

**Draft Dated 11/12/2019**  
**RESOLUTION NUMBER**

**A resolution of intention to extend the duration of the Missoula Downtown Business Improvement District for a period of 10 years and set a public hearing on the matter on December 16, 2019.**

**WHEREAS**, pursuant Title 7, Chapter 12, Part 11 MCA, the City of Missoula is authorized to create and extend the duration of business improvement districts; and,

**WHEREAS**, the Missoula City Council adopted Resolution 6898 on April 4, 2005, establishing the Missoula Downtown Business Improvement District for five years, extended the duration of the district in Resolution 7511 adopted March 22, 2010, and extended the boundaries of the district in Resolution 7958 on June 8, 2015;

**WHEREAS**, in accordance with 7-12-1111 (1) MCA, the City of Missoula has been presented with petitions requesting renewal of the district that are signed by more than the statutorily required 60%, of the area of the property to be included in the Business Improvement District, the exterior boundaries of which are shown on the attached Exhibit "A" and which by this reference is made a part hereof; and,

**WHEREAS**, the aforementioned petition requests that the City of Missoula create a business improvement district for a period of ten (10) years, pursuant to Section 7-12-1141, MCA; and

**WHEREAS**, the proposed district as shown in Exhibit A meets the requirements of 7-12-1111 MCA because it complies with applicable zoning regulations, and the district does not include areas that are zoned primarily residential; and

**WHEREAS**, the proposed annual assessments for the district are as follows:

Type of Property	Zone 1	Zone 2
All property not referred to below	\$200 flat fee plus 2.5% of the property's taxable value	\$150 flat fee plus 2.0% of the property's taxable value
Land owned by the United States Federal Government	Exempt	Exempt
City (except parkland) land Missoula County land Missoula Parking Commission land	\$200 plus \$.035 cents per square foot	\$150 plus \$.035 cents per square foot
City park land	\$200 plus \$.015 cents per square foot	\$150 plus \$.015 cent per square foot
Properties for which the property taxpayer has qualified for property tax assistance as provided by 15-6-134 and 15-6-193, MCA.	Exempt	Exempt
Residential storage units identified as separate taxable parcels	Exempt	Exempt
City and State public rights-of-way or parcels located in the river	Exempt	Exempt

**WHEREAS**, the petitioners state the business improvement district will be created for the general purpose of promoting private investment and business expansion in the district and to implement the specific projects and programs to accomplish those purposes; and

**WHEREAS**, in accordance with 7-12-1102 MCA, the Missoula City Council has determined that this purpose promotes the health, safety, prosperity, security and general welfare of the inhabitants of the City of Missoula and the proposed district, the people of the state of Montana, and provides special benefit to the property located within the boundaries of said proposed district as shown on the attached Exhibit "A".

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF MISSOULA, MONTANA:**

**Section 1.** That the Missoula City Council intends to create a business improvement district pursuant to Title 7, Chapter 12, Part 11 MCA.

**Section 2.** Said business improvement district would have boundaries as shown on the attached Exhibit "A" which, by this reference, is made a part thereof, provided, however, that all property owned by the United States Federal Government pursuant to federal prohibition on state or local entities imposing assessments on federal government is specifically excluded from the business improvement district and is exempt from its assessments.

**Section 3.** The City Clerk is hereby authorized and directed to publish or cause to be published notice of the passage of this resolution in the Missoulian, a newspaper of general circulation in Missoula County on December 1, 2019 and December 8, 2019, in the form and manner prescribed by law, and to mail or cause to be mailed a copy of said notice to every person, firm, corporation, or the agent of such person, firm, or corporation owning real property within the District listed in his or her name upon the last completed assessment roll for state, county, and school district taxes, at the owners last-known address, on or before the same day such notice is first published. The notice must describe the general purpose of the district or the general reason for the expansion and designate the time when and the place where the governing body will hear and pass upon all protests that may be made against the creation of the district or the expansion of the existing district. The notice must refer to the resolution on file with the governing body or clerk, if any, for the description of the boundaries.

**Section 4.** Any owner of property liable to be assessed may make written protest against the extent or creation of the district to be assessed, or both. The protest must be in writing and must be delivered to the governing body or its clerk, not later than 5 p.m. of the last day within 15 days after the date of the first publication of the notice of the resolution of intention which is December 16, 2019, at 5:00 p.m. The date and hours of receipt of the protest shall be endorsed thereon.

**Section 5.** A public hearing shall be held at 7:00 p.m. on the 16<sup>th</sup> day of December 2019, in the City Council Chambers, 140 W. Pine St., Missoula, Montana.

**Section 6.** In accordance with 7-12-1114 MCA, the Missoula City Council will proceed to hear and pass upon all protests at their regular meeting of December 19, 2019. Its decision shall be final and conclusive. The City Council may adjourn the hearing from time to time. A protestant shall have the right to withdraw a protest at any time before final action thereon by the City Council. No further action shall be taken upon the proposed district for 1 year if a written protest against the passage of the proposed resolution is filed by:

- (a) owners of property within the proposed district having a taxable valuation, when aggregated, representing not less than 50% of the total taxable valuation of property within the district;
- (b) not less than 50% of the owners of property within the district; or
- (c) owners of property within the proposed district having projected assessments, when aggregated, representing not less than 50% of the total projected assessments for property within the district.

**Section 7.** If the creation of the Business Improvement District is successful, the district will be governed by a board of trustees in accordance with 7-12-1121 MCA comprised of 7 owners of property within the district to include designated representatives from the following:

1. Representative of Zone 1
2. Representative of Zone 2
3. Representative of Property south of the Clark Fork River
4. Large Property Representative (greater than 20,000 square feet)
5. Small Property Representative (less than 20,000 square feet)
6. Representative from the City of Missoula
7. One additional Representative

PASSED AND ADOPTED this 25<sup>th</sup> day of November, 2019

ATTEST:

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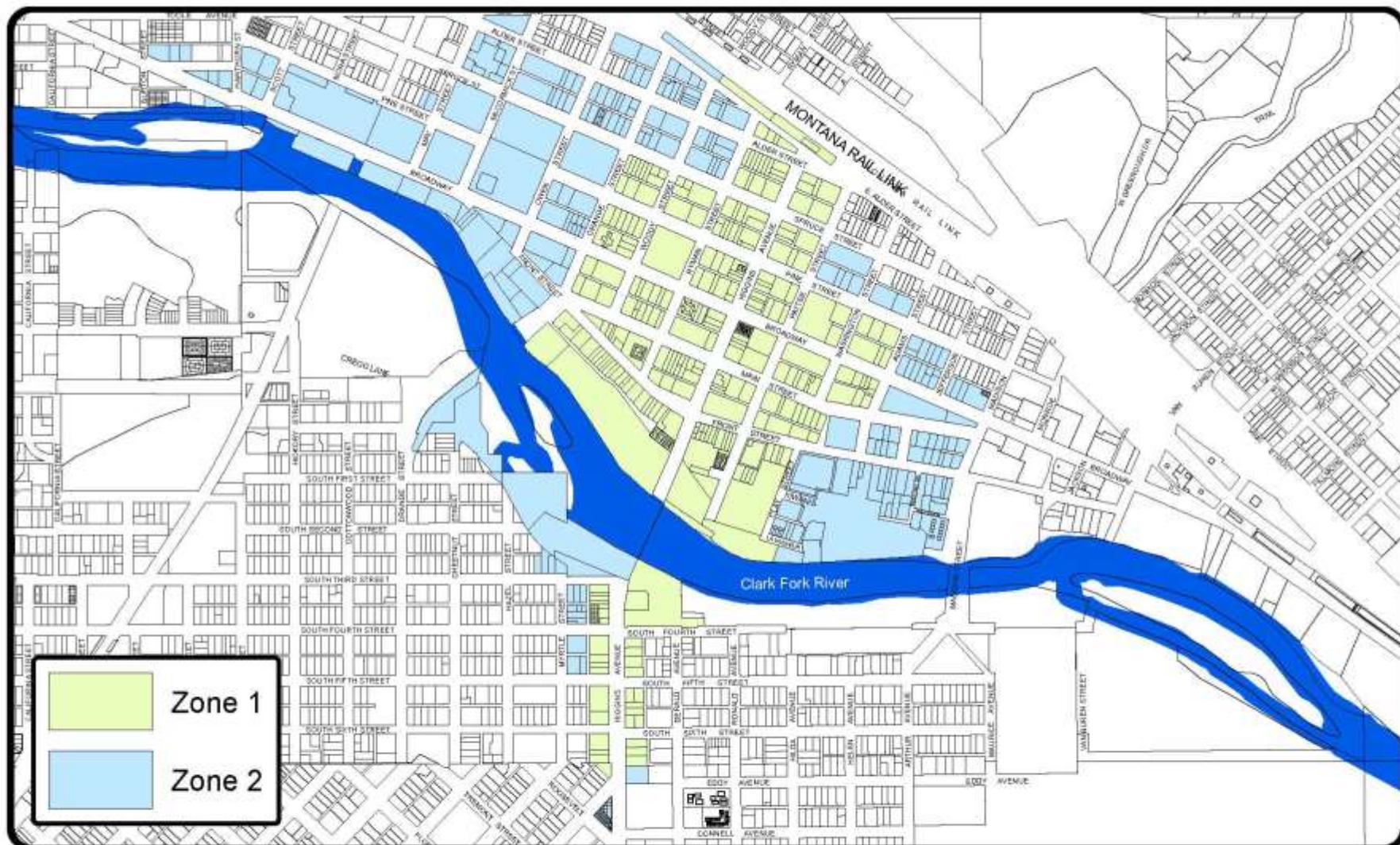
Martha L. Rehbein, CMC  
City Clerk

APPROVED:

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John Engen  
Mayor

# MISSOULA Business Improvement District 2020



0 0.25 0.5 Miles



Prepared by: Tod Gass  
Missoula Redevelopment Agency  
Date: November 6, 2019