

ORDINANCES
MILES CITY, MONTANA

ORDINANCE NO. 1300

AN ORDINANCE ESTABLISHING THE MILES CITY DOWNTOWN URBAN RENEWAL AGENCY AND PROVIDING FOR ITS OPERATION; PURSUANT TO MCA 7-15-4232; ESTABLISHING MAY 12, 2015 AS THE EFFECTIVE DATE FOR TAX INCREMENT FINANCING, REVISING CITY CODE SECTIONS 7-46 AND 7-56 THROUGH 7-64, AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

WHEREAS, the City Council of the City of Miles City has previously adopted resolutions finding that: (1) one or more blighted areas exist in the City of Miles City, (2) the rehabilitation, redevelopment, or a combination thereof of such area or areas is necessary in the interest of the public health, safety, morals, or welfare of the residents of the City; and (3) its intent to establish an Urban Renewal District in order to address said conditions in accordance with Section 7-15-4210, Section 7-15-4216 and Section 7-15-4280 MCA; and

WHEREAS, the Miles City Downtown Urban Renewal Plan has been prepared, and reviewed by the City Planning Board in accordance with Section 7-15-4212 MCA of the Urban Renewal Law; and

WHEREAS, said plan conforms to the Miles City Growth Policy and its updates, as required by Section 7-15-4213 MCA of the Urban Renewal Law; and

WHEREAS, said plan contains a workable program providing maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise and public private partnerships; and

WHEREAS, a sound and adequate financial program is set forth in the urban renewal plan for the implementation of said plan, including the use of tax increment financing as authorized by Section 7-15-4282 MCA of the Urban Renewal Law; and

WHEREAS, said tax increment financing will be applied to a district described in Attachments One of this Ordinance, and

WHEREAS, the City Council of the City of Miles City has adopted Ordinance 1294 on May 12, 2015 adopting the Miles City Downtown Urban Renewal Plan establishing said District.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THE FOLLOWING:

Section 1: City Code Sections 7-46 and 7-56 through 7-64 are hereby amended to read as follows:

Sec. 7-46. Effective date of plan. The City of Miles City establishes May 12, 2015 as the effective date for the purposes of employing tax increment financing according to Section 7-15-4282 MCA of the Urban Renewal Law.

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Sec. 7-56. Created. There is created a Miles City Downtown Urban Renewal Agency, which shall be a public agency and public body corporate created by this ordinance in accordance with Section 7-15-4232 MCA.

Sec. 7-57. Appointment of commissioners. That the Chief Executive, by and with the advice and consent of the City Council, shall appoint a board of five commissioners of the Agency.

Sec. 7-58. Same – certificate of appointment. The initial membership shall consist of one commissioner appointed for one (1) year, one for two (2) years, one for three (3) years, and two for four (4) years. A certificate of appointment or reappointment shall be filed with the Clerk of the City, and shall be conclusive evidence of the due and proper appointment of such commissioner.

Sec. 7-59. Same – Succession; qualifications; commissioners not to hold other public office. Each commissioner shall hold office until a successor has been appointed and qualified. Any persons may be appointed if they reside within the City of Miles City. A commissioner shall not hold any other public office under the municipality other than their commissionership within this agency.

Sec. 7-60. Same – Removal. A commissioner may be removed for inefficiency, neglect, or misconduct in office.

Sec. 7-61. Quorum; bylaws. The powers and responsibilities of the Agency shall be exercised by the Commissioners in accordance with the Miles City Urban Renewal Board of Commissioners Bylaws as established in Resolution No. 3843 thereof. A majority of the commissioners shall constitute a quorum.

Sec. 7-62. Annual Report. The Agency shall file with the City Council, on or before March 31 of each year, a report of its activities for the preceding calendar year, including a complete financial report. At the time of filing said report, the Agency shall publish in a newspaper of general circulation within the municipality a notice to the effect that such been filed and is available for inspection in the office of the Clerk of the City and in the Agency office.

Sec. 7-63. Staff. The Agency shall be staffed with the necessary employees, permanent and temporary, as it may require.

Sec. 7.64. Powers.

(a) The powers which may be exercised by the agency are:

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- 1) to formulate and coordinate a workable program as specified in 7-15-4209;
- (2) to assist city staff in the preparation of urban renewal plans or modifications to such plans and make recommendations to the City Council;
- (3) to review urban renewal projects and make recommendations to the City Council regarding the funding of such projects;
- (4) to undertake and carry out urban renewal projects as required by the local governing body;
- (5) to disseminate blight clearance and urban renewal information;
- (6) to perform such duties as the local governing body may direct so as to make the necessary arrangements for the exercise of the powers and performance of the duties and responsibilities entrusted to the local governing body, as provided in MCA 71-15-4233.

(b) Powers reserved for the City Council include but are not limited to:

- (1) Any powers granted in MCA 7-15-4233 that are not included in this Ordinance as powers of the Urban Renewal Agency in lieu thereof may only be exercised by the local governing body. **Section 2.** This Ordinance shall become effective thirty (30) days after its final passage.

Said Ordinance read and put on its passage this 10th day of November, 2015.

C.A. Grenz

C.A. Grenz, Mayor

ATTEST:

Lorrie Pearce

Lorrie Pearce, City Clerk

FINALLY PASSED AND ADOPTED this 21st day of November, 2015.

C.A. Grenz

C.A. Grenz, Mayor

ATTEST:

Lorrie Pearce

Lorrie Pearce, City Clerk

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EXHIBIT A

BOUNDARY DESCRIPTION

Legal Description of Miles City Downtown Urban Renewal District The area being considered for inclusion in the proposed urban renewal area is described as:

Beginning at the intersection of Tatro Street and 7th St, continuing east on Tatro Street along the northern border of the City's easement right of way setback to the municipal limits, paralleling the city limits south and east to the intersection of Ullman St and Gordon St, continuing east on Gordon Street along the northern border of the City's easement right of way setback to the intersection of Gordon St and Woodbury St, continuing South on Woodbury along the eastern border of the City's easement right of way setback to the intersection of Woodbury St. and Leighton Blvd, continuing west on Washington St along the southern border of the City's easement right of way setback to the intersection of Washington St and 10St, continuing south on 10th St along the eastern border of the City's easement right of way setback to the intersection of 10th and Pleasant St, continuing east along the northern border of the City's easement right of way setback to the intersection of Pleasant St and N Center Ave, continuing South on N Prairie Ave along the eastern border of the City's easement right of way setback to the intersection of N Prairie Ave and Main St, continuing east on Main Street along the northern border of the City's easement right of way setback to the intersection of Main St and S Lake Ave, continuing south along the eastern border of the City's easement right of way setback to the intersection of S Lake Ave and Fort St, continuing west on Fort Street along the southern border of the City's easement right of way setback to the intersection of Fort St and S Montana Ave, continuing southwest on Montana Street along the southwestern border of the City's easement right of way setback to the intersection of S Montana Ave, Pearl Street and 10th St, continuing northwest on 10th St along the southern border of the City's easement right of way setback to the intersection of 10thSt and S Montana Ave and Atlantic Ave, continuing southwest on Atlantic along the southeastern border of the City's easement right of way setback to the intersection of Atlantic and NueVu, continuing southeast on NueVue along the eastern border of the City's easement right of way setback to the intersection of NueVu and Yellowstone, continuing southwest on Yellowstone along the southern border of the City's easement right of way setback to the city limits and the Tongue River, following the municipal limits west, north, and east to the intersection of Dike Rd and Wilderness Rd, continuing northeast on Wilderness Rd to the intersection of Wilderness Rd and Hubbell St, continuing east on Hubbell St. along the northern border of the City's easement right of way setback to the intersection of Hubbell St and 6th St, continuing north on 6th St along the western border of the City's easement right of way setback to the intersection of 6th and William St, continuing east on William St along the northern border of the City's easement right of way setback to the intersection of William St and 7th St, continuing north on 7th St along the western border of the City's easement right of way setback north to the intersection of 7th St and Tatro Street.

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MAP

