

**SECOND AMENDMENT TO  
MULLAN BUILD – INTERLOCAL AGREEMENT BETWEEN CITY OF MISSOULA  
AND MISSOULA COUNTY**

**THIS AMENDMENT** (“Amendment”), signed this 8th day of March, 2022 is intended to amend the Mullan Build – Interlocal Agreement Between City of Missoula and Missoula County (“Original Agreement”) entered into between the City of Missoula (the "City"), and Missoula County (the “County”) on February 18, 2020.

**RECITALS**

**Whereas**, the Parties previously entered into the Original Agreement with the understanding that the County would be responsible for a matching funding contribution of \$1,000,000 and the City would be responsible for a matching funding contribution of \$6,300,000 as identified in Section 4 of the Original Agreement; and

**Whereas**, the Parties previously entered into the First Amendment to the Original Agreement amending the County funding contribution to \$800,000 plus an additional \$500,000 contingency, with a future funding commitment of \$500,000 for shared use paths, and amending the City funding contribution to \$5,800,000.

**Whereas**, the County received a final Guaranteed Maximum Price (GMP) for the Mullan BUILD Project and intends to enter into contracts for construction; and

**Whereas**, both Parties desire to amend their matching funding contributions as they relate to the initial phase of Mullan BUILD Project.

**Now therefore**, in consideration for the promises and covenants contained below, the Parties agree to amend the Original Agreement and First Amendment by replacing the following provisions in Section 4 in the Original Agreement:

4.5. The County is responsible for a matching funding contribution of \$800,000 plus an additional \$500,000 in contingency funds which may be used if the Federal BUILD Grant funding and City funding included in 4.6 below are not sufficient to cover the cost of construction. The County is committed to an additional \$500,000 for future shared use path construction as the next phase of the Mullan BUILD Project.

4.6 The City is responsible for a matching funding contribution of \$6,250,000, consisting of \$2,575,000 for transportation improvements and \$3,675,000 for water and sewer utility improvements. Additionally, City agrees to work with the County to complete the Flynn Trail and the Mullan Trail as the next phase of the Mullan BUILD Project, as required by the Federal BUILD Grant agreement, including funding up to \$705,000 designated for those projects in the Sxwtpqyen Area Transportation Special Impact Fee, as that funding becomes available.

All other terms and conditions of the Original Agreement remain in full force and effect. This Amendment is effective upon execution by all of the parties.

**IN WITNESS WHEREOF** the parties have executed this Amendment on the date referenced beside each signature below.

Missoula Board of County Commissioners

*Juanita Vero*

6F45D36DCC41E9C2B2D512DC93A576B2 ready**sign**

By: Juanita Vero, Chair

*Josh Slotnick*

137D51ED69FA2244FEA409545EBDD56F ready**sign**

By: Josh Slotnick

**Not Available**

By: Dave Strohmaier

City of Missoula

\_\_\_\_\_  
By: John Engen, Mayor

Attest: \_\_\_\_\_  
City Clerk