

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Billings, Montana (the "City"), hereby certify that the attached resolution is a true copy of Resolution No. 00-17562, entitled: "A RESOLUTION RELATING TO W.O. 95-13: SCHOOL ROUTE 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" (the "Resolution"), on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Council of the City at a meeting on **April 10, 2000**, and that the meeting was duly held by the City Council and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution at said meeting, the following councilmembers voted in favor thereof: Unanimous; voted against the same: none; abstained from voting thereon: none; or were absent: Johnson.

WITNESS my hand officially this 10th day of April 2000.

Marita Herold  
Marita Herold, CMC/AE CITY CLERK

RESOLUTION NO. 00- 17562

A RESOLUTION RELATING TO **W.O. 95-13: 1999 SCHOOL ROUTE 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 13, 2000**, adopted Resolution No. **00-17543** (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. 95-13** (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 10, 2000**, 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 listed and the owners of those properties 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 **\$190,000.00** 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 **10th** day of **April 2000**.



THE CITY OF BILLINGS:

BY Charles F. Tooley  
Charles F. Tooley MAYOR

ATTEST:

BY Marita Herold  
Marita Herold, CMC/AAE CITY CLERK

RE: W.O. 95-13, 1999 School Route Improvements

EXHIBIT A

***W.O. 95-13***  
***LOCATION OF WORK***

**Curb, Gutter, Sidewalk and Street Construction**

North side of Colton Blvd., between Rehberg Ln and 32<sup>nd</sup> St W  
East side of 17<sup>th</sup> St W, between Poly Dr. and Rimrock Rd  
1701 Poly Dr.

**Curb, Gutter and Sidewalk Construction**

3145 Boulder Ave

**School Crossing Modifications**

Intersection of Colton Blvd. and 32<sup>nd</sup> St W  
Intersection of Boulder Ave. and 32<sup>nd</sup> St W

1999 SCHOOL ROUTE IMPROVEMENTS  
STPE 1099 (16)

Ownership Report For WO9513

Tax Account Tax Owner	Lot Block Subdivision	Alley Approach
<b>A18636</b> TULP, FREDA E %JOANN C BACHELLER 3940 RIMROCK RD BILLINGS, MT 59102 2114 REHBERG LN	S 150' OF LOT 1 1 WOLF SUB Legal Description Lot(s) S 150' OF LOT 1 Block 1 WOLF SUB Taxable Sq. Ft. 16,095	N Apr 1 Apr 2 Apr 3 Engineer's Estimate Final Cost \$0.00 \$0.00
<b>A18638 1</b> HALONE, EUGENE & MARIE & GREGORY EUGENE 3019 COLTON #A BILLINGS, MT 59102 3019 COLTON BL	2B & 2C 1 WOLF SUB Legal Description LOT 2B & 2C BLOCK 1 WOLF SUB Taxable Sq. Ft. 40,500	N Apr 1 Apr 2 Apr 3 Engineer's Estimate Final Cost \$3,477.15 \$0.00
<b>A18638 2</b> DAVE PIPER PIPER FAMILY TRUST 3019 COLTON #B BILLINGS, MT 59102 3019 COLTON BL	2B & 2C 1 WOLF SUB Legal Description LOT 2B & 2C BLOCK 1 WOLF SUBDIVISION Taxable Sq. Ft. 40,500	N Apr 1 Apr 2 Apr 3 Engineer's Estimate Final Cost \$3,477.15 \$0.00
<b>A18638 3</b> WANROY, KATHLEEN J 3019 COLTON #C BILLINGS, MT 59102 3019 COLTON BL	2B & 2C 1 WOLF SUB Legal Description LOT 2B & 2C BLOCK 1 WOLF SUBDIVISION Taxable Sq. Ft. 40,500	N Apr 1 Apr 2 Apr 3 Engineer's Estimate Final Cost \$3,477.15 \$0.00
<b>A18638 4</b> THOMAS, BERTHA & GARY R 3019 COLTON #D BILLINGS, MT 59102 3019	2B & 2C Legal Description LOT(S) 2B & 2C BLOCK 1 WOLF SUB Taxable Sq. Ft. 40,500	N Apr 1 Apr 2 Apr 3 Engineer's Estimate Final Cost \$3,477.15 \$0.00

Tax Account Tax Owner	Lot Block Subdivision	Alley Approach
<b>A18640</b> TAYLOR, JOHN S	3D 1 WOLF SUB Lot(s) 3D Block 1 WOLF Sub Taxable Sq. Ft. 2,500	N   Engineer's Estimate Final Cost \$1,426.62 \$0.00
<b>A18640 1</b> KAUTZ, JANET L	3D 1 WOLF SUB LOT 3D BLOCK 1 WOLF SUBDIVISION Taxable Sq. Ft. 25,000	N   Engineer's Estimate Final Cost \$1,426.62 \$0.00
<b>A18640 2</b> SNYDER, BETTY L	3D 1 WOLF SUB LOT(S) 3D BLOCK 1 WOLF SUB Taxable Sq. Ft. 25,000	N   Engineer's Estimate Final Cost \$1,426.62 \$0.00
<b>A18640 3</b> WOHLERS, WILLIAM J & MARILYN B	3D 1 WOLF SUB LOT(S) 3D BLOCK 1 WOLF SUB Taxable Sq. Ft. 25,000	N   Engineer's Estimate Final Cost \$1,426.62 \$0.00
<b>A18641 1</b> C & L CORPORATION	WEST 1/2 OF 3B 1 WOLF SUB W 1/2 OF 3B BLOCK 1 WOLF SUBDIVISION Taxable Sq. Ft. 11,543	N   Engineer's Estimate Final Cost \$5,586.86 \$0.00
<b>A18642</b> C & L CORPORATION	EAST 1/2 OF LOT 4 1 WOLF SUB E 1/2 OF 4 BLOCK 1 WOLF SUBDIVISION Taxable Sq. Ft. 17,888	N   Engineer's Estimate Final Cost \$5,586.86 \$0.00

Tax Account Tax Owner	Lot Block Subdivision	Ailey Approach
<b>A18643</b> ERNIE DUTTON 3042 BOULDER AVE BILLINGS, MT 59102 3042 BOULDER AV	E 1/2 OF LOT 4 1 WOLF SUB E 1/2 OF 4 BLOCK 1 WOLF SUBDIVISION 20,250	N Apr 1 Apr 2 Apr 3 Engineer's Estimate \$0.00 Final Cost \$0.00
<b>A18646</b> HAGEN, ROBERT D 1514 PORTAL DR LAUREL, MT 59044 3046 BOULDER AV	5C 1 WOLF SUB LOT 5C BLOCK 1 WOLF SUBDIVISION 8,546	N Apr 1 Apr 2 Apr 3 Engineer's Estimate \$5,733.50 Final Cost \$0.00
<b>A18646 1</b> DALLNER, CONSTANCE L & ROGER F TRUST 4546 LAREDO PL BILLINGS, MT 59106 3051 COLTON BL	5D 1 WOLF SUB LOT 5D BLOCK 1 WOLF SUBDIVISION 8,556	N Apr 1 Apr 2 Apr 3 Engineer's Estimate \$5,780.90 Final Cost \$0.00
<b>A18647</b> MARIANERICKSON 3104 BOULDER AVE BILLINGS, MT 59102 3104 BOULDER AV	6 1 WOLF SUB LOT 6 BLOCK 1 WOLF SUBDIVISION 40,500	N Apr 1 Apr 2 Apr 3 Engineer's Estimate \$0.00 Final Cost \$0.00
<b>A18648</b> PALO, ANDREW W & BETTY JO 3116 BOULDER #1 BILLINGS, MT 59102 3116 BOULDER AV	7 1 WOLF SUB LOT 7 BLOCK 1 WOLF SUBDIVISION 12,500	N Apr 1 Apr 2 Apr 3 Engineer's Estimate \$1,373.65 Final Cost \$0.00
<b>A18648 1</b> HOLMGREN, CAROL LYNN O'CONNELL, KELLY K 3116 BOULDER #2 BILLINGS, MT 59102 3116 BOULDER AV	7 1 WOLF SUB LOT(S) 7 BLOCK 1 WOLF SUB 12,500	N Apr 1 Apr 2 Apr 3 Engineer's Estimate \$1,373.65 Final Cost \$0.00

Tax Account Tax Owner	Lot Block Subdivision	Alley Approach
<b>A18648 2</b> PORTER, JAMES	7 1 WOLF SUB	Apr 1 Apr 2 Apr 3
3116 BOULDER #3 BILLINGS, MT 59102 3116 BOULDER AV	LOT(S) 7 BLOCK 1 WOLF SUB 12,500	Engineer's Estimate Final Cost \$1,373.65 \$0.00
<b>A18648 3</b> HOFF, KONNI	7 1 WOLF SUB	Apr 1 Apr 2 Apr 3
3116 BOULDER #4 BILLINGS, MT 59102 3116 BOULDER AV	LOT(S) 7 BLOCK 1 WOLF SUB 12,500	Engineer's Estimate Final Cost \$1,373.65 \$0.00
<b>A18648 4</b> WADA, JAMES N	7 1 WOLF SUB	Apr 1 Apr 2 Apr 3
3116 BOULDER #5 BILLINGS, MT 59102 3116 BOULDER AV	LOT(S) 7 BLOCK 1 WOLF SUB 12,500	Engineer's Estimate Final Cost \$1,373.65 \$0.00
<b>A18648 5</b> TIPTON, GARY L & ELIZABETH A	7 1 WOLF SUB	Apr 1 Apr 2 Apr 3
3116 BOULDER #6 BILLINGS, MT 59102 3116 BOULDER AV	LOT(S) 7 BLOCK 1 WOLF SUB 12,500	Engineer's Estimate Final Cost \$1,373.65 \$0.00
<b>A18648 6</b> PALO, BETTY JO	7 1 WOLF SUB	Apr 1 Apr 2 Apr 3
3116 BOULDER #7 BILLINGS, MT 59102 3116 BOULDER AV	LOT(S) 7 BLOCK 1 WOLF SUB 12,500	Engineer's Estimate Final Cost \$1,373.65 \$0.00
<b>A18648 7</b> PALD, ANDREW W & BETTY JO	7 1 WOLF SUB	Apr 1 Apr 2 Apr 3
3116 BOULDER #8 BILLINGS, MT 59102 3116 BOULDER AV	LOT(S) 7 BLOCK 1 WOLF SUB 12,500	Engineer's Estimate Final Cost \$1,373.65 \$0.00



Tax Account Tax Owner	Lot Block Subdivision	Alley Approach	Engineer's Estimate Final Cost	Apr 1 Apr 2 Apr 3
<b>A18652</b> MICHELSON, RAY E	S 1/2 OF THE E 50' OF 9 1 WOLF SUB	N		
4736 MICHELSON RD LAUREL, MT 59044 3138 BOULDER AV	Legal Description S 1/2 OF E 50' 9 BLOCK 1 WOLF SUB Taxable Sq. Ft. 7,500		Engineer's Estimate Final Cost	\$0.00 \$0.00
<b>A18653</b> CONTRERAZ, YVES & RUTH	W 50' OF LOT 9 1 WOLF SUB	N		Apr 1 Apr 2 Apr 3
12750 SCOTSON LN MOLT, MT 59057 3142 BOULDER AV	Legal Description W 50' LOT 9 BLOCK 1 WOLF SUB Taxable Sq. Ft. 15,000		Engineer's Estimate Final Cost	\$0.00 \$0.00
<b>A18654 1</b> HERMAN FOX	S 1/2 OF LOT 10 1 WOLF SUB	N		Apr 1 Apr 2 Apr 3
3146 1/2 BOULDER AVE BILLINGS, MT 59102 3146 BOULDER AV	Legal Description S 1/2 OF 10 BLOCK 1 WOLF SUB Taxable Sq. Ft. 13,466		Engineer's Estimate Final Cost	\$0.00 \$0.00
<b>A18654 2</b> FOX, HERMAN & IRENE H	11B 1 WOLF SUB AMENDED	N		Apr 1 Apr 2 Apr 3
3145 BOULDER AV BILLINGS, MT 59102 3145 BOULDER AV	Legal Description LOT(S) 11B BLOCK 1 WOLF SUB AMENDED Taxable Sq. Ft. 13,054		Engineer's Estimate Final Cost	\$4,451.71 \$0.00
<b>A21122</b> D & B ENTERPRISES	3 1 ROCKY VILLAGE SUB	N		Apr 1 Apr 2 Apr 3
1701 POLY DR BILLINGS, MT 59102 1701 POLY DR	Legal Description LOT(S) 3 BLOCK 1 ROCKY VILLAGE SUB Taxable Sq. Ft. 25,600		Engineer's Estimate Final Cost	\$0.00 \$0.00
<b>A26701</b> ROCKY MOUNTAIN COLLEGE	4 & 5 4 ROCKY VILLAGE SUB 2ND	N		Apr 1 Apr 2 Apr 3
1511 POLY DR BILLINGS, MT 59102 1511 POLY DR	Legal Description Lot(s) 4 & 5 Block 4 ROCKY VILLAGE SUB 2 Taxable Sq. Ft. 120,000		Engineer's Estimate Final Cost	\$95,601.36 \$0.00

Tax Account Tax Owner	Lot Block Subdivision	Alley Approach	Engineer's Estimate Final Cost	Apr 1 Apr 2 Apr 3
<b>A29187</b> NELSON, BERNARD O & BRENT W 1728 PINECREST RD SPOKANE, WA 99203 3119 COLTON BL	2A 1 PIONEER SUB LOT(S) 2A BLOCK 1 PIONEER SUB 12,591	N	\$7,595.61 \$0.00	Apr 1 Apr 2 Apr 3
<b>A29189</b> NELSON, BERNARD O & BRENT W 1728 E. PINECREST RD SPOKANE, WA 99203 3177 COLTON BL	4A 1 PIONEER SUB LOT 4A BLOCK 1 PIONEER SUBDIVISION 12,591	N	\$7,446.78 \$0.00	Apr 1 Apr 2 Apr 3
<b>Z 123</b> CITY OF BILLINGS VARIOUS PROPERTIES BILLINGS, MT 59101 0 VAR	VARIOUS VARIOUS VARIOUS 2,000,000	N	Engineer's Estimate Final Cost \$0.00 \$0.00	Apr 1 Apr 2 Apr 3

END OF REPORT