

**RESOLUTION 8338**

**A resolution of the Missoula City Council renewing and expanding the Missoula Tourism Business Improvement District (TBID) for a period of ten years consisting of certain hotel/motel properties within the corporate limits of the City of Missoula for the purpose of aiding tourism, promotion, and marketing within the District.**

**WHEREAS**, on April 22, 2019, the Missoula City Council adopted Resolution 8332, a Resolution of Intent indicating the Council’s intention to create the Missoula Tourism Business Improvement District (the “District”) pursuant to the provisions of §7-12-1101, MCA, *et seq.*, and

**WHEREAS**, the recitals and items resolved by Resolution 8332 are incorporated herein by reference as if part of this Resolution; and

**WHEREAS**, the City Clerk published notice of passage of Resolution 8332 in compliance with Sect. 7-12-1112, MCA, by publishing the notice in the *Missoulian* on April 28, 2019 and May 5, 2019, and by mailing a copy of the notice to every owner of real property potentially subject to assessments within the proposed District as indicated in Resolution 8332; and

**WHEREAS**, Sect. 7-12-1113, MCA allows the owner of any property liable to be assessed to make a written protest against the creation of the District. Pursuant to Montana law and Resolution 8332, any owner duly noticed was required to submit that protest in writing and deliver it to the City Clerk no later than 5:00 p.m. on May 13, 2019; and

**WHEREAS**, the City Clerk's office has received letters in protest of the district as follows:

	Number of owners	Taxable Valuation	Estimated assessments
Number protesting	1	\$34,077	Data unavailable, unable to determine See Bud Kal v City of Kalispell No. DA 080318
Total aggregated	36	\$3,249,315	Data unavailable, unable to determine See Bud Kal v City of Kalispell No. DA 080318
Percentage	2.78%	1.05%	Data unavailable, unable to determine See Bud Kal v City of Kalispell No. DA 080318

**WHEREAS**, Sect. 7-12-1114, MCA requires the City Council, after close of the protest period, to hold a hearing on any protests received during the protest period as described above and pass upon those protests and the City Council has done so on May 13, 2019; and

**WHEREAS**, there was 1 protest received to present to the City Council; and

**WHEREAS**, the City Clerk notified the Council that 1 protest was received; thus the protest thresholds outlined in section 7-12-1114(3), MCA is not been met; and

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Missoula, Montana:

1. The City Council hereby notes that 1 protest was received and determines that protests are not sufficient pursuant to Sect. 7-12-1114(3) (a) and (b), MCA to prevent the creation of the District. The City Council hereby finds there is no way of reasonably or fairly determining or estimating what the assessments for the individual properties will be and therefore this protest provision was not evaluated; and
2. The City Council hereby adopts this final Resolution and orders creation of the district for a period of ten years in accordance with Resolution 8332. The purpose, name, limits and boundaries of the district, benefitted properties, general character of the services to be performed, assessment methods and properties to be assessed, and duration of the district shall be carried out as set forth in Resolution 8332. A map of the properties currently included in the district is attached as Exhibit A and a list of the properties included in the district is attached as Exhibit B; and
3. In accordance with 7-12-1121 MCA, the City Council hereby empowers the Tourism Business Improvement District Board of Trustees to oversee the affairs of the district. The TBID board of trustees is comprised of five (5) owners of property or their legally designated representatives within the district who are subject to TBID assessments. The Mayor makes the appointments with the advice and consent of the City Council. Terms for the board of trustees will be staggered in accordance with §7-12-1121 (3) and (4). The director of the TBID will be the executive director of Destination Missoula, the Missoula Convention and Visitor's Bureau, in accordance with §7-12-1121 (1). The TBID Board of Trustees is a public body, and the affairs of the district and of the board are subject to all statutory and constitutional laws pertaining to public bodies; and
4. The City Council hereby notifies the Board of Trustees that pursuant to section 7-12-1143 MCA, the annual work plan and budget shall not be adopted unless the work plan and budget provide for adequate liability coverage insuring the district, the Board, and the City of Missoula against legal liability for personal injury and property damage in an amount sufficient to cover the City of Missoula's statutory liability limits as stated in Sect. 2-9-108(1), MCA.; and

5. The City Council hereby notifies the Board of Trustees that the obligations incurred by the district are not obligations of the local government. In accordance with §7-12-1144, the City Council declares that any obligation or debt of any nature of the TBID is not an obligation or debt of the local government that established the district, and in no event is a debt or obligation of the district payable out of any funds or properties of the local government. The debts and obligations of the TBID are payable solely from the funds and properties of the district.

**Severability.** If any section, subsection, sentence, clause, phrase or word of this resolution is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this resolution. The council hereby declares that it would have passed this resolution and each section subsection, sentence, clause, phrase, and words thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or words have been declared invalid or unconstitutional, and if for any reason this resolution should be declared invalid or unconstitutional, then the remaining resolution provisions will be in full force and effect.

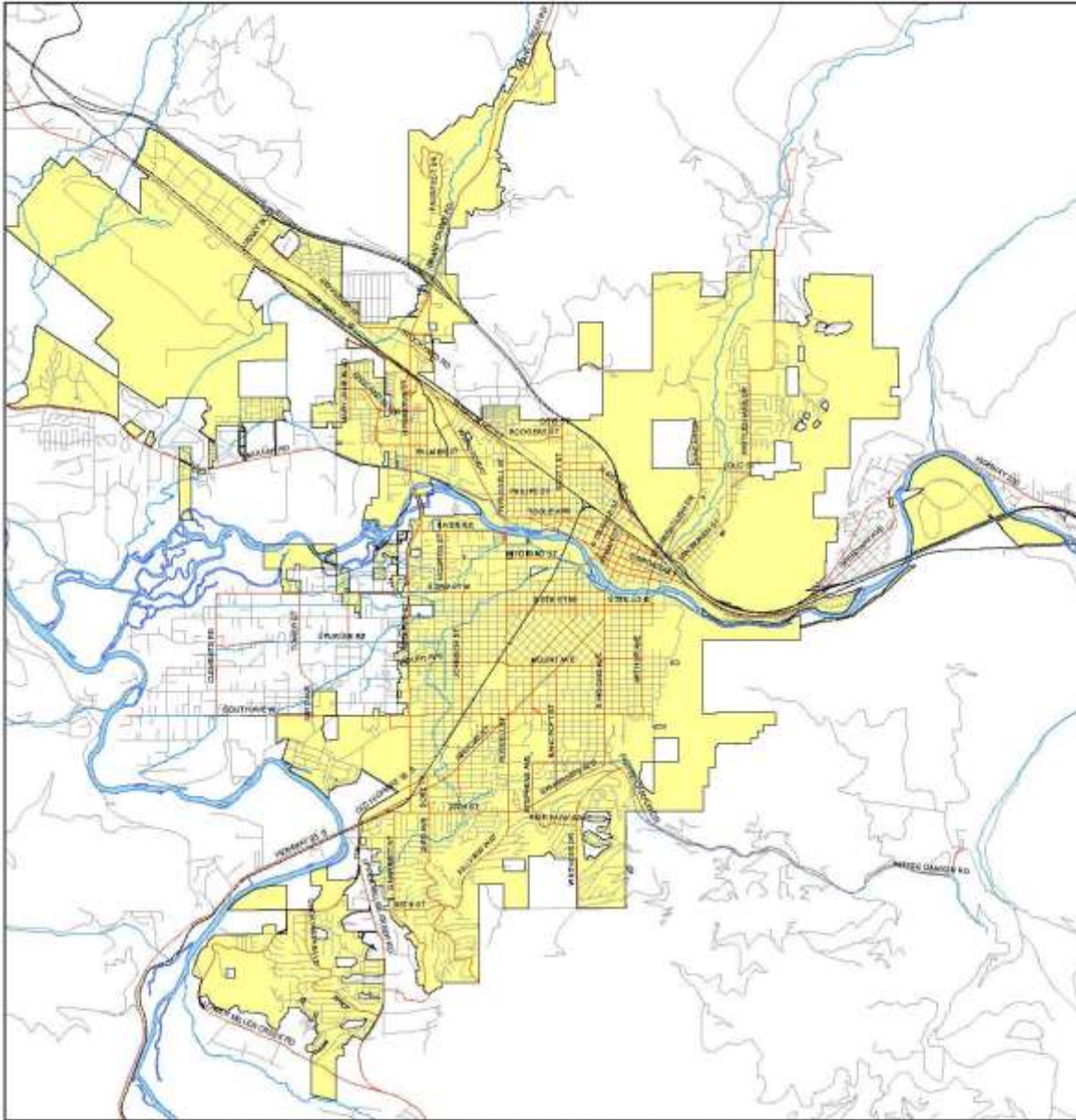
APPROVED BY THE CITY COUNCIL OF THE CITY OF MISSOULA, MONTANA THIS 13<sup>th</sup> DAY OF MAY, 2019.

ATTEST:

Martha L. Rehbein Martha  
L. Rehbein  
City Clerk

APPROVED:

/s/ John Engen  
John Engen  
Mayor



## CITY OF MISSOULA, MONTANA - CITY LIMITS MAP

City Limits as of:  
December 26, 2018



**34.8 Square Miles**  
**22,273 Acres**  
**970,210,769 Square Feet**



Printing Date: Wednesday, December 26, 2018  
File: CityMap\_8.5x11\_PDF.mxd  
Prepared By: GIS Services

GEOCODE	HOTEL	TAX ID #	OWNER	LEGAL DESCRIPTION	SQUARE FOOTAGE	TAXABLE VALUE	PETITIONED?	SQUARE FOOTAGE PETITIONED?	PROTEST?	TAXABLE VALUE PROTESTING	OWNER-SHIP COUNT	COUNT OF OWNERS PETITIONING	OWNERSHIP PROTESTING
04220005301090000	Ruby's Inn	0005844173	ERCK INCORPORATED	RUBY ERCK ADDITION, S05, T13 N, R19 W, Lot 3A, ACRES 1.95, NORTHGATE BUISNESS CENTER-LOT 3	84,942	\$ 61,911.00	Yes	84,942		\$ -	1	1	0
04220032311370000	Sleep Inn	0003295903	GRANITE PEAK HOSPITALITY INC	DORE LANE ADDITION, S32, T13 N, R19 W, Lot 1	46,100	\$ 34,077.00		-	yes	\$ 34,077.00	1	0	1
04220021219070000	Sleepy Inn Motel	0002138404	SUBRAYAN ALEX M	MCCORMICK ADDITION # 2, S21, T13 N, R19 W, BLOCK 9, Lot 11 - 18, E 8' OF 19	24,960	\$ 11,310.00		-		\$ -	duplicate owner		
04220007101020000	Staybridge Suites	0005844913	ENCE PROPERTIES dba STAYBRIDGE SUITES	STAYBRIDGE, S07, T13 N, R19 W, Lot 3, 96039 SQUARE FEET	96,039	\$ 194,798.00	Yes	96,039		\$ -	1	1	0
04219901102040000	Stone Creek Lodge	0003474903	CENTER FIELD PROPERTIES LLC	MISSOULA DEVELOPMENT PARK - PHASE 2, S01, T13 N, R20 W, BLOCK 9, Lot 3A & 4A, 153974 SQUARE FEET	153,974	\$ 157,634.00		-		\$ -	1	0	0
04219901102050000	Stone Creek Lodge	0003475001	CENTER FIELD PROPERTIES LLC	MISSOULA DEVELOPMENT PARK PH2 002, S01, T13 N, R20 W, BLOCK 009, Lot 4A, 36369 SQUARE FEET, LOTS 3A & 4A	36,369	\$ 12,258.00		-		\$ -	duplicate owner		
04220005301150000	Super 8 Motel	0005844208	PUNJAB LLC	NORTHGATE BUSINESS CENTER, S05, T13 N, R19 W, Lot 5	83,200	\$ 48,388.00		-		\$ -	1	0	0
04220031430100000	Super 8 Motel	0000344963	S&G 3901 LLC	NP 93 ADDITION, S31, T13 N, R19 W, PARCELS A & B POR TRACTS 3 & 4 2.543AC	110,762	\$ 54,360.00		-		\$ -	1	0	0
04220017201030000	Broadway Inn and Conference Center	0000306207	TRIPLE M PROPERTY MANAGEMENT LLC	S17, T13 N, R19 W, C.O.S. 5628, PARCEL A, IN SE4	144,619	\$ 65,073.00	Yes	144,619		\$ -	1	1	0
04220022406020000	Thunderbird Motel	0001952300	THUNDERBIRD MOTEL	S22, T13 N, R19 W, C.O.S. 4621, PARCEL 2, NE4 SE4 25,447 SQ FT	25,447	\$ 18,121.00	Yes	25,447		\$ -	1	1	0
04220008202110000	TownePlace Suites	0003809306	JK MISSOULA LLC	NORTH RESERVE BUSINESS CENTER, S08, T13 N, R19 W, Lot 6B, 95170 SQUARE FEET, PHASE 3B	95,170	\$ 121,289.00	Yes	95,170		\$ -	1	1	0
04220005302030000	Travelers Inn	0005831970	TETON ACCEPTANCE LLC	ROWDY'S CABIN TRAVELERS INN MOTEL ADDITION, S05, T13 N, R19 W, Lot B	41,382	\$ 17,006.00		-		\$ -	1	0	0
04219901102140000	Wingate Inn	0003475905	MISSOULA VENTURES LLC	MISSOULA DEVELOPMENT PARK - PHASE 2, S01, T13 N, R20 W, BLOCK 11, Lot 1	131,987	\$ 155,658.00	Yes	131,987		\$ -	1	1	0
<b>Totals:</b>					3,587,026	\$ 3,249,315.00		2,352,512		\$ 34,077.00	36	20	1

Sq. ft. petitioning (%):	65.58%
Owners petitioning (%):	55.56%
Owners protesting (%):	2.78%
Taxable value protesting (%):	1.05%
Assessment value (%):	Data unavailable, unable to determine See Bud Kal v City of Kalispell No. DA 08-0318

