

**ORDINANCES**  
**MILES CITY, MONTANA**

**ORDINANCE NO. 1202**

**AN ORDINANCE ESTABLISHING BUSINESS IMPROVEMENT DISTRICT 101, PROVIDING FOR A BOARD OF TRUSTEES AND EXECUTIVE DIRECTOR AND THE TERMS THEREOF, PROVIDING FOR THE FUNDING OF THE DISTRICT, PROVIDING FOR THE DURATION OF SUCH DISTRICT, AND PROVIDING AN EFFECTIVE DATE THEREFOR**

**WHEREAS**, on the 9th day of March, 2010, the City Council of Miles City, Montana adopted Resolution 3317, a resolution of intent to create a business improvement district pursuant to §7-12-1102(4) MCA within a district defined in such resolution;

**AND WHEREAS**, notice of the passage of such resolution of intent was mailed to all property owners within such proposed district and published as provided by §7-12-1112 MCA;

**AND WHEREAS** the protest period provided by §7-12-1113 has fully expired and no written protests to the creation of such district were delivered to the City of Miles City;

**AND WHEREAS** the City Council of the City of Miles City has determined that it is in the best interests of the property owners within such district for a business improvement district to be created therein to aid tourism, promotion and marketing within the district;

**NOW THEREFORE, BE IT ORDAINED** by the City Council of the City of Miles City, Montana as follows:

**Section 1.** There is hereby created Business Improvement District No. 101 to aid tourism, promotion and marketing within the district.

**Section 2.** The boundaries of the District shall be as follows:

Tract A of Certificate of Survey No. 102097 in the SW¼SW¼ of Section 2, Township 7 North, Range 47 East (Commonly known as Holiday Inn Express)

Tract 1 of Certificate of Survey 57595 in the NE¼ of Section 3, Township 7 North, Range 47 East, less highway (Commonly known as Comfort Inn)

Certificate of Survey No. 14268 in Gulf Oil Corp. Tract, less Certificates of Survey Nos. 76277, 80623, and 106734 (Commonly known as EconoLodge)

A parcel of land in Tract 1 of Edwards Tract in Lot 4, Section 2, Township 7 North, Range 47 East MPM more particularly described as: Beginning at a point on the section line, said point being South 0° 12' West a distance of 535.6 feet from the section corner common to Sections 34, 35, 3 and 2; thence South 89° 48 minutes East a distance of 394.95 feet more or less to the north right of way line of the Interstate Highway; thence North 58° 25' East a distance of 167.28 feet; thence North 0° 12' East a distance of 166.89 feet; thence North 89° 48' West a distance of

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337.15 feet; thence South 0° 12' West a distance of 200 feet; thence North 89° 48' West a distance of 200 feet; thence South 0° 12' West a distance of 55 feet to the point of beginning.  
(Commonly known as Motel 6)

Lots 1 through 10 in Block 1, Doeden Addition to the City of Miles City (Commonly known as Best Western War Bonnet)

Lots 1 through 4 in Block 32 of the Original Townsite of the Town, now City of Miles City (Commonly known as the Olive Hotel)

Lots 11, 12, 13 and the South 21 feet of Lot 14 in Block 27 of the Original Townsite of the Town, now City of Miles City  
(Commonly known as the Olive Motel)

Such District encompasses all properties within the City of Miles City with the same identified purpose of providing overnight stays at lodging facilities that are subject to the Montana Lodging Facility Use Tax. If any properties within the City of Miles City, including any areas subsequently annexed to the City of Miles City, are properties providing overnight stays at lodging facilities that are subject to the Montana Lodging Facility Use Tax, they shall automatically become a part of this District, the boundaries of the District shall be amended to include such properties, and such property shall be liable for all assessments in the District for the duration of the District.

**Section 3.** The District shall be governed by a Board of Trustees consisting of five (5) owners of property within the District. The initial Board of Trustees shall be appointed by the Mayor, with the approval of the City Council, and the Mayor shall designate the initial terms of the trustees so appointed. One members shall be designated to serve an initial term of 1 year, one member shall be designated to serve an initial term of 2 years, one member shall be designated to serve an initial term of 3 years, and two members shall be designated to serve an initial term of 4 years.

**Section 4.** Subsequent to such initial appointment, members of the Board of Trustees shall be appointed for a term of office of 4 years, except that a vacancy occurring during a term must be filled for the expired term. A trustee shall hold office until a successor has been appointed and qualified.

**Section 5.** The presiding officer of the Board of Trustees shall be elected from the membership of the Board of Trustees by majority vote of the trustees. Provided, however, that the initial presiding officer of the Board of Trustees shall be designated by the Mayor. The presiding officer shall serve a term of 1 calendar year or for that portion of a calendar year remaining after each presiding officer is designated or elected.

**Section 6.** The Board of Trustees shall have those powers set forth in §7-12-1131, including any amendments thereto.

**Section 7.** So long as a nonprofit convention and visitors bureau, as defined by §15-65-101 MCA, is operating within the City of Miles City, the executive director of such nonprofit convention and visitors bureau shall be the executive director of the District.

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**Section 8.** On or before June 1 of each year, the Board of Trustees shall submit to the City Council a work plan and budget for the ensuing fiscal year, for review and approval by the City Council. So long as a nonprofit convention and visitors bureau, as defined by §15-65-101 MCA, is operating within the City of Miles City, the Board of Trustees shall consult with such convention and visitors bureau in developing a work plan and budget for the ensuing fiscal year.

**Section 9.** The City Council shall not approve the annual budget or work plan of the District unless the annual budget and work plan provide for liability insurance coverage insuring the District, the Board of Trustees, and the City of Miles City against legal liability for personal injury and property damage in an amount determined sufficient by the City Council.

**Section 10.** As the same time as the Board of Trustees submits the annual budget and work plan to the City Council, the Board shall also recommend to the City Council a method of levying an assessment on the property within the District that will best ensure that the assessment on each lot or parcel is equitable to the benefits to be received.

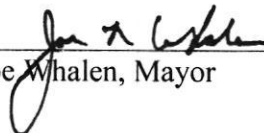
**Section 11.** The City Council shall annually assess the entire cost of the District against the entire District using a method that best ensures that the assessment on each lot or parcel is equitable to the benefits to be received. In determining the method of assessment, the City Council shall consider the recommendations of the Board. The City Council shall levy the assessment using one of, or a combination of, the methods set forth in §7-12-1133 MCA.

**Section 12.** An obligation or debt of any nature of the District is not an obligation or debt of the City of Miles City and in no event is a debt or obligation of the District payable out of any funds or property of the City of Miles City. The debts and obligations of the District are payable solely from the funds and properties of the District.

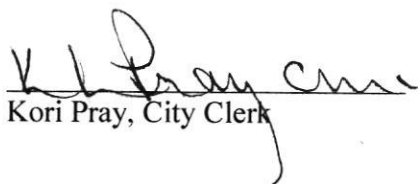
**Section 13.** The duration of Business Improvement District No. 101 shall be for a period of ten (10) years from and after the effective date of this Ordinance, unless the duration of the District is subsequently extended pursuant to §7-12-1141.

**Section 14. Effective Date.** This ordinance shall become effective thirty (30) days following its final passage.

Said ordinance read and put on its passage this 13th day of April, 2010.

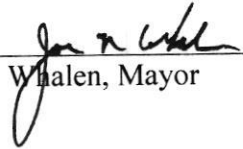
  
\_\_\_\_\_  
Joe Whalen, Mayor

ATTEST:

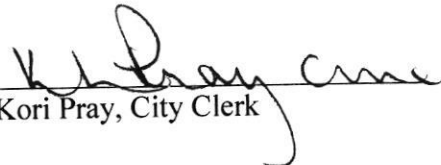
  
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Kori Pray, City Clerk

**FINALLY PASSED AND ADOPTED** this 27th day of April, 2010.

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Joe Whalen, Mayor

ATTEST:

  
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Kori Pray, City Clerk