



MEMORANDUM

TO: MRA Board of Commissioners

FROM: Ellen Buchanan, Director *EB*

DATE: April 15, 2022

SUBJECT: Scott Street Redevelopment Project Infrastructure Reimbursement Resolution

In January, the MRA Board approved funding for the design of streets and utilities necessary to carry out the North Reserve/Scott Street Master Plan and create the parcels needed for the redevelopment of the eastern 9 acres of the property purchased from Scott Street LLP in 2020. At that time, the URD had adequate capacity to fund the professional engineering services using unobligated cash in the district. There will not be adequate capacity to construct the improvements without the issuance of debt and that will not be requested until we have firm costs in hand, likely this coming fall. As is typical with projects of this nature, the City Council is asked to approve a reimbursement resolution which allows MRA to fold the front-end design costs into the bond, freeing up cash in the district for use on other projects. We have done this on most or all of the previous bonds that were issued for infrastructure that is being paid for through the obligation of TIF revenues.

I have attached the Reimbursement Resolution prepared by our bond council, Dorsey & Whitney, along with the conceptual site plan which defines the street and utility locations. If the Board approves the staff recommendation, the resolution will be referred to City Council for action. This will allow all sums paid for design of the public improvements to be eligible for refunding to the North Reserve/Scott Street URD from the proposed bond proceeds. This is dependent on the City Council approving the sale of TIF Revenue Bonds for this purpose and would free up over \$300K to be used for other purposes in the district.

Recommendation: Staff recommends that the MRA Board approve the Reimbursement Resolution and direct staff to refer it to City Council for consideration with a recommendation that the City Council approve the Resolution.

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Missoula, Montana (the "City"), hereby certify that the attached resolution is a true copy of Resolution No. _____ entitled: **"Resolution Relating to the Financing of Certain Infrastructure Costs in Connection With a Redevelopment Project; Establishing Compliance With Reimbursement Bond Regulations Under the Internal Revenue Code"** (the "Resolution"), on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Council of the City on _____, 2022, and that the meeting was duly held by the City Council and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution at said meeting, the following Council members voted in favor thereof: _____; voted against the same: _____; abstained from voting thereon: _____; or were absent: _____.

WITNESS my hand and seal officially this ____ day of _____, 2022.

(SEAL)

City Clerk

RESOLUTION NO. _____

Resolution Relating to the Financing of Certain Infrastructure Costs in Connection With a Redevelopment Project; Establishing Compliance With Reimbursement Bond Regulations Under the Internal Revenue Code

BE IT RESOLVED by the City Council (the “Council”) of the City of Missoula, Montana (the “City”), as follows:

Section 1. Recitals.

1.01 The United States Department of Treasury has promulgated final regulations governing the use of proceeds of tax-exempt bonds, all or a portion of which are to be used to reimburse the City for project expenditures paid by the City prior to the date of issuance of such bonds. Those regulations (Treasury Regulations, Section 1.150-2) (the “Regulations”) require that the City adopt a statement of official intent to reimburse an original expenditure not later than 60 days after payment of the original expenditure. The Regulations also generally require that bonds be issued and the reimbursement allocation be made from the proceeds of such bonds within 18 months (or three years, if the reimbursement bond issue qualifies for the “small issuer” exception from the arbitrage rebate requirement) after the later of (i) the date the expenditure is paid or (ii) the date the project is placed in service or abandoned, but (unless the issue qualifies for the “small issuer” exception from the arbitrage rebate requirement) in no event more than three years after the date the expenditure is paid. The Regulations generally permit reimbursement of capital expenditures and costs of issuance of the bonds.

1.02 The City desires to comply with requirements of the Regulations with respect to the project and certain eligible costs hereinafter identified.

Section 2. Official Intent Declaration.

2.01 The City, in partnership with Ravara Development LLC, is proceeding with the redevelopment of certain property owned by the City and located on Scott Street (the “Scott Street Site”), consisting generally of the redevelopment of that site as a residential/mixed use/mixed income development, including neighborhood commercial and retail uses and a range of housing types that would be accessible to low- and moderate-income households (collectively, the “Project”). The Scott Street Site is located in the City’s North Reserve/Scott Street Urban Renewal District, and certain costs of the Project are expected to be eligible for tax increment financing, including costs of engineering, design and construction of public infrastructure facilitating the Project (the “Eligible Costs”).

2.02 Other than (i) expenditures to be paid or reimbursed from sources other than the Bonds (as hereinafter defined), (ii) expenditures permitted to be reimbursed under the transitional provision contained in Section 1.150-2(j)(2) of the Regulations, (iii) expenditures constituting preliminary expenditures within the meaning of Section 1.150-2(f)(2) of the Regulations, or (iv) expenditures in a “de minimus” amount (as defined in Section 1.150-2(f)(1) of the Regulations), no expenditures for the Project or the Eligible Costs have heretofore been paid by the City and no expenditures will be paid by the City until after the date of this Resolution.

2.03 The City reasonably expects to reimburse some or all of the expenditures made for costs of the Project and the Eligible Costs out of proceeds of bonds, in one or more series. It is not currently possible to estimate a principal amount of bonds that may be issued for the Project; however, the City estimates that it may issue bonds for the Eligible Costs in a maximum aggregate principal amount of approximately \$3,640,000 (the “Bonds”) after the date of payment of all or a portion of the costs of the Eligible Costs. All reimbursed expenditures shall be capital expenditures, a cost of issuance of the Bonds or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Regulations.

Section 3. Budgetary Matters. As of the date hereof, there are no City funds reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the Eligible Costs, other than pursuant to the issuance of the Bonds. The statement of intent contained in this resolution, therefore, is determined to be consistent with the City’s budgetary and financial circumstances as they exist or are reasonably foreseeable on the date hereof.

Section 4. Reimbursement Allocations. The City Finance Director shall be responsible for making the “reimbursement allocations” described in the Regulations, being generally the transfer of the appropriate amount of proceeds of the Bonds to reimburse the source of temporary financing used by the City to make prior payment of the costs of the Eligible Costs. Each allocation shall be evidenced by an entry on the official books and records of the City maintained for the Bonds or the Eligible Costs and shall specifically identify the actual original expenditure being reimbursed.

PASSED AND APPROVED by the City Council of the City of Missoula, Montana, this ____ day of _____, 2022.

Mayor

Attest: _____
City Clerk

Building #C
12 Townhome
Units

Building #D
9 Townhome
Units

Building #E
9 Condo Units

Building #F
9 Condo Units

Building #B
12 Townhome
Units

Building #A
9 Live / Work
Units

Building #H
9 Condo Units

Building #G
9 Condo Units

Cushing
Terrell.

SCOTT STREET DEVELOPMENT : SITE CONCEPT 1" = 80'-0"

8/30/2021

