

RESOLUTION NO. 4186

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, CREATING A BUSINESS IMPROVEMENT DISTRICT, FOR THE PURPOSE OF PROMOTING THE HEALTH, SAFETY, PROSPERITY, SECURITY AND GENERAL WELFARE OF THE INHABITANTS OF THE DISTRICT AND THE PUBLIC AND WHICH WILL BE OF SPECIAL BENEFIT TO THE PROPERTY WITHIN THE BOUNDARIES OF THE DISTRICT.

WHEREAS, pursuant to 7-12-1101 *et seq.* of the Montana Code Annotated the City of Livingston is authorized to create business improvement districts; and

WHEREAS, the City Commission has been presented a petition signed by the owners of more than 60% of the area of the property to be included in the district, the specific description of which is set forth in the attached Exhibit "A" which by this reference is made a part hereof; and

WHEREAS, the aforementioned petition requests that the City of Livingston create a business improvement district for up to ten years, pursuant to 7-12-1141 MCA; and

WHEREAS, the stated purpose of said business improvement district appears to promote the health, safety, prosperity, security and general welfare of the inhabitants of the City of Livingston and the proposed district, and appears to be of special benefit to the property within the boundaries of said proposed district as shown on the attached Exhibit "A";

WHEREAS, the City Commission passed Resolution No. 4176 of its intent to create a Business Improvement District; and

WHEREAS, following due notice of the Resolution of Intent to create a business improvement district was mailed and published according to law and the protest period having expired with the City receiving 8 protests; and

WHEREAS, the City Commission has heard all protests and hereby determines that the protest is insufficient as follows:

The protests are less than 50% of the total taxable valuation of property within the district;

The protests are less than 50% of the owners of property within the district; and

The protests are or less than 50% of the total projected assessments for property within the district.

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Resolution No. 4186

Creating a Business Improvement District.

Page 1

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, that the City Commission has determined that the protest against creating the Business Improvement District are insufficient and therefore the City Commission has jurisdiction to order the creation of and hereby does create a Business Improvement District (BID) pursuant to 7-12-1101 *et seq.* MCA as follows:

Section 1. Petition. The City Commission received a petition which is on file in the City's administrative office, signed by more than the minimum requirement of sixty percent (60%) of the owners of the property proposed to be included in the Business Improvement District.

Section 2. Boundaries. That the boundaries of the Business Improvement District are set forth in Exhibit A which is attached hereto and incorporated by this reference as though full set forth herein.

Section 3. Benefited Property. The parcels of property located within the boundaries described in Exhibit A are hereby declared to be the BID which will benefit and be benefited by and will be assessed for the costs of the BID.

Section 4. General Character of the Services to be Performed. The services and expectations of the Business improvement District, in general:

- Facilitate an improved business climate
- Improve the functional characteristics of the business district
- Conservation of the historic business district
- Development of a strong, aggressive, marketing program

Section 5. Board of Trustees. The Livingston City Commission will appoint a board of Trustees to administer the district. The board of trustees shall consist of not less than 5 or more than 7 property owners within the district who shall serve 4 year staggered terms. The board of trustees shall have the following powers:

- a. To sue and be sued;
- b. Provide special police, maintenance or cleaning personnel for the protection and enjoyment of the general public using the business district;
- c. Landscape and beautify public areas and to maintain those areas;
- d. Contract with the City to maintain, operate, or repair public parking facilities;
- e. Contract with the city to maintain streets, alleys, malls, bridges, ramps, tunnels, landscaping, and other public facilities as mutually agreed upon;
- f. Promote private investment and business expansion in the district;
- g. Provide for the management and administration of the affairs of the district;

- h. Promote business activity by advertizing, decorating, marketing, and promoting and managing events and other actions designed for the general promotion of business activities in the district;
- i. Perform such other functions as are necessary to carry out the purposes of this part and to further the objectives of the district.

Section 6. Work Plan and Assessments. The Board of Trustees shall submit an annual work plan and budget to the City. The City following due notice shall conduct a public hearing on the work plan and budget, and following the hearing may modify the work plan and budget. After approval of the work plan and budget, the City shall by resolution levy an assessment upon all property in the district using one of the following methods of assessment.

Section 7. Assessment Methods. All parcels within the BID shall be assessed on the basis of square footage in an amount to be determined by the City Commission from a work plan and budget submitted by the Board of Trustees.

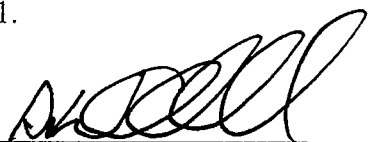
Section 8. Duration of District. The duration of the BID shall be for a period of ten (10) years as prescribed in Section 7-12-1141 MCA.

Section 9. No reduction in public services. The City may not decrease the level of public services in the district existing prior to the creation of the district unless the services are decreased throughout the jurisdictional area of the City at the same time.

Section 10. Annual Budget. The City may not approve the annual budget or work plan unless the annual budget and the work plan provide for liability insurance coverage insuring the district, the board and the City against legal liability for personal injury and property damage.

Section 11. District Obligations and Debts. The obligations and debts of the district are not an obligation or debt of the City and are payable solely from the funds and properties of the district.

Dated this 1st day of March, 2011.



 STEVE CALDWELL - Chairman


ATTEST:

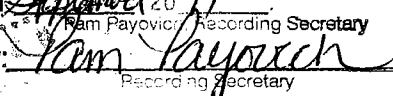


 ROBYN KEYES
 Recording Secretary

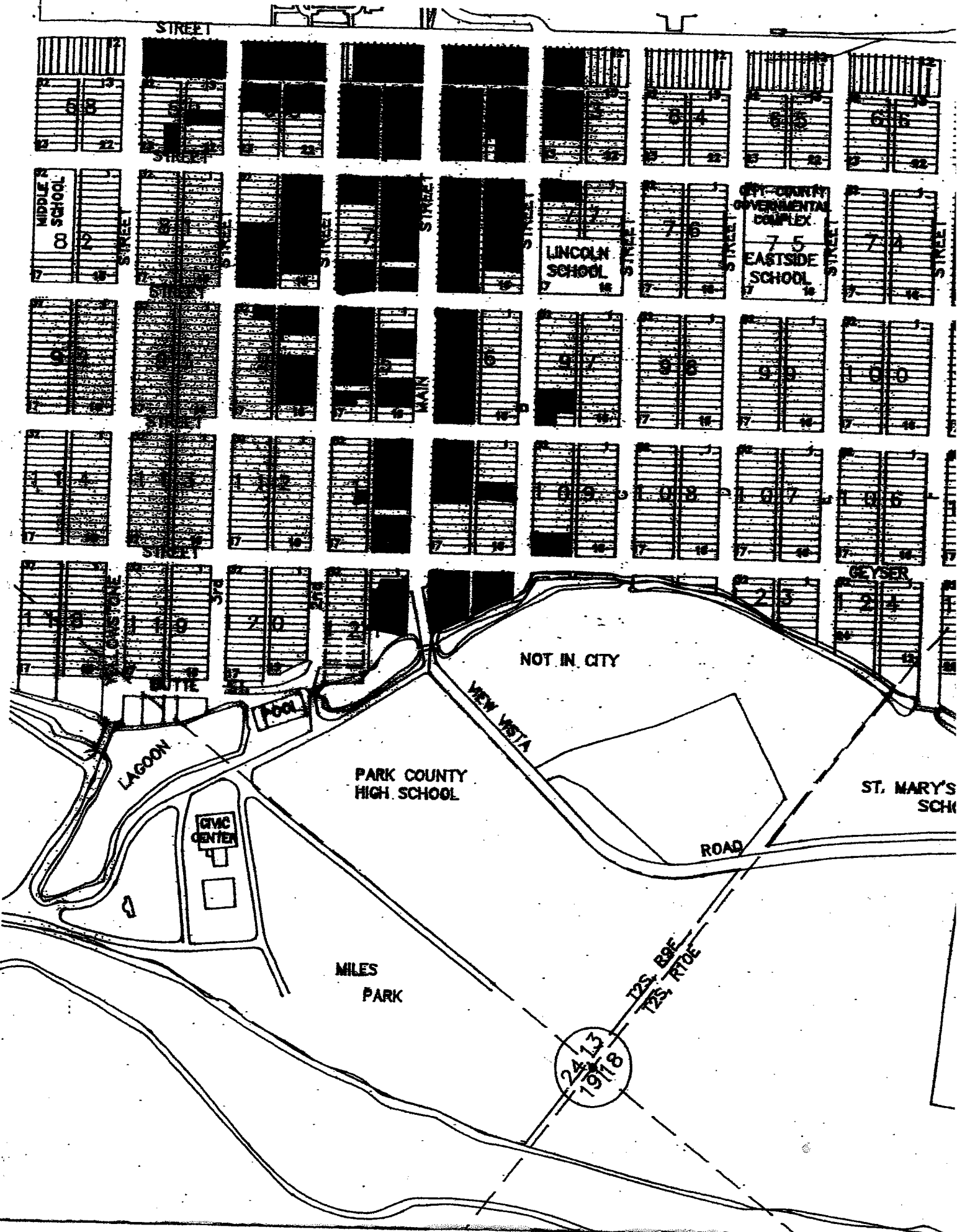
Resolution No. 4186
 Creating a Business Improvement District.
 Page 3

APPROVED AS TO FORM:



 BRUCE BECKER
 City Auditor
 I have clearly that this instrument is a full, true and correct copy of the original now on file and recorded in my office.
 Witness my hand and Official Seal this 30th day of September 2011
 Ram Payovich, Recording Secretary
 By: 

 Recording Secretary



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Dated this 1st day of March, 2011.



STEVE CALDWELL - Chairman

ATTEST:



ROBYN KEYES
Recording Secretary

APPROVED AS TO FORM:



BRUCE E. BECKER
City Attorney

Exhibit A to Resolution No. 4186

Boundaries of Business Improvement District

Exhibit B to Resolution No. 4176

NOTICE

The City Commission will consider written protests on **RESOLUTION NO. 4176** entitled **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO CREATE A BUSINESS IMPROVEMENT DISTRICT, FOR THE PURPOSE OF PROMOTING THE HEALTH, SAFETY, PROSPERITY, SECURITY AND GENERAL WELFARE OF THE INHABITANTS OF THE DISTRICT AND THE PUBLIC AND WHICH WILL BE OF SPECIAL BENEFIT TO THE PROPERTY WITHIN THE BOUNDARIES OF THE DISTRICT, AND GIVING NOTICE OF 15 DAY PROTEST PERIOD** at a special meeting of the City Commission to be held on March 1, 2011, at 6:30 p.m. in the Community Room of the City County Complex, 414 East Callender Street, Livingston, Montana. To be considered all such protests must be made in writing and submitted to the City by 5:00 p.m. on February 22, 2010, at the City administrative offices located at 1414 East Callender Street, Livingston, Montana. All interested persons are invited to attend and comment. For additional information contact Ed Meece, City Manager at 414 East Callender Street, Livingston, MT, 59047, or by phone at 823-6000.

Please publish February 4, 2011 and February 10, 2011.

Date: February 2, 2011

Pam Payovich
City of Livingston

Rec-2/18/11
Pam

Patricia Grabow

204 East Callender #25 Livingston, MT 59047
(406) 222-5214 Cell: (406) 220-1056 Email: thegrabow@gmail.com

Friday, February 17, 2011

Dear Livingston City Commissioners:

This letter is being written per the request by the Livingston City Commission that comment be made on the proposed B.I.D. for downtown Livingston before Friday, February 18, 2011.

I have been a signatory on the B.I.D., but now have serious concerns in two areas and what I have to say are my personal comments.

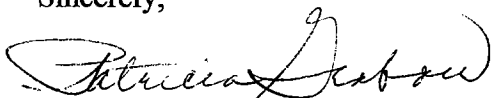
First, when I signed up for the B.I.D, I was told that the area to be covered by the B.I.D. was the same area covered by the Tax Increment Financing (T.I.F.). The attached map is not reflective of that. In addition, there are properties left out of the B.I.D. for no reason at all except that the owners did not sign up for the B.I.D. Examples of that are: the Yellowstone Ballet Building, the building across from the Grabow owned by Maggie Bove, the Ebert Building, etc. I question, in principle, the exclusion of important business improvement district buildings from the B.I.D. I anticipate that the city will face problems in the future with the arbitrary exclusion of businesses from the designated B.I.D. area.

In addition, I do not believe that Vision Livingston should represent the businesses that signed by for the B.I.D. in any way. I recognize and appreciate that that organization has worked on the B.I.D. However, the organization represents, by design, various aspects of the community as a whole, also arbitrarily, was a Main Street Organization, and is not made up of building owners though there are some building owners who happen to be currently on the board and who, in the past have served on the LDBOA board of directors as well. In addition, Vision Livingston has an exclusive MOA with the city to spend Urban Renewal Monies and, thus has become a direct arm of another entity not related to the B.I.D.

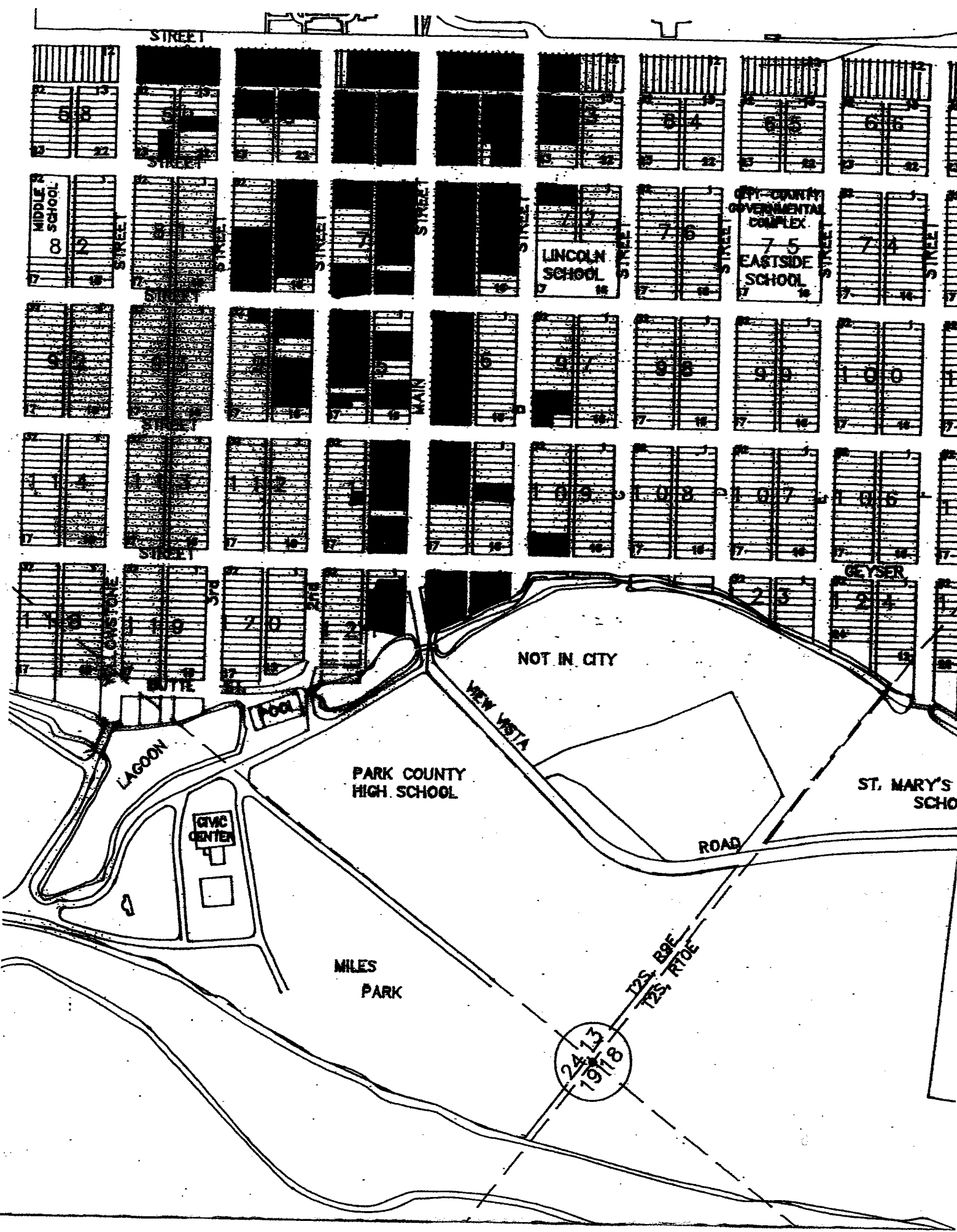
I am president of the Livingston Downtown Building Owners Association, registered with the Secretary of State with approximately thirty dues paying members. We are an organization, according to our bylaws, of Livingston downtown building owners, exclusively, and have been in affect going on four years now. Our bylaws are modeled after the Billings, MT B.I.D. When the B.I.D. organization is formed, we, respectfully, would like to be considered in discussions as a parent organization for that board along with those member of Vision Livingston who own buildings in the Livingston downtown B.I.D. area. We are the ones who will be paying the taxes, who will be directly affected, and who have "a horse in the race." We have worked hard in the last four years to improve business in the downtown area and have earned the trust of many downtown building owners who heretofore had not participated in improving business in our downtown district. We are a viable organization with a viable constituency.

Thank you for your consideration on these matters

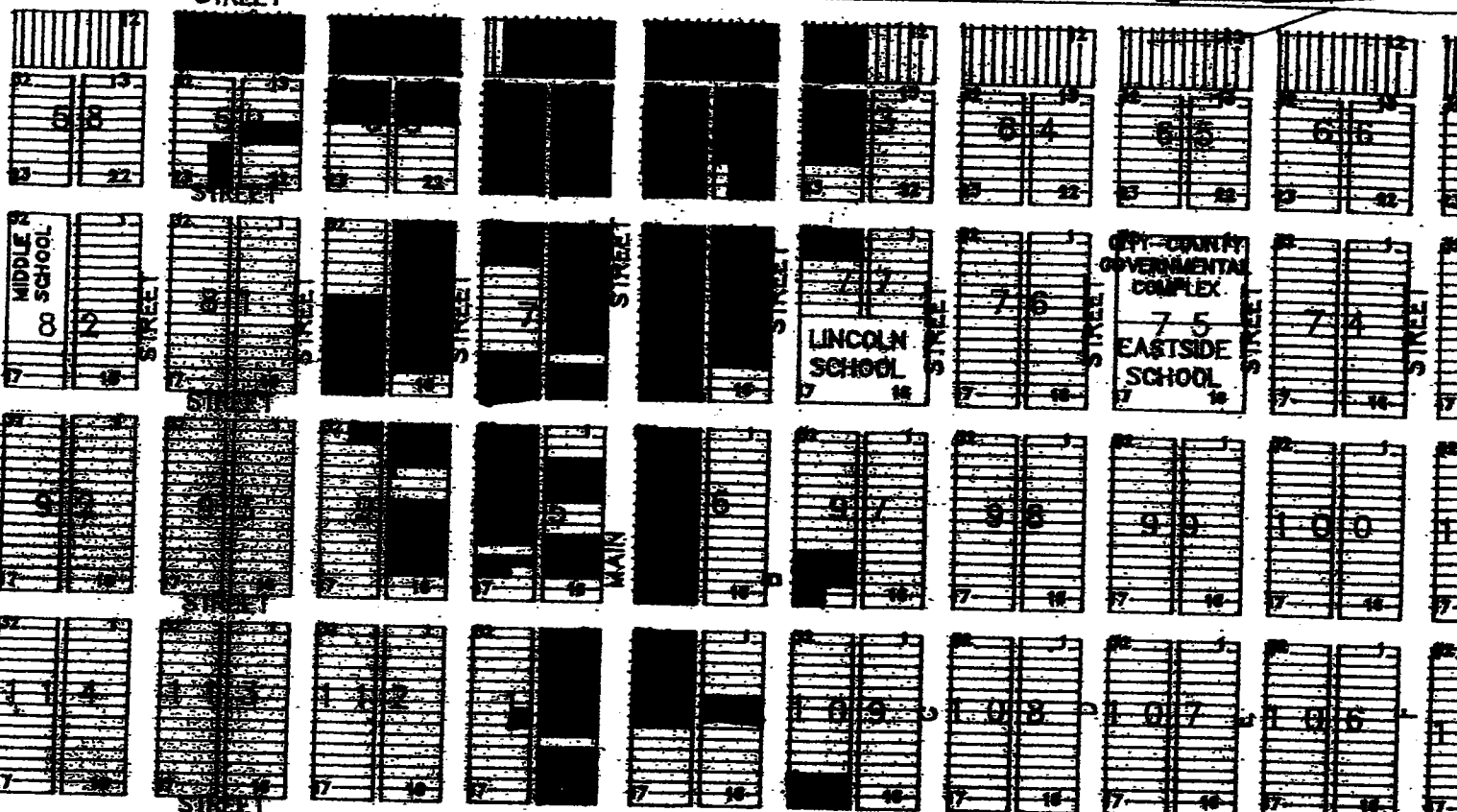
Sincerely,



Patricia Grabow



STREET



MIDDLE SCHOOL

LINCOLN SCHOOL

CITY-COUNTY GOVERNMENTAL COMPLEX
75 EASTSIDE SCHOOL

WAIN

LAGOON

CIVIC CENTER

PARK COUNTY HIGH SCHOOL

MILES PARK

NOT IN CITY

VIEW VISTA ROAD

ST. MARY'S SCHOOL

GEYSER

2413
1978

125.89E
125.870E

Gavne Insurance Agency
Melissa Bjorndal-Gavne
406 South Main Street
Livingston, MT 59047
(406) 222-8670 phone/fax

*Received
2-22-11
PJ.*

February 18, 2011

ATTN: City of Livingston

RE: Resolution no: 4176
BID

I am choosing to protest the creation of the Livingston Business Improvement District.

If you have any questions please do not hesitate to call me.

Respectfully,

M. Gavne

Melissa Gavne

02/16/2011

To: The Livingston City Commission,

Subject: Resolution No. 4176

My Wife and I are 100% opposed to any Business Improvement District "TAX" being passed or assessed on our business property at 209 South Main Street, Livingston, Mt 59047.

With the current economic uncertainty that we all are facing this is not the time to be imposing new "TAXES" on business! This new "TAX" would jeopardize our continued renting of our building as the "TAX" would have to be passed along to the tenant.

Any and all of "Section 4 and 5" in this resolution should and can be done by the private sector. This should not be imposed on us as a "TAX" by the city!

Strongly opposed,



Thomas J. Riddle



Sarah W. Riddle

Park County Investments LLC.
209 South Main Street
Livingston, MT 59047

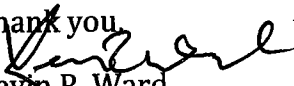
City Commission
City of Livingston, Montana
414 East Calendar Streets
Livingston, Montana 59047

Dear Commission members,

I am not in favor of developing the proposed downtown district at this time, primarily due to the recession. Currently I have numerous tenants in my building at 125 E. Calendar who are operating near insolvency. My rents are down 20 %.

The way this seems to be structured looks like a way around raising taxes and city personnel, while only taxing the few businesses in the proposed district. There remains too much instability in the economy with inflation and unemployment near highs. I would rather save as much money as possible to ride out the next few years than place myself in jeopardy by this ill-timed development.

Thank you


Kevin R. Ward

KEVIN & DEBBIE WARD
1305 MILTON AVE.
WALNUT CREEK, CA 94596-5915

OAKLAND CA 946

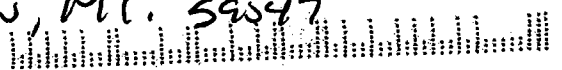
14 FEB 2011 PM 6 L



City Commission
City of Livingston Montana
414 E. Calendar Street
Livingston, MT. 59047

BID INPUT

59047+2738



Ed Meece

From: Steve Caldwell [stevecaldwell@bridgeband.com]
Sent: Monday, February 21, 2011 8:02 AM
To: Ed Meece
Subject: Fwd: BID

Ed -

FYI -

----- Original Message -----

Subject:BID

Date:Sun, 20 Feb 2011 14:14:12 -0700

From:Mary Ackermann <mary@maryackermann.com>

To:<citycommission@livingstonmontana.org>

Dear Commissioners,

I would like to rescind my approval for the Livingston Business Improvement District effective immediately. I own the commercial building at 213 S. Main Street and previously signed a petition with Dan Kaul. I am disappointed with the turn of events in the past 2 weeks and want my name removed.

Sincerely,
Mary

Mary Ackermann
Broker, GRI,CRS
ecoREsource Properties
ePro, EcoBroker
406-587-2950
mary@maryackermann.com

Mary Ackermann

Room For Success, LLC
Carol L. Mories, Manager
P.O. Box 968
Livingston, MT 59047
Ph: 406-222-3666

✓
Rec'd
2/22/11
by Edna R. P.

February 22, 2011

To the City Commissioners,

This letter is in response to the notice of intent to form a Business Improvement District in Livingston. I respectfully request that the properties owned by Room For Success, LLC and managed by Carol L. Mories be withdrawn from the proposed BID. These properties are listed as being owned by Hawkwood LLC on the chart I obtained from the City Manager as numbers 19 and 133. This fact is very disturbing in that it reflects the City Manager is working with outdated documents and legal descriptions of the properties within the proposed BID. One has to wonder what other errors have been committed in the process of the forming of this proposed BID.

I notice that the boundaries of the proposed BID appear rather arbitrary. I request an explanation (in detail) of the criteria that was applied to the choosing of the properties to be included in the BID. It was mentioned to me by the City Manager that the properties held by Non-Profit's, or being used entirely for residential purposes, were excluded from the proposed BID. However, I see several properties that are within the proposed boundaries that have, at best, mixed use, that have been excluded from the proposed BID.

I object to the formation of the BID because I see nothing in the proposal that convinces me of its need or desirability within the economic circumstances that this city and country are struggling at this time. All of the businesses that rent space in my buildings are struggling to stay financially viable and

another tax burden, added on the already overwhelming financial burdens we are all struggling with, is complete anathema to any sense of good business. The businesses renting from me all share that this tax, added to the other recent increased and proposed increased expenses for City services, is accelerating the likelihood of their failure to remain in business in Livingston. I, as a building owner and a representative of those businesses who rent space in my buildings, request a detailed explanation of the financial benefits of the proposed BID to myself and the business owners, and the parameters for assessing the success or failure of those benefits over the coming years. I would expect parameters that can be measured scientifically and directly attributed to the BID in every way. Everything in my reading and in my experience informs me that adding new taxes to businesses is a sure way to discourage and kill thriving business communities, which create jobs and keep local monies within a local economy.

The proposed BID seems to be duplicating the services of organizations already established in this City. The Downtown Building Owners' Association is a voluntary organization whose purpose is to give a voice to the Building owners and a venue for which to promote activities and literature to promote Downtown Livingston. The Chamber of Commerce is the voice and venue for promotion of the Businesses in Livingston. The TIF program was established for the purpose of renovation and improvement of the physical infrastructure of Downtown Livingston. I question the need for an organization whose stated goals are vague, at best, is planning on adding another assessed tax on the already heavily burdened building owners, and has no clearly stated means of assessing its success or failure in any goals set forth.

In summary, I object to the formation of an organization that has the appearance of duplicating the services of

organizations already in place in this City. I object to the placement of yet another assessment and tax on my buildings without any clearly thought out and stated benefit to the valuation of my buildings or the businesses that rent space in my buildings. I object to the seeming arbitrariness of buildings included within the proposed BID. I object to the mandatory inclusion of my buildings in the arbitrary boundary of this proposed BID.

The Cities adding of an additional tax burden on the property owners in Livingston for the formation of an organization that is a duplication of already existing organizations and programs, is a blatant abrogation of the responsibilities of the City Commission, City Manager and City Planner to see to the health and welfare of its citizens and businesses.

Respectfully submitted to the Livingston City Commission by
Carol L. Mories, Manager, Room For Success, LLC

A handwritten signature in black ink, appearing to read "Carol L. Mories". The signature is written in a cursive, flowing style.

February 17, 2011

Attention: Bruce Becker
To the City of Livingston
414 East Callender Street
Livingston MT 59047

<u>Lot #17</u>	<u>McNamara</u>
<u>Lot #18</u>	<u>McNamara</u>
<u>Lot #19</u>	<u>McNamara</u>
<u>Lot #20</u>	<u>McNamara</u>

Re: Resolution No. 4176
Intent to Create a Business Improvement District

This letter is to inform you that as a property owner in the proposed Business Improvement District, **we DO NOT AGREE and PROTEST** that we should Annually or at All be assessed a fee to pay for the district's costs!

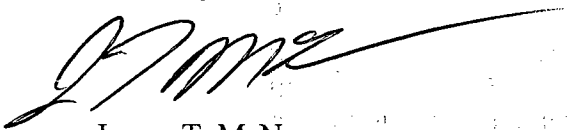
We are not sure how this BID will promote the **"health, safety, prosperity, security and general welfare of the inhabitants of the City of Livingston"** ????. We feel that the assessment method based on square footage is also not fair to many property owners. We have four (4) lots that we pay taxes on and based on what this organization Wants to do with the money, it does not promote our business or our renters!

We can understand a small business (1 lot) in the downtown district would love for this to happen since they get window shoppers and will pay much less than someone with many lot's (Square Footage). It will provide many perks for them. However, we do not have window shoppers walking down our side walks. We get our business from customers wanting a service or a product when they need it. Not tourists by **"developing a strong aggressive marketing program"**. Not sure how this will **"benefit & be benefited by"**?

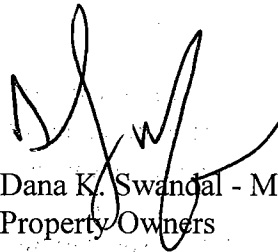
DONATIONS: We have someone stopping in almost on a daily basis asking for donations for Livingston and other surrounding park county communities. If this tax goes into effect, we will just have to limit or decide, which will get and which won't.

We feel this is just one more organization that wants to take money from us and Are very unhappy with having to be taxed based on the amount of property we own.

Sincerely,



James T. McNamara
Property Owners



Dana K. Swandal - McNamara
Property Owners

RESOLUTION NO. 4176

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WHEREAS, pursuant to 7-12-1101 *et seq.* of the Montana Code Annotated the City of Livingston is authorized to create business improvement districts; and

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Resolution No. 4176

Intent to create a Business Improvement District and giving notice of 15 day protest period.

Page 1

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- c. Landscape and beautify public areas and to maintain those areas;
- d. Contact with the City to maintain, operate, or repair public parking facilities;
- e. Contract with the city to maintain streets, alleys, malls, bridges, ramps, tunnels, landscaping, and other public facilities as mutually agreed upon;
- f. Promote private investment and business expansion in the district;
- g. Provide for the management and administration of the affairs of the district;
- h. Promote business activity by advertizing, decorating, marketing, and promoting and managing events and other actions designed for the general promotion of business activities in the district;
- i. Perform such other functions as are necessary to carry out the purposes of this part and to further the objectives of the district.

Section 6. Work Plan and Assessments. The Board of Trustees shall submit an annual work plan and budget to the City. The City following due notice shall conduct a public hearing on the work plan and budget, and following the hearing may modify the work plan and budget. After approval of the work plan and budget, the City shall by resolution levy an assessment upon all property in the district using one of the following methods of assessment.

Section 7. Assessment Methods. All parcels within the BID shall be assessed on the basis of square footage in an amount to be determined by the City Commission from a work plan and budget submitted by the Board of Trustees.

Section 8. Duration of District. The duration of the BID shall be for a period of ten (10) years as prescribed in Section 7-12-1141 MCA.

Resolution No. 4176

Intent to create a Business Improvement District and giving notice of 15 day protest period.

Page 2

Rec:
2/22/11
10:00a.m

David W. DePuy
Shirley DePuy
P.O. Box 487
Livingston, Montana 59047

February 21, 2011

City of Livingston
414 East Calender Street
Livingston, MT 59047

Re: Resolution No. 4176

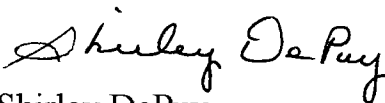
Dear City Commission:

We, the owners, as tenants in common, of Lots 29, 30, 31 and 32 in Block 79 and Lots 31 and 32 of Block 95 in the Original Townsite to the City of Livingston, Park County, Montana hereby protest the creation of a Business Improvement District as set forth in Resolution No. 4176.

We further protest the creation of the district because a misleading and inaccurate notice was given to the owners of lots within the proposed district in that Section 5. Board of Trustees (d.) and (e.) uses the word "contact" instead of "contract", in the copy of the resolution..

Sincerely,


David W. DePuy


Shirley DePuy

RESOLUTION NO. 4186

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, CREATING A BUSINESS IMPROVEMENT DISTRICT, FOR THE PURPOSE OF PROMOTING THE HEALTH, SAFETY, PROSPERITY, SECURITY AND GENERAL WELFARE OF THE INHABITANTS OF THE DISTRICT AND THE PUBLIC AND WHICH WILL BE OF SPECIAL BENEFIT TO THE PROPERTY WITHIN THE BOUNDARIES OF THE DISTRICT.

WHEREAS, pursuant to 7-12-1101 *et seq.* of the Montana Code Annotated the City of Livingston is authorized to create business improvement districts; and

WHEREAS, the City Commission has been presented a petition signed by the owners of more than 60% of the area of the property to be included in the district, the specific description of which is set forth in the attached Exhibit "A" which by this reference is made a part hereof; and

WHEREAS, the aforementioned petition requests that the City of Livingston create a business improvement district for up to ten years, pursuant to 7-12-1141 MCA; and

WHEREAS, the stated purpose of said business improvement district appears to promote the health, safety, prosperity, security and general welfare of the inhabitants of the City of Livingston and the proposed district, and appears to be of special benefit to the property within the boundaries of said proposed district as shown on the attached Exhibit "A".;

WHEREAS, the City Commission passed Resolution No. 4176 of its intent to create a Business Improvement District; and

WHEREAS, following due notice of the Resolution of Intent to create a business improvement district was mailed and published according to law and the protest period having expired with the City receiving 8 protests; and

WHEREAS, the City Commission has heard all protests and hereby determines that the protest is insufficient as follows:

The protests are less than 50% of the total taxable valuation of property within the district;

The protests are less than 50% of the owners of property within the district; and

The protests are or less than 50% of the total projected assessments for property within the district.

Resolution No. 4186

Creating a Business Improvement District.

Page 1

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, that the City Commission has determined that the protest against creating the Business Improvement District are insufficient and therefore the City Commission has jurisdiction to order the creation of and hereby does create a Business Improvement District (BID) pursuant to 7-12-1101 *et seq.* MCA as follows:

Section 1. Petition. The City Commission received a petition which is on file in the City's administrative office, signed by more than the minimum requirement of sixty percent (60%) of the owners of the property proposed to be included in the Business Improvement District.

Section 2. Boundaries. That the boundaries of the Business Improvement District are set forth in Exhibit A which is attached hereto and incorporated by this reference as though full set forth herein.

Section 3. Benefited Property. The parcels of property located within the boundaries described in Exhibit A are hereby declared to be the BID which will benefit and be benefited by and will be assessed for the costs of the BID.

Section 4. General Character of the Services to be Performed. The services and expectations of the Business improvement District, in general:

Facilitate an improved business climate
Improve the functional characteristics of the business district
Conservation of the historic business district
Development of a strong, aggressive, marketing program

Section 5. Board of Trustees. The Livingston City Commission will appoint a board of Trustees to administer the district. The board of trustees shall consist of not less than 5 or more than 7 property owners within the district who shall serve 4 year staggered terms. The board of trustees shall have the following powers:

- a. To sue and be sued;
- b. Provide special police, maintenance or cleaning personnel for the protection and enjoyment of the general public using the business district;
- c. Landscape and beautify public areas and to maintain those areas;
- d. Contract with the City to maintain, operate, or repair public parking facilities;
- e. Contract with the city to maintain streets, alleys, malls, bridges, ramps, tunnels, landscaping, and other public facilities as mutually agreed upon;
- f. Promote private investment and business expansion in the district;
- g. Provide for the management and administration of the affairs of the district;

- h. Promote business activity by advertizing, decorating, marketing, and promoting and managing events and other actions designed for the general promotion of business activities in the district;
- i. Perform such other functions as are necessary to carry out the purposes of this part and to further the objectives of the district.

Section 6. Work Plan and Assessments. The Board of Trustees shall submit an annual work plan and budget to the City. The City following due notice shall conduct a public hearing on the work plan and budget, and following the hearing may modify the work plan and budget. After approval of the work plan and budget, the City shall by resolution levy an assessment upon all property in the district using one of the following methods of assessment.

Section 7. Assessment Methods. All parcels within the BID shall be assessed on the basis of square footage in an amount to be determined by the City Commission from a work plan and budget submitted by the Board of Trustees.

Section 8. Duration of District. The duration of the BID shall be for a period of ten (10) years as prescribed in Section 7-12-1141 MCA.

Section 9. No reduction in public services. The City may not decrease the level of public services in the district existing prior to the creation of the district unless the services are decreased throughout the jurisdictional area of the City at the same time.

Section 10. Annual Budget. The City may not approve the annual budget or work plan unless the annual budget and the work plan provide for liability insurance coverage insuring the district, the board and the City against legal liability for personal injury and property damage.

Section 11. District Obligations and Debts. The obligations and debts of the district are not an obligation or debt of the City and are payable solely from the funds and properties of the district.

Dated this 1st day of March, 2011.



 STEVE CALDWELL - Chairman


ATTEST:

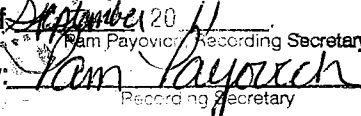


 ROBYN KEYES
 Recording Secretary

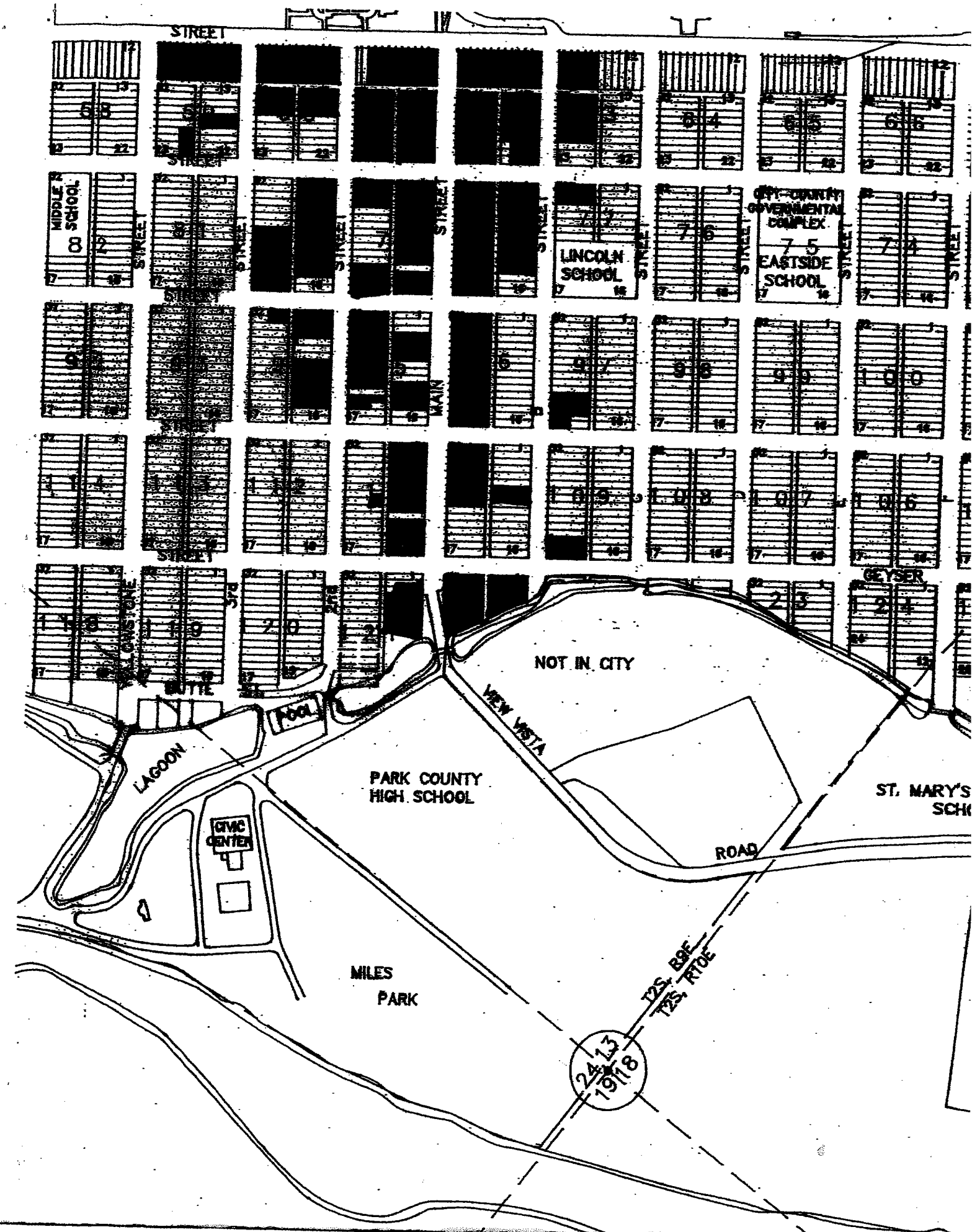
Resolution No. 4186
 Creating a Business Improvement District.
 Page 3

APPROVED AS TO FORM:

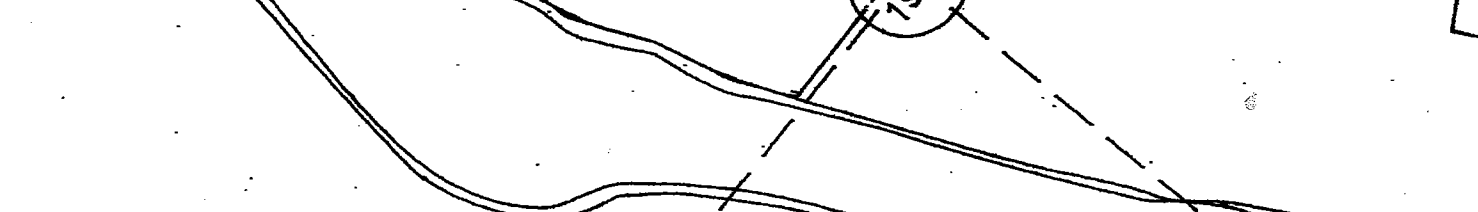
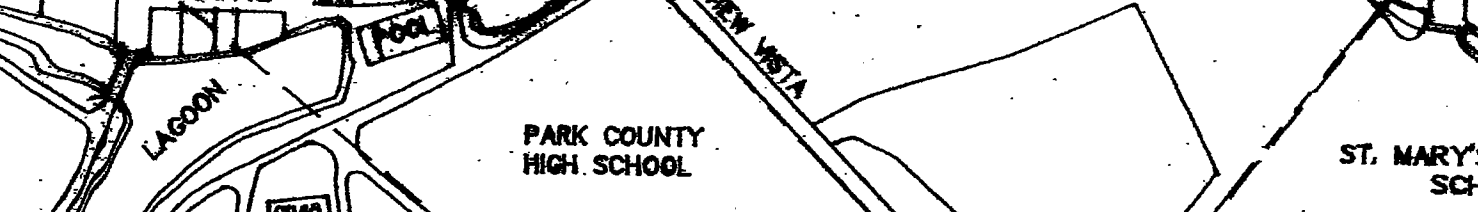
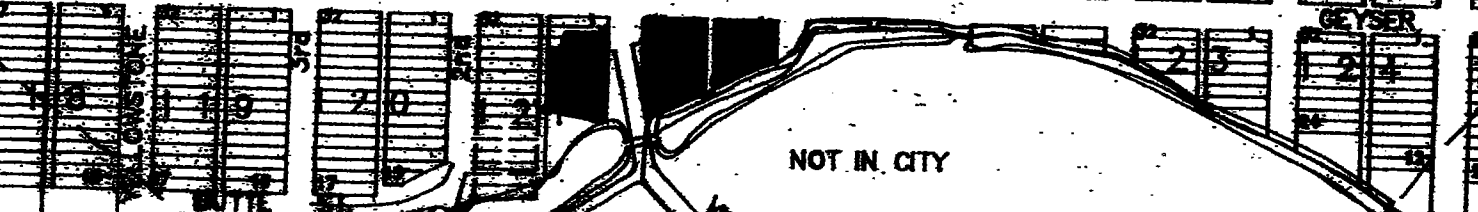
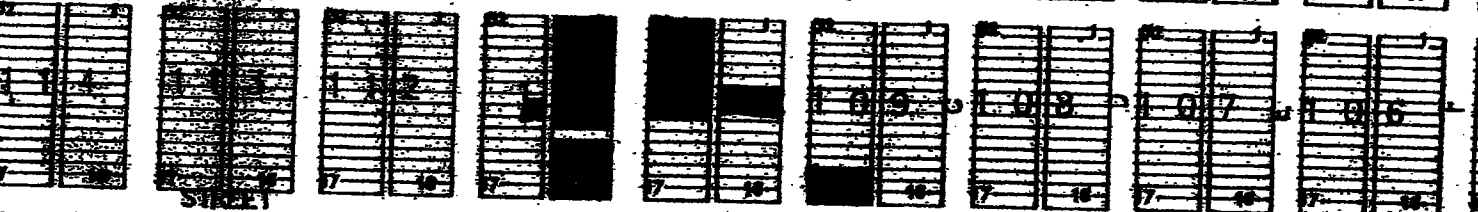
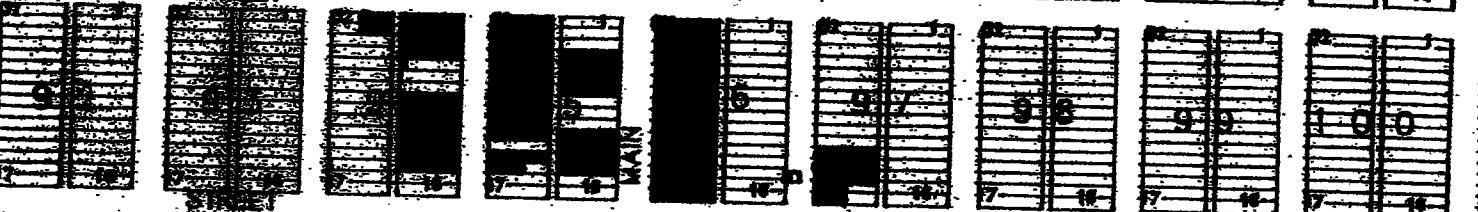
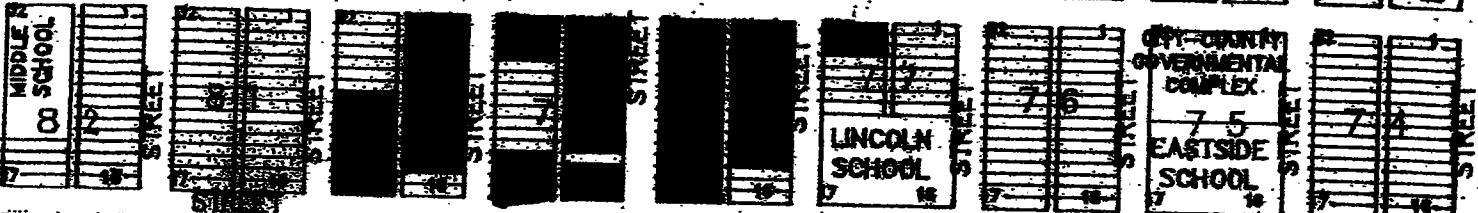
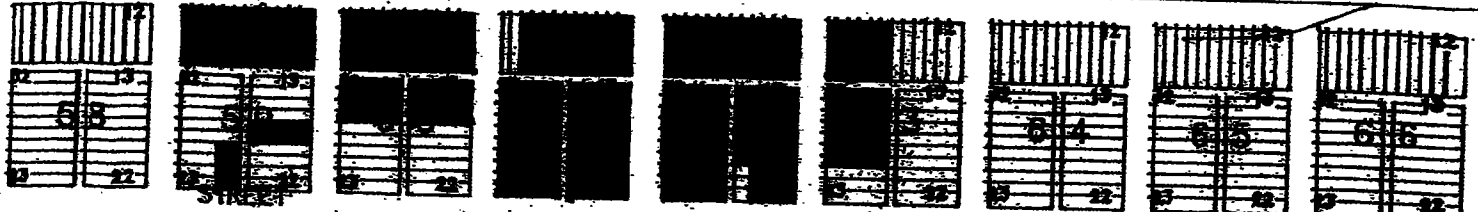


 BRUCE BECKER
 City Auditor, certify that this instrument is a full, true and correct copy of the original now on file and recorded in my office.
 Witness my hand and Official Seal this 20th day of September 2011
 By: 

 Pam Payovic, Recording Secretary
 Recording Secretary



STREET



NOT IN CITY

PARK COUNTY HIGH SCHOOL

ST. MARY'S SCH

LAGOON

CIVIC CENTER

MILES PARK

NEW VISTA ROAD

125.89E
125.87DE

2413
1918