$0.00	\$0.00	\$3,540.40	\$3,540.40	\$90,213.00
A16937		\$0.00	\$0.00	\$2,675.90	\$2,675.90	\$77,691.00
A16967		\$0.00	\$0.00	\$4,208.13	\$4,208.13	\$90,822.00
A16968		\$0.00	\$0.00	\$6,436.89	\$6,436.89	\$113,894.00
A17070		\$0.00	\$0.00	\$2,700.91	\$2,700.91	\$74,838.00
A17450		\$0.00	\$0.00	\$1,819.37	\$1,819.37	\$67,568.00
A19214		\$0.00	\$0.00	\$2,741.27	\$2,741.27	\$58,815.00
A19260		\$0.00	\$0.00	\$16,693.95	\$16,693.95	\$84,383.00
A25089		\$0.00	\$0.00	\$2,228.19	\$2,228.19	\$113,531.00
C01675		\$0.00	\$0.00	\$427.29	\$427.29	\$323,038.00
C01676		\$0.00	\$0.00	\$1,115.82	\$1,115.82	\$178,490.00
C02145B		\$0.00	\$0.00	\$2,963.86	\$2,963.86	\$85,014.00
C02278		\$0.00	\$0.00	\$305.61	\$305.61	\$91,742.00
D05710		\$0.00	\$0.00	\$4,087.37	\$4,087.37	\$135,216.00
Average				\$3,180.00	\$3,293.00	\$105,428.00
Median				\$2,670.00	\$2,676.00	\$84,664.00
Low				\$0.00	\$0.00	\$56,745.00
High				\$16,694.00	\$16,694.00	\$855,368.00