



**AGENDA
CITY OF LAUREL
CITY COUNCIL WORKSHOP
TUESDAY, FEBRUARY 04, 2020
6:30 PM
CITY COUNCIL CHAMBERS**

Public Input: *Citizens may address the Council regarding any item of City business that is not on tonight's agenda. The duration for an individual speaking under Public Input is limited to three minutes. While all comments are welcome, the Council will not take action on any item not on the agenda. If a citizen would like to speak or comment regarding an item that is on tonight's agenda, we ask that you wait until the agenda item is presented to the Council by the Mayor and the public is asked to comment by the Mayor. Once again, each speaker is limited to three minutes.*

Be advised, if a discussion item has an upcoming public hearing, we would request members of the public to reserve your comments until the public hearing. At the public hearing, the City Council will establish an official record that will include all of your comments, testimony and written evidence. The City Council will base its decision on the record created during the public hearing. Any comments provided tonight will not be included in the record or considered by the City Council.

General Items

1. Appointment of Colton McCleary and Kently Kuntz to the Laurel Volunteer Fire Department.

Executive Review

2. Resolution - A Resolution Of The City Council Authorizing City Staff To Nominate Riverside Park For Inclusion On The National Registry Of Historic Places.
3. Resolution - Resolution Approving Certain Public Infrastructure Improvements In The Laurel Urban Renewal District As An Urban Renewal Project; Making Findings With Respect Thereto And Approving The Issuance Of Tax Increment Urban Renewal Bonds To Pay Costs Thereof; Preliminarily Authorizing The Issuance And Private Negotiated Sale Of Bonds And Authorizing The Process For Selecting A Purchaser Thereof (Public Hearing 2.11.2020)

Council Issues

4. West Railroad Discussion

Other Items

Review of Draft Council Agendas

5. Review Draft Council Agenda for February 11, 2020.

Attendance at Upcoming Council Meeting

Announcements

The City makes reasonable accommodations for any known disability that may interfere with a person's ability to participate in this meeting. Persons needing accommodation must notify the City Clerk's Office to make needed arrangements. To make your request known, please call 406-628-7431, Ext. 2, or write to City Clerk, PO Box 10, Laurel, MT 59044, or present your request at City Hall, 115 West First Street, Laurel, Montana.

DATES TO REMEMBER

Item Attachment Documents:

1. Appointment of Colton McCleary and Kently Kuntz to the Laurel Volunteer Fire Department.



LAUREL FIRE/EMS

215 WEST 1ST STREET • LAUREL, MT • 59044
OFFICE 406.628.4911 • FAX 406.628.2185

City of Laurel
PO Box 10
Laurel, Mt. 59044

January 23, 2020

Mayor and Laurel City Council,

The following have been selected by the members of the Laurel Volunteer Fire Department to become volunteers.

Firefighters.

Colton McCleary
Kently Kuntz

They have all been selected unanimously by the Department and are seeking your appointment.

All personnel have been approved by the Chief of the Department.

This will bring the total to:
Fire- 36 of 45

Brent Peters
Fire Chief
Laurel Volunteer Fire Department

Item Attachment Documents:

2. Resolution - A Resolution Of The City Council Authorizing City Staff To Nominate Riverside Park For Inclusion On The National Registry Of Historic Places.

RESOLUTION NO. R2020-__

**A RESOLUTION OF THE CITY COUNCIL AUTHORIZING CITY STAFF TO
NOMINATE RIVERSIDE PARK FOR INCLUSION ON THE
NATIONAL REGISTRY OF HISTORIC PLACES.**

WHEREAS, the City of Laurel, Montana has the vested power, authority and jurisdiction over the City Park known as Riverside Park which has been annexed into the City and is located adjacent to the Yellowstone River in Laurel Montana; and

WHEREAS, the City, by and through its staff, would like to develop and submit a National Register Nomination to the State Historic Preservation Office and the National Park Service, keeper of the National Register of Historic Places, to include all of Riverside Park on the national registry to include the land, site, structures and cultural resources of the Park; and,

WHEREAS, nomination to the National Register of Historic Places is widely regarded as an honor that contributes to community pride, establishes a sense of place among residents, owners and visitors, and will assist the City in its goal of sharing the legacy of Riverside Park with the broader community.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes City Staff to prepare and submit a National Register Nomination for Riverside Park; and

BE IT FURTHER RESOLVED, the Mayor is authorized to execute any and all documents and applications required for submission of the nomination on the City's behalf.

Introduced at a regular meeting of the City Council on _____, 2020, by Council Member _____.

PASSED and APPROVED by the City Council of the City of Laurel, Montana,
this __ day of _____, 2020.

APPROVED by the Mayor this __ day of _____, 2020.

CITY OF LAUREL

Thomas C. Nelson, Mayor

ATTEST:

Bethany Langve, City Clerk/Treasurer

Approved as to form:

Sam S. Painter, Civil City Attorney

CITY HALL
115 W. 1ST ST.
PLANNING: 628-4796
WATER OFC.: 628-7431
COURT: 628-1964
FAX 628-2241

City Of Laurel

P.O. Box 10
Laurel, Montana 59044



Office of the City Planner

January 17, 2020

Regarding the Recommendation of Riverside Park for Inclusion on the National Registry of Historic Places

Mr. Mayor,

After reviewing the federal guidelines, resources, and information available regarding inclusion on the National Registry of Historic Places I am in support of placing Riverside Park on the National Registry of Historic Places (NRHP). There have been many concerns about the NRHP designation previously raised regarding:

- Floodplain regulations,
- Design and improvement constraints, and
- Federal oversight of local efforts.

The National Floodplain Insurance Program (NFIP) has specific regulations for structures regarding substantial improvement for both upgrades and repairing damage. Historic structures do not have to meet floodplain management requirements so long as they maintain their historic structure designation (44 CFR 49.1). The NFIP provides exemptions and variances for historic structures that localities can implement for their jurisdictions. The NFIP recommends considering improved construction and mitigation measures during rehabilitation despite their exemption from floodplain management requirements. The Laurel Floodplain Hazard Management Regulations updated in 2018 presents a basic variance process for historically designated structures which matches the NFIP program. This is described in Section 12.4.2.2.

Inclusion on the National Register of Historic Places does not overlay restrictions on a property owner nor does it mandate the preservation of that property in the future. Activities such as demolition, structural upgrades, replacement of features, and rehabilitation are all allowable by the building or site owner.

Communities have the option of choosing to adopt provisions for addressing the unique needs of “historic structures” and their improvement and alternation. Unless Federal funding is secured to improve/upgrade the site, direct oversight of activities will remain low. Inclusion of a site in the NHRP does not place undue burdens upon the owner in regards to color, removal and replacement of features, and site improvements unless federal licenses, funding, and permits are involved which would elicit review and compliance through Section 106 of the National Historic Preservation Act.

I support the inclusion of Riverside Park on the National Register of Historic Places. I have provided some documentation that supports my position on the matter. Please review the attached and annotated FEMA and Code of Federal Regulations documents for further information. Please let me know if you have any questions or comments on this item. Thank you for your time and consideration.

Respectfully,

A handwritten signature in black ink, appearing to read 'Nick Altonaga', with a long horizontal flourish extending to the right.

Nick Altonaga
Planning Director



National Flood Insurance Program (NFIP)

Floodplain Management Bulletin

Historic Structures

FEMA P-467-2

May 2008



FEMA

Floodplain Management Bulletin

Historic Structures

This Floodplain Management Bulletin addresses how the National Flood Insurance Program (NFIP) treats historic structures. This bulletin also identifies mitigation measures that can be taken to protect historic structures from floods. The bulletin addresses the following topics:

Introduction	2
Background on the NFIP	2
The NFIP and Historic Structures	3
Definition of “Historic Structures”	3
Floodplain Management Requirements that Provide Relief for Historic Structures	4
Historic Structures in the Floodway	5
New Construction and Non-contributing Structures in Historic Districts	6
Substantial Improvements to Existing Structures in Historic Districts	7
Flood Insurance for Historic Structures	8
Minimizing the Impacts of Flooding on Historic Structures	9
Protection Measures for Historic Structures	9
Hazard Mitigation Planning Can Benefit Historic Structures	19
Further Information	20
State and Local Mitigation Planning “How-To” Guides	20
Other Mitigation Documents	21
Comments	22
Ordering Information	22

Introduction

The National Flood Insurance Program (NFIP) gives special consideration to the unique value of one of our Nation's most significant resources – its historic buildings, landmarks, and sites. It does so in two ways.

First, the NFIP floodplain management regulations provide significant relief to historic structures. Historic structures do not have to meet the floodplain management requirements of the program as long as they maintain their historic structure designation. They do not have to meet the new construction, substantial improvement, or substantial damage requirements of the program. This exclusion from these requirements serves as an incentive for property owners to maintain the historic character of the designated structure (44 CFR §60.3). It may also serve as an incentive for an owner to obtain historic designation of a structure.

Secondly, a designated historic structure can obtain the benefit of subsidized flood insurance through the NFIP even if it has been substantially improved or substantially damaged so long as the building maintains its historic designation. The amount of insurance premium charged the historic structure may be considerably less than what the NFIP would charge a new non-elevated structure built at the same level. Congress requires that the NFIP charge actuarial rates for all new construction and substantially improved structures (National Flood Insurance Act of 1968, 42 U.S.C. 4015).

Although the NFIP provides relief to historic structures from having to comply with NFIP floodplain management requirements for new construction, communities and owners of historic structures should give consideration to mitigation measures that can reduce the impacts of flooding on historic structures located in Special Flood Hazard Areas (44 CFR §60.3). Mitigation measures to minimize future flood damages should be considered when historic structures are rehabilitated or are repaired following a flood or other hazard event. Qualified professionals such as architects, historic architects, and engineers who have experience in flood mitigation techniques can help identify measures that can be taken to minimize the impacts of flooding on a historic structure while maintaining the structure's historic designation.

The purpose of this floodplain management bulletin is to explain how the NFIP defines historic structure and how it gives relief to historic structures from NFIP floodplain management requirements (44 CFR §60.3). This bulletin also provides guidance on mitigation measures that can be taken to minimize the devastating effects of flooding to historic structures.

Background on the NFIP

Congress created the NFIP in 1968 to provide federally supported flood insurance coverage, which generally was not available from private companies. The NFIP is based on a mutual agreement with communities that have been identified as having Special Flood Hazard Areas. The Federal Emergency Management Agency (FEMA) will make flood insurance coverage available in a

community provided that it adopts and enforces floodplain management regulations that meet or exceed the minimum requirements of the NFIP (44 CFR §60.3). This is accomplished through local floodplain management regulations.

The NFIP minimum building and development regulations that communities must adopt require that new and substantially improved and substantially damaged residential buildings be elevated so that the lowest floor is at or above the Base Flood Elevation (BFE) determined for the site. Non-residential buildings have the option of elevation or dry floodproofing to the BFE [44 CFR §60.3(c)(2), (c)(3), and (e)(4)]. Dry floodproofing means making a building watertight, substantially impermeable to floodwaters to the BFE.

Substantial improvement means “any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed.”

Substantial improvement also includes the repair of buildings that have been substantially damaged. *Substantial damage means “damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.”*

In summary, structures that are “substantially improved” and “substantially damaged” must be brought into compliance with the community’s floodplain management requirements [44 CFR §60.3(c)(2), (c)(3), and (e)(4)].

The NFIP and Historic Structures

This section provides information on the NFIP definition of “historic structure” and the floodplain management requirements that will be included in community floodplain management ordinances.

Definition of “Historic Structures”

The definition section of the NFIP [Code of Federal Regulations (CFR) 44 Part 59], defines “historic structure” as “any structure that is:

- (1) *Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (This includes structures that are determined to be eligible for listing by the Secretary of the Interior as a historic structure. A determination of “eligibility” is a decision by the Department of the Interior that a district, site, building, structure or object meets the National Register criteria for evaluation although the property is not formally listed in the National Register.)*

- (2) *Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;*
- (3) *Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or*
- (4) *Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:*
 - (a) *By an approved state program as determined by the Secretary of the Interior or*
 - (b) *Directly by the Secretary of the Interior in States without approved programs."*

This definition was coordinated with the Department of Interior when it was added to the NFIP Regulations in 1989.

The purpose of this definition is to provide NFIP communities with criteria to distinguish between "historic structures" and the other existing buildings which remain subject to NFIP floodplain management requirements (44 CFR §60.3). While it is important to preserve historic structures and other cultural resources, it is also critical to ensure that other existing flood-prone structures are protected from flood damage when they are substantially improved or substantially damaged.

Floodplain Management Requirements that Provide Relief for Historic Structures

The NFIP floodplain management requirements contain two provisions that are intended to provide relief for "historic structures" located in Special Flood Hazard Areas:

- (1) The definition of "substantial improvement" at 44 CFR 59.1 includes the following exclusion for historic structures,

"Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as an "historic structure".

The same exemption also applies to "historic structures" that have been "substantially damaged".

This provision exempts historic structures from the substantial improvement and substantial damage requirements of the NFIP.

- (2) The other provision of the NFIP floodplain management regulations that provides relief for "historic structures" is the variance criteria at 44 CFR 60.6(a). This provision states:

"Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure."

Under the variance criteria, communities can place conditions to make the building more flood resistant and minimize flood damages, but such conditions should not affect the historic

character and design of the building. *See* the section on Minimizing the Impacts of Flooding on Historic Structures for ideas on conditions that could be established to make the building more flood resistant and to minimize flood damages.

Communities have the option of using either provision for addressing the unique needs of “historic structures”. Communities should adopt only one option to address “historic structures.” Some communities have chosen to adopt an ordinance that requires variances for improvements or repairs to “historic structures” and do not exclude such improvements from the substantial improvement definition in their ordinance. Other communities include the “historic structures” exemption as part of their “substantial improvement” definition. In either case, “historic structures” can be excluded from the NFIP elevation and floodproofing requirements. Whether a community exempts a “historic structure” under the substantial improvement definition or through the variance process, the exemption of the “historic structure” from the NFIP floodplain management requirements should be documented and maintained in the community permit files.

However, if plans to substantially improve a “historic structure” or repair a substantially damaged “historic structure” would result in loss of its designation as an “historic structure”, the structure no longer qualifies for the exemption and would be required to meet the NFIP floodplain management regulations (44 CFR §60.3). This determination needs to be made in advance of issuing a permit. This provides an incentive to the property owner to maintain the structure’s historic designation rather than altering the structure in such a way that it loses its designation as a “historic structure”.

Even if a “historic structure” is exempted from the substantial improvement and substantial damage requirements, consideration should be given to mitigation measures that can reduce the impacts of future flooding. There are mitigation measures that can reduce flood damages to historic structures without affecting the structure’s historic designation. *See* the section on Minimizing the Impacts of Flooding on Historic Structures.

Historic buildings may also be subject to the local building codes. Many States and communities use the International Codes as the basis for their buildings codes. The International Codes contain provisions for addressing historic buildings in a manner consistent with the NFIP.

Historic Structures in the Floodway

The NFIP floodplain management requirements could apply to an addition to a “historic structure”, if the structure or addition is located in a floodway. The floodway includes the channel of the river and the adjacent floodplain that must be reserved in an unobstructed condition in order to discharge the base flood without increasing flood levels by more than one foot (44 CFR § 59.1, “regulatory floodway”). All structures and improvements to structures, including additions to “historic structures”, must comply with the floodway encroachment provisions of 44 CFR § 60.3(c)(10) and (d)(3) of the NFIP Regulations.

44 CFR § 60.3(c)(10) applies to rivers and streams where FEMA has established BFEs, but has not provided the community with the data necessary to designate a floodway:

Require until a regulatory floodway is designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM [Flood Insurance Rate Map], unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

§ 60.3(d)(3) applies to rivers and streams where FEMA has provided both established BFEs and provided the community with the data necessary to designate a floodway:

Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

As an example, an addition, or any portion thereof, to a “historic structure” that expands the square footage of the structure beyond its footprint into the floodway must comply with the regulatory floodway criteria [44 CFR §60.3(c)(10) and (d)(3)]. These additions can obstruct flood flows and increase flood stages. Under 44 CFR § 60.3(d)(3), such an addition would be prohibited if any rise in the flood level would result from the addition. FEMA defines “any” as meaning a zero increase.

New Construction and Non-contributing Structures in Historic Districts

Generally, registered historic districts contain a mix of buildings. In addition to structures that contribute to the historic significance of the district, there will generally be structures in historic districts that have no historical significance and which do not contribute to the historic significance of a registered historic district (called “non-contributing” structures). In addition, there may be sites in these districts that are undeveloped or vacant land. Whole districts cannot be exempt from floodplain management regulations and a blanket variance cannot be issued for all land within these districts. The non-contributing structures and vacant lots in historic districts remain subject to all of the floodplain management requirements that apply to new construction and substantial improvements (44 CFR §60.3).

Some communities have argued that they should be allowed to grant variances for new buildings or for substantial improvements to non-contributing buildings in historic districts. They claim that requiring that the new structures or substantially improved structures be elevated to BFE could be harmful to the historic significance of the district. FEMA maintains that this would be contrary to the purposes of the NFIP and could result in greatly increased flood damages and, in some instance,

even result in loss of life. There are ways to elevate or floodproof new structures and substantially improve non-contributing structures so that they comply with the NFIP regulations, but that are still in harmony with the historic nature of the district. While the NFIP requires protection to the BFE, it does not specify the means (44 CFR §60.3). An architect should be able to design a new building that is both compliant with NFIP floodplain management requirements and compatible with the historic nature of the district. For example, the protection does not have to be achieved by unsightly mounds of dirt or bare pilings or other elevated foundations. The structure could be elevated on pilings or other foundation elements and the lower area then covered by an architecturally pleasing façade that will not impair the aesthetics of a historic district. The foundation could be camouflaged with landscaping, porches, or staircases (*See* the examples in latter sections of this bulletin).

The NFIP was specifically established by Congress to reduce threats to lives and the potential for damages to new construction in flood hazard areas in exchange for providing flood insurance. Exempting new construction from the NFIP elevation requirements in historic districts would be contrary to the National Flood Insurance Act of 1968, as amended, and it would create a significant flood risk to structures and to the health and safety of the population. Potentially thousands of buildings would be placed in harms way, if new or non-contributing structures are not protected.

Substantial Improvements to Existing Structures in Historic Districts

Some property owners have wanted to substantially improve a non-contributing structure in a historic district, so that it can become a contributing structure to the historical significance of the registered historic district. For example, this type of improvement could involve removal of modern additions to the building, replacement of modern siding or roofing materials with historic materials, and other actions to restore the historic nature of the structure. If the improvement is a substantial improvement to a non-contributing structure, the structure still could qualify for relief from the NFIP floodplain management requirements in the following ways (44 CFR §60.3):

- The property owner could apply through their State Historic Preservation Officer or Tribal Historic Preservation Officer for contributing status for the structure as is, prior to any improvements. If the building qualifies as “contributing to the historical significance of a registered historic district”, the community can grant a variance or exclude the improvements from the NFIP substantial improvement requirement depending on which provision the community has adopted [44 CFR §60.3(c)(2), (c)(3), and (e)(4)].
- The property owner could undertake the minimum work necessary to make the building a contributing structure, as long as the work is less than a substantial improvement. Once the structure is designated as “contributing”, any additional improvements including a substantial improvement could qualify for relief from the NFIP floodplain management requirements, so long as those improvements do not interfere with the designation as “contributing to the historical significance of a registered historic district” (44 CFR §60.3).
- If the property owner chooses to undertake a substantial improvement of the building all at once or the owner needs to undertake the substantial improvement in order for the building

to qualify as “contributing to the historical significance of a registered historic district”, the owner should contact the community for guidance on how they might qualify for relief from the NFIP substantial improvement requirement [44 CFR §60.3(c)(2), (c)(3), and (e)(4)]. In this situation, the community would have to issue a variance from the floodplain management ordinance. The community should obtain documentation for assurance that the improvements being proposed would qualify the building for “contributing” status before signing off on permits that would grant them relief under the NFIP. The owner should seek guidance from their State Historic Preservation Officer or Tribal Historic Preservation Officer on proposed improvements and on what documentation is needed to obtain preliminary approval. This information should be shared with the community.

In all cases, the property owner should discuss their proposed plans with the community and seek guidance from the State Historic Preservation Officer or Tribal Historic Preservation Officer before undertaking any improvements to make sure the proposed work would qualify the building for the designation as a contributing structure. For any of the options described above, the community should also encourage the property owner to undertake flood damage reduction measures as part of the improvement, as long as measures do not interfere with its designation as a “historic structure”.

Flood Insurance for Historic Structures

In addition to the relief from the NFIP floodplain management requirements described above, owners of “historic structures” can obtain and maintain flood insurance at subsidized rates. Flood insurance coverage is required for most mortgage loans and for obtaining Federal grants and other financial assistance. The ability to obtain flood insurance coverage is also important to ensuring that historic structures can be repaired and restored after a flood event.

The National Flood Insurance Act of 1968, as amended, requires that FEMA charge actuarial rates reflecting the flood risk to buildings built or substantially improved on or after the effective date of the initial Flood Insurance Rate Map (FIRM) for the community or after December 31, 1974, whichever is later. Actuarial rating assures that the risks associated with buildings in flood prone areas are borne by those located in such areas and not by the taxpayers at large. These buildings are referred to as Post-FIRM. The NFIP flood insurance rates are based on the degree of the flood risk. The flood insurance premium calculations take into account a number of factors including the flood risk zone shown on the FIRM, elevation of the lowest floor above or below the BFE, the type of building, the number of floors, and the existence of a basement or an enclosure. The NFIP floodplain management requirements not only are designed to protect buildings constructed in floodplains from flood damages; they also help keep flood insurance premiums affordable (44 CFR §60.3). Buildings not properly elevated will be charged a much higher flood insurance premium due to the increased flood risk. If substantially improved historic structures were not elevated and made subject to these rates, the annual insurance premiums could be many thousands of dollars a year. Allowing historic structures to continue to be insured at subsidized rates, even when they are substantially improved or substantially damaged, represents a significant financial benefit to these building owners.

Flood insurance at subsidized rates is available whether the “historic structure” is exempt from the NFIP substantial improvement requirement or is granted a variance under the variance provision. “Historic structures” are considered Pre-FIRM under the NFIP and are charged subsidized rates similar to existing structures. As long as a historic structure meets the definition of “historic structure” under the NFIP, it will not be actuarially rated (44 CFR §59.1).

If a “historic structure” is substantially improved such that it loses its historic designation without meeting the elevation requirements of the NFIP, it will be actuarially rated as a Post-FIRM structure. This can be significantly higher than the subsidized rate on a “historic structure.” Thus, the subsidized flood insurance rate on “historic structures” also serves as an incentive to maintain the historic designation of the structure.

Property owners of historic structures are encouraged to purchase NFIP flood insurance. Flood losses are not covered by homeowner’s insurance. Disaster assistance will not take care of all the financial needs, if the historic structure is damaged by flood. Even if disaster assistance is available, it is often in the form of a low-interest loan which has to be repaid, and it is only available if the President formally declares a disaster. Flood insurance compensates for all covered losses and is the best form of financial protection against the devastating effects of floods. Flood insurance policies purchased by individual property owners help them recover from flooding more quickly.

Increased Cost of Compliance (ICC) coverage is not available to a historic structure that is exempt from the floodplain management requirements if a historic structure is substantially damaged (44 CFR §60.3). ICC coverage provides for the payment of a claim for the cost to comply with State or community floodplain management laws or ordinances after a direct physical loss by floods. When a building covered by a State or community declares the building to be substantially or repetitively damaged, ICC will help pay up to \$30,000 for the cost to elevate, floodproof, demolish, or relocate the building. However, if an exemption is granted administratively through the community’s variance process, and conditions are placed in the variance requiring one of the mitigation measures that meet the local floodplain management criteria, ICC will be available if the structure is declared substantially damaged or repetitively damaged.

Minimizing the Impacts of Flooding on Historic Structures

Protection Measures for Historic Structures

The primary damage to historic buildings in a flood disaster is from immersion of building materials in floodwaters and the moving force of floodwaters that can cause structural collapse. Storm and sanitary sewer backup during flooding is also a major cause of flood damage to buildings. In addition, floods may cause a fire due to ruptured utility lines; result in the growth of mold and mildew; and lead to swelling, warping, and disintegration of materials due to prolonged presence of moisture.

- 12.4.1.4 Any enclosure including a crawl space must meet the requirements of Section 10.2.14, Wet Flood Proofing if the enclosure interior grade is at or below the Base Flood Elevation;
- 12.4.1.5 Granting of a variance will not result in increased flood heights to existing buildings, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with other existing local laws or ordinances;
- 12.4.1.6 The proposed use is adequately flood proofed;
- 12.4.1.7 The variance is the minimum necessary, considering the flood hazard, to afford relief;
- 12.4.1.8 Reasonable alternative locations are not available;
- 12.4.1.9 An encroachment does not cause an increase to the Base Flood Elevation that is beyond that allowed in these regulations; and
- 12.4.1.10 All other criteria for a Floodplain permit besides the specific development standard requested by variance are met.

12.4.2 An exception to the variance criteria may be allowed as follows:

- 12.4.2.1 For either new construction of a structure outside of the Floodway only or for substantial improvements or an alteration of a structure, on a lot of one-half acres or less that is contiguous to and surrounded by lots with existing structures constructed below the Base Flood Elevation; or
- 12.4.2.2 For Historic Structures – variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum relief necessary to preserve the historic character and design of the structure. The historic nature of the building must be designated as a preliminary or historic structure by U.S. Secretary of Interior or an approved state or local government historic preservation program.

12.5 DECISION

12.5.1 The City Council shall:

- 12.5.1.1 Evaluate the Floodplain permit application and Variance application using the criteria in Section 12.4, and the application requirements and minimum development standards in Section 9 and 10;

Pt. 68

36 CFR Ch. I (7-1-02 Edition)

be made payable to: *National Park Services*. A certification decision will not be issued on an application until the appropriate remittance is received. Fees are nonrefundable.

(c) The fee for review of proposed or ongoing rehabilitation projects for projects over \$20,000 is \$250. The fees for review of completed rehabilitation projects are based on the dollar amount of the costs attributed solely to the rehabilitation of the certified historic structure as provided by the owner in the Historic Preservation Certification Application, Request for Certification of Completed Work (NPS Form 10-168c), as follows:

Fee	Size of rehabilitation
\$500	\$20,000 to \$99,999
\$800	\$100,000 to \$499,999
\$1,500	\$500,000 to \$999,999
\$2,500	\$1,000,000 or more

If review of a proposed or ongoing rehabilitation project had been undertaken by the Secretary prior to submission of Request for Certification of Completed Work, the initial fee of \$250 will be deducted from these fees. No fee will be charged for rehabilitations under \$20,000.

(d) In general, each rehabilitation of a separate certified historic structure will be considered a separate project for purposes of computing the size of the fee.

(1) In the case of a rehabilitation project which includes more than one certified historic structure where the structures are judged by the Secretary to have been functionally related historically to serve an overall purpose, the fee for preliminary review is \$250 and the fee for final review is computed on the basis of the total rehabilitation costs.

(2) In the case of multiple building projects where there is no historic functional relationship among the structures and which are under the same ownership; are located in the same historic district; are adjacent or contiguous; are of the same architectural type (e.g., rowhouses, loft buildings, commercial buildings); and are submitted by the owner for review at the same time, the fee for preliminary review is \$250 per structure to a maximum of \$2,500 and the fee for final re-

view is computed on the basis of the total rehabilitation costs of the entire multiple building project to a maximum of \$2,500. If the \$2,500 maximum fee was paid at the time of review of the proposed or ongoing rehabilitation project, no further fee will be charged for review of a Request for Certification of Completed Work.

PART 68—THE SECRETARY OF THE INTERIOR'S STANDARDS FOR THE TREATMENT OF HISTORIC PROPERTIES

Sec.

68.1 Intent.

68.2 Definitions.

68.3 Standards.

AUTHORITY: The National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 *et seq.*); sec. 2124 of the Tax Reform Act of 1976, 90 Stat. 1918; EO 11593, 3 CFR part 75 (1971); sec. 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262).

SOURCE: 60 FR 35843, July 12, 1995, unless otherwise noted.

§ 68.1 Intent.

The intent of this part is to set forth standards for the treatment of historic properties containing standards for preservation, rehabilitation, restoration and reconstruction. These standards apply to all proposed grant-in-aid development projects assisted through the National Historic Preservation Fund. 36 CFR part 67 focuses on "certified historic structures" as defined by the IRS Code of 1986. Those regulations are used in the Preservation Tax Incentives Program. 36 CFR part 67 should continue to be used when property owners are seeking certification for Federal tax benefits.

§ 68.2 Definitions.

The standards for the treatment of historic properties will be used by the National Park Service and State historic preservation officers and their staff members in planning, undertaking and supervising grant-assisted projects for preservation, rehabilitation, restoration and reconstruction. For the purposes of this part:

(a) *Preservation* means the act or process of applying measures necessary to sustain the existing form, integrity

and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.

(b) *Rehabilitation* means the act or process of making possible an efficient compatible use for a property through repair, alterations and additions while preserving those portions or features that convey its historical, cultural or architectural values.

(c) *Restoration* means the act or process of accurately depicting the form, features and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

(d) *Reconstruction* means the act or process of depicting, by means of new construction, the form, features and detailing of a non-surviving site, landscape, building, structure or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

§ 68.3 Standards.

One set of standards—preservation, rehabilitation, restoration or reconstruction—will apply to a property undergoing treatment, depending upon the property's significance, existing physical condition, the extent of documentation available and interpretive goals, when applicable. The standards will be applied taking into consideration the economic and technical feasibility of each project.

(a) *Preservation.* (1) A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features,

spaces and spatial relationships. Where a treatment and use have not been identified, a property will be protected and, if necessary, stabilized until additional work may be undertaken.

(2) The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.

(3) Each property will be recognized as a physical record of its time, place and use. Work needed to stabilize, consolidate and conserve existing historic materials and features will be physically and visually compatible, identifiable upon close inspection and properly documented for future research.

(4) Changes to a property that have acquired historic significance in their own right will be retained and preserved.

(5) Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a property will be preserved.

(6) The existing condition of historic features will be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature, the new material will match the old in composition, design, color and texture.

(7) Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

(8) Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

(b) *Rehabilitation.* (1) A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.

(2) The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.

(3) Each property will be recognized as a physical record of its time, place and use. Changes that create a false

sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.

(4) Changes to a property that have acquired historic significance in their own right will be retained and preserved.

(5) Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a property will be preserved.

(6) Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

(7) Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

(8) Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

(9) New additions, exterior alterations or related new construction will not destroy historic materials, features and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

(10) New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(c) *Restoration.* (1) A property will be used as it was historically or be given a new use that interprets the property and its restoration period.

(2) Materials and features from the restoration period will be retained and preserved. The removal of materials or alteration of features, spaces and spatial relationships that characterize the period will not be undertaken.

(3) Each property will be recognized as a physical record of its time, place and use. Work needed to stabilize, consolidate and conserve materials and features from the restoration period will be physically and visually compatible, identifiable upon close inspection and properly documented for future research.

(4) Materials, features, spaces and finishes that characterize other historical periods will be documented prior to their alteration or removal.

(5) Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize the restoration period will be preserved.

(6) Deteriorated features from the restoration period will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials.

(7) Replacement of missing features from the restoration period will be substantiated by documentary and physical evidence. A false sense of history will not be created by adding conjectural features, features from other properties, or by combining features that never existed together historically.

(8) Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

(9) Archeological resources affected by a project will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

(10) Designs that were never executed historically will not be constructed.

(d) *Reconstruction.* (1) Reconstruction will be used to depict vanished or non-surviving portions of a property when documentary and physical evidence is available to permit accurate reconstruction with minimal conjecture and such reconstruction is essential to the public understanding of the property.

(2) Reconstruction of a landscape, building, structure or object in its historic location will be preceded by a thorough archeological investigation

to identify and evaluate those features and artifacts that are essential to an accurate reconstruction. If such resources must be disturbed, mitigation measures will be undertaken.

(3) Reconstruction will include measures to preserve any remaining historic materials, features, and spatial relationships.

(4) Reconstruction will be based on the accurate duplication of historic features and elements substantiated by documentary or physical evidence rather than on conjectural designs or the availability of different features from other historic properties. A reconstructed property will re-create the appearance of the non-surviving historic property in materials, design, color and texture.

(5) A reconstruction will be clearly identified as a contemporary recreation.

(6) Designs that were never executed historically will not be constructed.

PART 71—RECREATION FEES

Sec.

- 71.1 Application.
- 71.2 Types of Federal recreation fees.
- 71.3 Designation.
- 71.4 Posting.
- 71.5 Golden Eagle Passport.
- 71.6 Golden Age Passport.
- 71.7 Entrance fees for single-visit permits.
- 71.8 Validation and display of entrance permits.
- 71.9 Establishment of recreation use fees.
- 71.10 Special recreation permits and special recreation permit fees.
- 71.11 Collection of Federal recreation fees.
- 71.12 Enforcement.
- 71.13 Exceptions, exclusions, and exemptions.
- 71.14 Public notification.
- 71.15 The Golden Eagle Insignia.

AUTHORITY: Sec. 4, Land and Water Conservation Fund Act of 1965 (16 U.S.C.A. 4601-6a (Supp., 1974)), as amended by Pub. L. 93-303; and sec. 3, Act of July 11, 1972, 86 Stat. 461; sec. 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262).

SOURCE: 39 FR 33217, Sept. 16, 1974. Redesignated at 44 FR 7143, Feb. 6, 1979, and 46 FR 34329, July 1, 1981; correctly redesignated at 46 FR 43045, Aug. 26, 1981, unless otherwise noted.

§ 71.1 Application.

This part is promulgated pursuant to section 4, Land and Water Conservation Fund Act of 1965, 16 U.S.C.A. 4601-6a (Supp., 1974), and section 3, Act of July 11, 1972, 86 Stat. 461. Any Federal recreation fee charged by any bureau of the Department of the Interior shall be charged according to criteria set forth in this part.

§ 71.2 Types of Federal recreation fees.

There shall be three types of Federal recreation fees:

(a) Entrance fees, charged either on an annual or single-visit basis, for admission to any Designated Entrance Fee Area;

(b) Daily recreation use fees for the use of specialized sites, facilities, equipment or services furnished at Federal expense; and

(c) Special recreation permit fees for specialized recreation uses, such as, but not limited to, group activities, recreation events, and the use of motorized recreation vehicles.

§ 71.3 Designation.

(a) An area or closely related group of areas shall be designated as an area at which entrance fees shall be charged (hereinafter "Designated Entrance Fee Area") if the following conditions are found to exist concurrently:

(1) The area is a unit of the National Park System administered by the Department of the Interior;

(2) The area is administered primarily for scenic, scientific, historical, cultural, or recreation purposes;

(3) The area has recreation facilities or services provided at Federal expense; and

(4) The nature of the area is such that entrance fee collection is administratively and economically practical.

(b) Any specialized site, facility, equipment or service related to outdoor recreation (hereinafter "facility") shall be designated as a facility for which a recreation use fee shall be charged (hereinafter "Designated Recreation Use Facility") if:

(1) For each Designated Recreation Use Facility, at least one of the following criteria is satisfied:

(i) A substantial Federal investment has been made in the facility,

FAQs about the National Register of Historic Places

If the following questions and answers leave you still wondering, please feel free to call us at the Montana State Historic Preservation Office. We are always glad to talk with you on the phone or in person about the National Register if there is something you'd like clarified. Please write us or give us a call: 1301 E Lockey, P.O. Box 201202, Helena, MT 59620-1202, (406) 444-7715.

1. What is the National Register of Historic Places?

The National Register is the official list of the Nation's historic buildings and archaeological sites that are considered to be worthy of preservation. The Register was established in 1966 to help property owners, communities and neighborhoods recognize their important historic properties, to offer realistic incentives for preservation, and to insure that Federal actions do not harm these properties without alternatives being considered. The National Register was not designed as a major regulatory program nor as just an honor roll. The Register was intended to be broad rather than exclusive and includes many different kinds of properties important to the Nation, the State, a region or a local community.

2. If I list my home or business in the National Register, what restrictions will be placed on my rights to modify or sell the property?

Listing in the National Register in of itself does not interfere with an owner's right to manage their property as they see fit. You may paint, remodel, administer, sell, or even demolish your property. You may alter your building at any time, unless you use Federal funds or the Federal tax incentives to rehabilitate it, in which case the alterations are reviewed by the agency in consultation with the State Historic Preservation Office (this is true not only for National Register properties but also for those eligible for listing—see Section 106 of the National Historic Preservation Act). Placing a property in the Register also does not obligate an owner to make any repairs or improvements. Moreover, the State or Federal government will not attach restrictive covenants to properties or seek to acquire them as a result of National Register-listing. Local governments may adopt, design, or review zoning ordinances affecting properties listed in the National Register of Historic Places. Please check with your local preservation office or planning office to see if your community has adopted such provisions.

3. Does Register listing mean that my property must be opened to the public on a regular basis?

As the owner of a property listed in the Register, you will not be required to open your house, place of business, or historic site for public visitation. Your private property rights are in no way changed by Register listing, unless, again, you have accepted Federal funds for rehabilitation, in which case the public must be allowed to visit the property for a few days each year.

4. Can I get money to fix up my historic building if it is listed in the Register?

National Register property owners may apply for Federal grants for buildings rehabilitation when Congress appropriates such funds. However, these funds are extremely limited and most property owners will not receive such funding. If you are a Community Cultural Organization, we encourage you to check with the Montana Arts Council (444-6430) to determine whether the project you are considering would qualify for Cultural and Aesthetic Grant monies appropriated biennially by the Montana Legislature.

5. Is there some kind of tax credit I can get if I plan to repair my historic building?

Yes. If a property is listed in the National Register, certain Federal tax provisions may apply. The Tax Reform Act of 1986 allows you to credit 20 per cent of the rehabilitation costs against your federal tax liability for the substantial rehabilitation of income-product properties such as commercial, farm, industrial, and residential rental buildings. Work must meet certain standards and be reviewed and approved by the State Historic Preservation Office and the National Park Service. Because tax provisions are complicated, individuals should consult their accountants for assistance in determining the tax consequences of the above provisions.

6. So what are the results of listing my property in the Register? Why should I consider doing so?

Recognition

Most of all, Register listing provided your property **recognition** for its historic value and rewards you for your efforts in preserving it. Listing of a building, site or district also afford it prestige that can enhance its value and raise community awareness and pride. While National Register properties do not have to be preserved, listing does insure that preservation is taken to be an important consideration whenever a building's or site's future is in question

Technical Assistance

Owners of Register properties are also able to seek advice from the Montana Historic Preservation Office on appropriate methods to maintain and rehabilitate older buildings or sites.

Signs

Owners of listed properties may apply for funds to obtain Montana's official National Register interpretive plaque to mount on a stand or hang on an outside wall of their building. The applicant pays only a \$35.00 shipping and handling fee or \$55.00, depending upon the type of sign, the balance coming from the Montana Historical Society.

Government Agency Compliance Review

The National Historic Preservation Act and the Montana State Antiquities Act require federal and state agencies to consider the impacts of all projects occurring on public lands, or with federal funding, that affect historic properties eligible for or listed in the National Register. In addition, the Surface Mining and Control Act of 1977 requires consideration of historic values in the decision to issue surface coal mining permits.

7. How do you decide whether something is significant enough to be listed in the National Register?

The National Register carefully evaluates the quality of significance of each property being considered for listing. To be eligible for the Register designation, a property must meet one of more of the following criteria:

- A. Be associated with events that have made a significant contribution to the broad patterns of our history; or
- B. Be associated with the lives of persons significant in our past; or
- C. Embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. Have yielded, or may likely to yield, information important in prehistory or history.

In addition, properties must possess a high degree of integrity to qualify for listing in the Register – in other words, they must be relatively unchanged in appearance from the historic period.

Generally speaking, a property must be at least 50 years old to be considered for the Register, unless it is of exceptional significance, or if it is an integral part of a historic district. Non-historic properties that are located within the boundaries of historic districts are also listed in the Register as “non-contributing” components of those historic districts.

Who can nominate properties to the Register?

Anyone can prepare a nomination for listing a historic property on the National Register -- from private owners to local historians to public lands manager to historic preservation professionals. Important properties worthy of listing are identified by people across Montana, who frequently are most familiar with their local history and properties deserving recognition. Eligible properties may also be identified by federal and state lands agencies, which must routinely consider historic resources as a part of their permitting and project activities. The owner of a private property must concur in the nomination of a private property to be listed in the National Register of Historic Places. In the case of multiple owners and historic districts, the majority of private owners must object for an approved property not to be listed.

Item Attachment Documents:

3. Resolution - Resolution Approving Certain Public Infrastructure Improvements In The Laurel Urban Renewal District As An Urban Renewal Project; Making Findings With Respect Thereto And Approving The Issuance Of Tax Increment Urban Renewal Bonds To Pay Costs Thereof; Preliminarily Authorizing The Issuance And Private Negotiated Sale Of Bonds And Authorizing The Process For Selecting A Purchaser Thereof (Public Hearing 2.11.2020)

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Laurel, Montana (the "City"), hereby certify that the attached resolution is a true copy of Resolution No. _____, entitled: "RESOLUTION APPROVING CERTAIN PUBLIC INFRASTRUCTURE IMPROVEMENTS IN THE LAUREL URBAN RENEWAL DISTRICT AS AN URBAN RENEWAL PROJECT; MAKING FINDINGS WITH RESPECT THERETO AND APPROVING THE ISSUANCE OF TAX INCREMENT URBAN RENEWAL BONDS TO PAY COSTS THEREOF; PRELIMINARILY AUTHORIZING THE ISSUANCE AND PRIVATE NEGOTIATED SALE OF BONDS AND AUTHORIZING THE PROCESS FOR SELECTING A PURCHASER THEREOF" (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 at a meeting on February 11, 2020, 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 officially this 11th day of February, 2020.

City Clerk-Treasurer

RESOLUTION NO. _____

RESOLUTION APPROVING CERTAIN PUBLIC
INFRASTRUCTURE IMPROVEMENTS IN THE LAUREL
URBAN RENEWAL DISTRICT AS AN URBAN RENEWAL
PROJECT; MAKING FINDINGS WITH RESPECT THERETO
AND APPROVING THE ISSUANCE OF TAX INCREMENT
URBAN RENEWAL BONDS TO PAY COSTS THEREOF;
PRELIMINARILY AUTHORIZING THE ISSUANCE AND
PRIVATE NEGOTIATED SALE OF BONDS AND
AUTHORIZING THE PROCESS FOR SELECTING A
PURCHASER THEREOF

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

Section 1. Recitals.

1.01. Under the provisions of Montana Code Annotated, Title 7, Chapter 15, Parts 42 and 43, as amended (the “Act”), the City is authorized to create urban renewal areas, prepare and adopt an urban renewal plan therefor and amendments thereto, undertake urban renewal projects therein, provide for the segregation and collection of tax increment with respect to property taxes collected in such areas, and apply tax increment revenues derived from projects undertaken within the urban renewal area to pay eligible costs.

1.02. Pursuant to the Act and Ordinance No. 007-11, adopted by the Council on November 20, 2007, as amended by Ordinance Nos. 008-09, 09-04 and 012-01, adopted by the Council on October 21, 2008, April 21, 2009 and March 6, 2012 (collectively, the “Ordinance”), the City has created the Laurel Urban Renewal District (the “District”) as an urban renewal district and has approved the Laurel Urban Renewal Plan (the “Plan”) as an urban renewal plan in accordance with the Act, which Plan provides for the segregation and collection of tax increment revenues with respect to the District.

1.03. As set forth in the Plan, tax increment financing is to be used to further the goals and objectives in the Plan, which include improving the pedestrian environment by adding well-designed streetscape and sidewalks and having state of the art, updated utilities and infrastructure.

1.04. On January 28, 2020, the Council adopted Resolution No. [____], calling a public hearing to approve the design, engineering and construction of various public infrastructure improvements within the District, generally consisting of reconstruction of Washington, Idaho and Ohio Avenues, East First and East Fourth Streets, generally bound by Wyoming and Alder Avenues, Main and East Fourth Streets, including sidewalks, curb and gutter, pedestrian ramps, driveway approaches and new asphalt pavement; replacement of existing water mains, including valves, fittings, fire hydrants and other appurtenances; replacement of existing sanitary sewer main; installation of a new storm drain system, including inlets, manholes and appurtenances; and related improvements (such public infrastructure improvements, collectively, the “Project”).

On February 11, 2020, a duly noticed public hearing was held on the approval of the Project and the use of tax increment revenues to pay or finance all or a portion of the costs of the Project. All persons appearing were given an opportunity to speak at the public hearing.

Section 2. Approval of the Project as an Urban Renewal Project. The Council hereby approves the Project as an urban renewal project under the Act. The Project is contemplated by and is within the scope of the Plan, and is eligible for tax increment financing under the Act.

Section 3. Findings. The Council hereby finds with respect to the Project as follows:

- a. no persons will be displaced from their housing by the Project;
- b. the Plan and the Project conform to the Laurel Growth Plan or parts thereof for the City as a whole;
- c. the Plan and the Project will afford maximum opportunity, consistent with the needs of the City as a whole, for the rehabilitation or redevelopment of the District by private enterprise;
- d. there is expected to be a sound and adequate financial program for the financing of the Project; and
- e. the Project constitutes an urban renewal project within the meaning of the Act and the Plan.

Section 4. Authorization, Sale of Bonds.

4.01. The Bonds. Pursuant to the approval and findings in Sections 2 and 3 hereof, it is hereby determined that it is in the best interests of the City to offer for sale and issue its Tax Increment Urban Renewal Revenue Bonds (Laurel Urban Renewal District), Series 2020 (the “Bonds”), in the maximum aggregate principal amount of \$[5,000,000], for the purpose of paying costs of the Project and, if necessary or desirable, funding a deposit to a debt service reserve account and paying costs associated with the sale and issuance of the Bonds.

4.02. Negotiated Sale. Pursuant to Montana Code Annotated, Section 7-15-4322, the City may sell the Bonds at a public or a private negotiated sale as the governing body shall determine. The Council determines it is in the best interest of the City to sell the Bonds at a private negotiated sale and desires to undertake a solicitation process described herein to select a suitable purchaser of the Bonds willing to purchase the Bonds at the lowest interest rate under the terms and conditions attached hereto as Exhibit A. The Mayor and City Clerk-Treasurer or their designees are authorized to select a purchaser for the Bonds and negotiate the sale of the Bonds and to select a purchaser of the Bonds pursuant and subject to Section 4.03.

4.03. Pricing and Terms. The Bonds are authorized to be sold to the purchaser of the Bonds (the “Purchaser”) that provides the City the most favorable interest rate and other terms and conditions, as determined in the sole discretion of the City. The Mayor and City Clerk-Treasurer are hereby authorized to provide or make available the terms and conditions relating to the sale of the Bonds substantially in the form similar to the attached Exhibit A, with such

revisions as are deemed appropriate, to banks and other financial institutions and solicit proposals to purchase the Bonds. The City may, in its sole discretion, accept a proposal to purchase the Bonds, negotiate further with any proposer, or reject any and all such proposals.

All costs of issuing the Bonds (including, without limitation, the fees and expenses of Bond Counsel) shall be paid by the City as part of the financing, from proceeds of the Bonds or other available sources.

4.04. Bond Purchase Agreement. The Mayor and City Clerk-Treasurer or their designees are hereby authorized and directed to approve the final principal amount of the Bonds, dated date, term, whether all principal of the Bonds is advanced at closing or in increments over time, payment dates and installment amounts, interest rates, and redemption provisions of the Bonds, subject to the limitations contained in the preceding paragraphs and the Act. Upon approving such terms, the Mayor and City Clerk-Treasurer are hereby authorized and directed to negotiate, approve, execute and deliver to the Purchaser a bond purchase agreement substantially in the form attached as Schedule 3 to the attached Exhibit A and which may be revised prior to execution (the “Bond Purchase Agreement”), containing the agreement of the City to sell, and the agreement of the Purchaser to purchase, the Bonds on the terms so approved, and containing such other provisions as the Mayor and City Clerk-Treasurer shall deem necessary and appropriate. In the event of the absence or inability of either the Mayor or the City Clerk-Treasurer, a member of this Council is authorized to execute the Bond Purchase Agreement. The execution and delivery of the Bond Purchase Agreement by two appropriate officers of the City shall be conclusive as to the approval of the terms of the Bonds and the agreement of the City to sell the Bonds on such terms in accordance with the provisions thereof.

The form of the Bonds and the final terms and conditions thereof shall be prescribed by a subsequent resolution to be adopted by this Council.

ADOPTED by the City Council of the City of Laurel, Montana, this 11th day of February, 2020.

Mayor

Attest:

City Clerk-Treasurer

EXHIBIT A

**Tax Increment Urban Renewal Revenue Bonds
(Laurel Urban Renewal District), Series 2020
City of Laurel, Montana**

BASIC TERM SHEET

[_____]

[Bank]

[Address]

Dear _____:

This letter sets forth the general terms and conditions relating to Tax Increment Urban Renewal Revenue Bonds (Laurel Urban Renewal District), Series 2020 (the “Bonds”) of the City of Laurel, Montana (the “City”).

The purpose of this letter is to summarize the basic terms and conditions regarding the proposed purchase and sale of the Bonds so that you can submit a proposal to the City regarding the interest rate at which you propose to purchase the Bonds and other relevant terms.

1. Summary of Terms and Conditions:

Issuer of Bonds:	City of Laurel, Montana
Estimated Principal Amount:	Up to [\$5,000,000]
Closing Date:	On or about [_____], 2020, on a date to be selected by the City
Par Purchase:	The purchase price of the Bonds will be 100% of the principal amount thereof.
Semiannual Installments:	For purposes of your proposal, principal and interest will be paid semiannually on January 1 and July 1, commencing [July 1, 2020 and ending January 1, 2045], absent prepayment or redemption. [Note that if the Bonds are issued as draw-down bonds at the election of the City in accordance with Paragraph 6 below, the initial installment payment date may be after July 1, 2020.]
Amortization Bonds:	The Bonds will bear interest at a single, uniform interest rate throughout the term of the Bonds and semiannual principal and interest installments (the sum of principal and interest) will be equal or substantially equal on each payment date. [As described in Paragraph 6 below, the Bonds, at the election of the City, may be issued as draw-down bonds, which could affect the preceding sentence, but not your proposal.]

Interest Rates:	Fixed interest rate throughout the term of the Bonds assuming the full principal amount of the Bonds is advanced on the Closing Date. As described in Paragraph 6 below, in addition to the interest rate submitted as part of your proposal, the City will, at its election, negotiate with the successful proposer an interest rate or rates on the basis of advances being made to the City periodically over all or a portion of the estimated period of construction of the financed project.
Term of Bonds:	Approximately 25 years (approximately 50 semi-annual payment installments), absent prepayment or redemption.
[No Debt Service Reserve:	The Bonds are not secured by a debt service reserve.]
Redemption:	The Bonds are subject to redemption and prepayment without premium or penalty in whole or in part at the option of the City on 30 days' prior written notice.
No Bank Fees:	There shall be no fee of any kind (other than interest) charged by the bank or other financial institution in connection with the Bonds.
Bank Qualification:	The Bonds will be designated by the City as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.
Deadline for Submitting Proposals:	[] at 5:00 p.m. See Paragraph 12 below for details regarding content of proposal submissions and where to submit proposals.
Additional Terms and Conditions:	As set forth below in this letter.

2. **Purpose and Security:** The Bonds will be issued for the purpose of financing the cost of construction of certain infrastructure improvements to be undertaken within the Laurel Urban Renewal District (the "District"). The Bonds are payable solely from and secured by a first lien upon and pledge of the Tax Increment to be received from the District in accordance with the Act. See Schedule 1 for related definitions.
3. **Date and Type:** The Bonds will be dated, as originally issued, on the date of issuance and delivery thereof by the City, and will be issued in registered form as to both principal and interest.
4. **Maturities and Form:** The Bonds are expected to be sold as amortization bonds, meaning, upon amortization of principal and interest, they will bear a fixed rate of interest with equal or substantially equal installments of principal and interest on each semiannual payment date. Principal and interest shall be paid on each January 1 and July 1, commencing [July 1, 2020 (provided that if the Bonds are issued as draw-down Bonds under Paragraph 6 below, the initial installment payment date may be after July 1, 2020) through and including January 1, 2045], absent prepayment.

5. **Interest Payment Dates, Rate:** Interest will be payable each January 1 and July 1, commencing [July 1, 2020 (provided that if the Bonds are issued as draw-down Bonds under Paragraph 6 below, the initial installment payment date may be after July 1, 2020)], to the registered owners of the Bonds as such appear in the bond register as of the close of business on the 20th day (whether or not a business day) of the immediately preceding month. All Bonds for purposes of the proposal would be expected to bear interest from date of original issue until paid at a single, uniform rate.
6. **[Draw-Down Bonds at Election of City:** The City, at its election, may determine that the Bonds are to be issued as draw-down bonds. The successful proposer based on the interest rate submitted on the Bonds on the basis of all proceeds of Bonds being advanced on the Closing Date shall, prior to entering into the Bond Purchase Agreement, negotiate with the City any effect on the interest rate or rates on the Bonds assuming the principal amount of the Bonds is advanced in amounts over time during construction of the financed Project. *If those negotiations fail to result in terms that are acceptable to the City, the City, in its sole and absolute discretion, may reject the proposal of the initial successful proposer and proceed to negotiate the terms of draw-down bonds with other proposers or others.* The City expects to notify the successful proposer approximately 10 days before the Closing Date whether the Bonds will be issued as bonds as to which the full principal amount is advanced on the Closing Date or whether the Bonds are issued as draw-down bonds.]
7. **No Book Entry:** The Bonds will be issued in certificated form and delivered to the successful purchaser at closing.
8. **Bond Registrar, Transfer Agent and Paying Agent:** The City Clerk-Treasurer will act as bond registrar, transfer agent and paying agent (the “Registrar”) in connection with the Bonds, provided that the City may subsequently appoint and pay a fee to another qualified Registrar. The bond register will be kept, transfers of ownership will be effected and principal of and interest on the Bonds will be paid by the Registrar. The City reserves the right to remove any Registrar and to appoint a successor.
9. **Delivery:** The City will deliver to the Registrar the Bonds ready for completion and authentication. The Bonds will be registered in the name of the original purchaser thereof. On the day of closing and delivery of the Bonds and following payment of the purchase price thereof, the City will furnish to the purchaser a copy of the Bond Resolution, the opinion of Bond Counsel hereinafter described, a tax certificate in respect of the Bonds and a certificate stating that no litigation questioning the validity of the Bonds is then pending or, to the knowledge of the applicable officers of the City, threatened. The purchaser shall submit to the City Clerk-Treasurer not later than the day of closing a certificate, in form satisfactory to Bond Counsel, as to the intention of the purchaser to purchase the Bonds with intent to hold and various certifications as to its financial sophistication and net worth. Such certificate shall be in the form of the attached hereto as Schedule 2.
10. **Qualified Tax-Exempt Obligations:** The Bonds will be designated by the City as “qualified tax-exempt obligations” within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

11. **Legal Opinion:** An opinion as to the validity of the Bonds and the exclusion of the interest on the Bonds from gross income for federal income tax and State of Montana individual income tax purposes will be furnished by Dorsey & Whitney LLP, of Missoula, Montana, as Bond Counsel, subject to customary limitations. The legal opinion will state that the Bonds are valid and binding special, limited obligations of the City enforceable in accordance with their terms, except to the extent to which enforceability thereof may be limited by customary matters, such as the exercise of judicial discretion or by state or federal laws relating to bankruptcy, reorganization, moratorium or creditors' rights.

12. **Submission of Proposal:**

(A) You are encouraged to submit a proposal to purchase the Bonds. Any proposal must be for the purchase of all of the Bonds. Proposers may participate the loan to other qualified financial institutions at their discretion; however, the financial institution submitting the winning proposal will be the only contact and will speak for the other participating financial institutions.

(B) At a minimum, you must submit an amortization schedule for the Bonds that clearly shows the single, uniform interest rate in respect of the Bonds and the substantially level dollar amounts of the semiannual installments of principal and interest due on [July 1, 2020 through and including January 1, 2045]. You must also specify the total dollar interest cost over the term of the Bonds. For purposes of the amortization schedule, please use [_____, 2020] as the date on which interest will commence on all principal advanced, recognizing the City, in its discretion, may elect to close on a date other than [_____, 2020]. For purposes of submitting the amortization schedule, you must assume the entire principal amount of the Bonds will be advanced on the Closing Date.

(C) [As provided under Paragraph 6 above, the initial successful proposer based primarily on the interest rate set forth in the amortization schedule submitted under the foregoing subparagraph (B) will, at the City's election, negotiate with the City terms that govern the Bonds issued as draw-down bonds. If those negotiations fail to result in terms that are acceptable to the City, the City may reject the proposal of the initial successful proposer and proceed to negotiate the terms of draw-down bonds with other proposers or others.]

(D) Proposals must be delivered to the City Clerk-Treasurer, 115 West 1st Street, P.O. Box 10, Laurel, Montana 59044, so that the proposal is received by no later than 5:00 p.m. MT on [_____, 2020], in order to be considered. You are instructed to mark the outside of the envelope containing the proposal with the words "Proposal for Purchase of Tax Increment Bonds."

(E) The City reserves the right to reject any and all proposals, to accept any proposal, or to negotiate further in respect of any proposal or proposals. The interest rate provided by the proposers will be the primary basis for determining whether to proceed with a proposal.

[The successful proposer must, in addition to the terms governing the Bonds with all the principal advanced on the Closing Date, negotiate with the City terms of the Bonds as draw-down bonds, and, provided that there is mutual agreement regarding terms of the Bonds if issued as draw-down bonds, must enter into a bond purchase agreement on or before 5:00 p.m. MT on [____], 2020, substantially in the form of the attached hereto as Schedule 3.]

Very truly yours,

CITY OF LAUREL, MONTANA

By _____
Title: _____

SCHEDULE 1

Definitions

The Bonds are payable solely from and secured by a first lien upon and pledge of the Tax Increment.

“**Act**” means Montana Code Annotated, Title 7, Chapter 15, Parts 42 and 43, as amended or supplemented.

“**Actual Taxable Value**” means the taxable value of the Taxable Property as shown on or calculated from the assessment roll last equalized before the date of reference.

“**Base Taxable Value**” means the Actual Taxable Value of the Taxable Property within the original boundaries of the District as of January 1, 2007, as such value is adjusted as part of the “base taxable value” of the District from time to time in accordance with the Act.

“**City**” means the City of Laurel, Montana.

“**District**” means the Laurel Urban Renewal District, created and established pursuant to the Act and the Ordinance, as such area may be enlarged or reduced in accordance with the Act.

“**Fiscal Year**” means, in respect of the City, its fiscal year, which currently begins on July 1 and ends on June 30 of the next succeeding calendar year; provided that, for purposes of calculating debt service on the Bonds or any additional bonds, the July 1 payment will be part of the previous Fiscal Year ending on the June 30 immediately preceding the July 1 payment date.

“**Incremental Taxable Value**” means the amount, if any, by which the Actual Taxable Value of all Taxable Property, as of the date of reference, exceeds the Base Taxable Value.

“**State**” means the State of Montana.

“**Tax Increment**” means the amount received by the City pursuant to the Act from the extension of levies of Taxes against the Incremental Taxable Value of the Taxable Property and shall include all payments in lieu of Taxes or beneficial use taxes attributable to the Incremental Taxable Value and all payments received by the City designated as replacement revenues for lost Tax Increment.

“**Taxable Property**” means all real and personal property located in the District and subject to Taxes, including land, improvements and equipment.

“**Taxes**” means all taxes levied on an ad valorem basis by any Taxing Jurisdiction against the Taxable Property (exclusive of the six mill levy for university purposes levied by the State), and shall include all payments in lieu of taxes received by the City with respect to Taxable Property.

“**Taxing Jurisdiction**” means the State, the City, any school district, local government, municipal corporation, political subdivision or other government entity that levies, during any Fiscal Year during which the tax increment provision of the District is effective under the Act, ad valorem taxes against real or personal property in the District.

SCHEDULE 2

Tax Increment Urban Renewal Revenue Bonds (Laurel Urban Renewal District), Series 2020 City of Laurel, Montana

CERTIFICATE OF PURCHASER

I, the undersigned, being a duly qualified and acting representative of _____, the original purchaser (the “Purchaser”) of the \$[_____] Tax Increment Urban Renewal Revenue Bonds (Laurel Urban Renewal District), Series 2020 (the “Bonds”), issued by the City of Laurel, Montana (the “City”), dated, as originally issued, as of [____], 2020, hereby acknowledge receipt of the Bonds, fully executed and authenticated, in the aggregate principal amount of \$[____], payable on the dates, bearing interest at the rate and otherwise conforming with the provisions of Resolution No. _____, adopted by the City Commissioners of the City on or about [____], 2020 (the “Bond Resolution”), and on behalf of the Purchaser certify that:

1. The Purchaser is a bank duly organized, validly existing and in good standing under the laws of the state of Montana and has full power and authority to purchase the Bonds and make the loan evidenced thereby.
2. The Purchaser has sufficient knowledge and experience in financial and business matters, including purchase and ownership of municipal and other tax-exempt obligations, to be able to evaluate the risks and merits represented by the purchase of the Bonds and the making of the loan evidenced thereby.
3. The Purchaser has authority to purchase the Bonds and to execute the Bonds Purchase Agreement and any other instruments and documents required to be executed by the Purchaser in connection with the purchase of the Bonds.
4. The Purchaser understands that an official statement, prospectus, offering circular, or other offering statement has not been provided with respect to the Bonds. The Purchaser has made its own inquiry and analysis with respect to the City, the Bonds and the security therefor, and other material factors affecting the security for and payment of the Bonds. The Purchaser received and has reviewed a copy of the Bond Resolution.
5. The Purchaser acknowledges that it has reviewed information, including financial statements and other financial information, regarding the City and the District and has had the opportunity to ask questions and receive answers from knowledgeable individuals concerning the City, the District, the Bonds and the security therefor, so that it has been able to make an informed decision to purchase the Bonds and to make the loan evidenced thereby and acknowledges that it has not relied on the City with respect to any information with respect to the advisability of purchasing the Bonds or the security for the Bonds.

6. The Purchaser understands that the Bonds: (i) are not registered under the Securities Act of 1933, as amended, and are not registered or otherwise qualified for sale under the “Blue Sky” laws and regulations of any state, (ii) are not listed on any stock or other securities exchange, and (iii) have not been rated by any credit rating agency.

7. The Purchaser is not acting as an Underwriter with respect to the Bonds. The Purchaser has no present intention to sell, reoffer, or otherwise dispose of the Bonds (or any portion of the Bonds or any interest in the Bonds). The Purchaser has not contracted with any person pursuant to a written agreement to have such person participate in an initial sale of the Bonds to the Public, and the Purchaser has not agreed with the City pursuant to a written agreement to sell the Bonds to persons other than the Purchaser or a related party to the Purchaser. For purposes of this paragraph:

(a) Public means any person (i.e., an individual, trust, estate, partnership, association, company, or corporation) other than an Underwriter or a related party. Persons generally are “related parties” for purposes of this certificate if they have more than 50 percent common ownership or control, directly or indirectly.

(b) Underwriter means (i) any person that agrees pursuant to a written contract with the City (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Bonds to the Public, and (ii) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (i) of this paragraph to participate in the initial sale of the Bonds to the Public (including member of a selling group or a party to a retail distribution agreement participating in the initial sale of the Bonds to the Public).

8. As described under paragraph 7, above, the Bonds are being acquired by the Purchaser for its own account and not with a present view toward resale or distribution; provided, however, that the Purchaser reserves the right to sell, transfer or redistribute the Bonds, but agrees that any such sale, transfer or distribution by the Purchaser shall be to (i) an affiliate of the Purchaser; (ii) a trust or other custodial arrangement established by the Purchaser or one of its affiliates, the owners of any beneficial interest in which are limited to qualified institutional buyers or accredited investors; or (iii) a person or entity that the Purchaser reasonably believes is qualified to purchase the Bonds or that makes representations substantially similar to the representations the Purchaser makes in this certificate. The Purchaser currently intends to hold the Bonds to evidence the loan it has made to the City for the term of the Bonds.

9. (i) The Bonds will be evidenced by a physical certificate delivered to the Purchaser by the City, (ii) the Bonds will not have a CUSIP number, (iii) the Bonds are not, and will not be, rated by an independent rating agency, (iv) the Purchaser shall not transfer the Bonds except in accordance with Paragraph 8 above, (v) the principal amount of the Bonds purchased by the Purchaser, and the principal amount of the loan evidenced thereby, is \$[_____], (vi) payments on the Bonds shall be made directly by the City to the Purchaser, (vii) payments under the Bonds conform to the loan amortization schedule provided by the Purchaser to the City, (viii) the Bonds and the loan evidenced thereby bear interest from the date of amortization of principal and interest at a fixed rate throughout the term of the Bonds, (ix) the Purchaser intends to record

the Bonds as a loan on its books and records, and (x) the Bonds are a special, limited debt of the City.

10. The Purchaser acknowledges and agrees that: (i) the transactions contemplated by the Bonds documents are arm's length, commercial transactions between the Purchaser and the City and that the Purchaser is acting solely as a principal and not acting as a municipal advisor, financial advisor or fiduciary to the City; (ii) the Purchaser has not performed advisory or fiduciary services to the City with respect to the transactions contemplated by the Bond documents and the discussions, undertakings and procedures leading thereto (irrespective of whether the Purchaser has provided other services or is currently providing other services to the City on other matters); (iii) the Purchaser has financial and other interests that differ from those of the City; and (iv) the Purchaser has consulted its own legal, accounting, tax, financial and other advisors, as applicable, to the extent it has deemed appropriate.

IN WITNESS WHEREOF, I have hereunto set my hand as Purchaser as of this _____
day of _____, 2020.

[_____]

By: _____

Printed Name: _____

Title: _____

SCHEDULE 3

BOND PURCHASE AGREEMENT

[_____, 2020]

City of Laurel
115 West 1st Street
Laurel, MT 59044

[Bank Name and address]

Tax Increment Urban Renewal Revenue Bonds
(Laurel Urban Renewal District), Series 2020
City of Laurel, Montana

Ladies and Gentlemen:

The undersigned, [_____], as purchaser (the “Purchaser”), hereby offers to enter into this Bond Purchase Agreement (this “Agreement”) with the City of Laurel, Montana (the “City”), for the sale by the City and purchase by the Purchaser of the above-referenced bonds (the “Bonds”). This offer is made subject to the written acceptance hereof by the City and delivery of such acceptance to the Purchaser (in the form of one or more executed counterparts hereof) at or prior to 5:00 P.M., Laurel, Montana time, on [_____, 2020]. Upon such acceptance, this Agreement will be in full force and effect in accordance with its terms and will be binding upon the City and the Purchaser.

The Bonds are being issued pursuant to a resolution (the “Bond Resolution”) to be adopted by the City on or about [_____, 2020], authorizing and fixing the terms and conditions of the Bonds. Capitalized terms not otherwise defined herein shall have the meanings given them in the Bond Resolution.

1. Upon the terms and conditions and based on the representations, warranties and covenants hereinafter set forth, the Purchaser hereby agrees to purchase from the City and the City hereby agrees to sell to the Purchaser, all (but not less than all) of the Bonds upon the terms set forth in the Bond Resolution, including the following terms:

Principal Amount:	\$_[_____]
Closing Date:	On or about [_____], 2020 [date selected by City]
Term:	Approximately 25-year term (approximately 50 semi-annual payments), absent prepayment or redemption. Final installment payment date of [January 1, 2045]
Amortization Schedule:	[Substantially as attached hereto as <u>Exhibit A</u>]
Interest Rate:	_____% , fixed for the entire term.
Bank Qualification:	The Bonds will be designated by the City as “qualified tax-exempt obligations” within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.
No Fees:	No fees charged by Purchaser.
Redemption Terms:	The Bonds are subject to redemption and prepayment without premium or penalty in whole or in part at the option of the City on 30 days’ prior written notice.

2. The Bonds will be special, limited obligations of the City, payable solely from and secured by Tax Increment received from the Laurel Urban Renewal District, as described in the Bond Resolution.

3. This Agreement will be governed by and construed in accordance with the laws of the State of Montana.

4. This Agreement may be executed in multiple counterparts, each of which will be deemed an original but all of which together will constitute but one and the same instrument. This Agreement may be delivered by the exchange of signed signature pages by facsimile transmission or by e-mail with a pdf copy or other replicating image attached, and any printed or copied version of any signature pages so delivered shall have the same force and effect as an originally signed version of such signature page.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of the date first above written.

CITY OF LAUREL, MONTANA

By _____
Mayor

By _____
City Clerk-Treasurer

[BANK]

By _____
Name: _____
Title: _____

Item Attachment Documents:

5. Review Draft Council Agenda for February 11, 2020.



**AGENDA
CITY OF LAUREL
CITY COUNCIL MEETING
TUESDAY, FEBRUARY 11, 2020
6:30 PM
CITY COUNCIL CHAMBERS**

NEXT RES. NO.
R18-XX

NEXT ORD. NO.
O18-XX

WELCOME . . . By your presence in the City Council Chambers, you are participating in the process of representative government. To encourage that participation, the City Council has specified times for citizen comments on its agenda -- once following the Consent Agenda, at which time citizens may address the Council concerning any brief community announcement not to exceed one minute in duration for any speaker; and again following Items Removed from the Consent Agenda, at which time citizens may address the Council on any matter of City business that is not on tonight's agenda. Each speaker will be limited to three minutes, unless the time limit is extended by the Mayor with the consent of the Council. Citizens may also comment on any item removed from the consent agenda prior to council action, with each speaker limited to three minutes, unless the time limit is extended by the Mayor with the consent of the Council. If a citizen would like to comment on an agenda item, we ask that you wait until the agenda item is presented to the Council by the Mayor and the public is asked to comment by the Mayor. Once again, each speaker is limited to three minutes.

Any person who has any question concerning any agenda item may call the City Clerk-Treasurer's office to make an inquiry concerning the nature of the item described on the agenda. Your City government welcomes your interest and hopes you will attend the Laurel City Council meetings often.

Pledge of Allegiance

Roll Call of the Council

Approval of Minutes

1. Approval of Minutes of January 28, 2020.

Correspondence

2. Laurel Airport Authority Minutes of November 26, 2019.

Council Disclosure of Ex Parte Communications

Public Hearing

3. EDII Public Hearing

Consent Items

NOTICE TO THE PUBLIC

*The Consent Calendar adopting the printed Recommended Council Action will be enacted with one vote. **The Mayor will first ask the Council members if any Council member wishes to remove any item from the Consent Calendar for discussion and consideration.** The matters removed from the Consent Calendar will be considered individually at the end of this Agenda under "Items Removed from the Consent Calendar." (See Section 12.) The entire Consent Calendar, with the exception of items removed to be discussed under "Items Removed from the Consent Calendar," is then voted upon by roll call under one motion.*

4. Claims for the month of January 2020.
5. Clerk/Treasurer Financial Statements for the month of December 2019.
6. Approval of Payroll Register for PPE 1/26/2020 totaling \$167,901.42.
7. Approval of Workshop Minutes of January 21, 2020.
8. Approval of Workshop Minutes of February 4, 2020.

Ceremonial Calendar

Reports of Boards and Commissions

9. Budget/Finance Committee minutes of January 28, 2020.
Cemetery Commission minutes of December 18, 2020.
Public Works Committee minutes of January 22, 2020.

Audience Participation (Three-Minute Limit)

Citizens may address the Council regarding any item of City business that is not on tonight's agenda. Comments regarding tonight's agenda items will be accepted under Scheduled Matters. The duration for an individual speaking under Audience Participation is limited to three minutes. While all comments are welcome, the Council will not take action on any item not on the agenda.

Scheduled Matters

10. Appointment of Colton McCleary and Kently Kuntz to the Laurel Volunteer Fire Department.
11. Resolution - A Resolution Of The City Council Authorizing City Staff To Nominate Riverside Park For Inclusion On The National Registry Of Historic Places.
12. Resolution - Resolution Approving Certain Public Infrastructure Improvements In The Laurel Urban Renewal District As An Urban Renewal Project; Making Findings With Respect Thereto And Approving The Issuance Of Tax Increment Urban Renewal Bonds To Pay Costs Thereof; Preliminarily Authorizing The Issuance And Private Negotiated Sale Of Bonds And Authorizing The Process For Selecting A Purchaser Thereof (Public Hearing 2.11.2020)

Items Removed From the Consent Agenda**Community Announcements (One-Minute Limit)**

This portion of the meeting is to provide an opportunity for citizens to address the Council regarding community announcements. The duration for an individual speaking under Community Announcements is limited to one minute. While all comments are welcome, the Council will not take action on any item not on the agenda.

Council Discussion

Council members may give the City Council a brief report regarding committees or groups in which they are involved.

Mayor Updates**Unscheduled Matters****Adjournment**

The City makes reasonable accommodations for any known disability that may interfere with a person's ability to participate in this meeting. Persons needing accommodation must notify the City Clerk's Office to make needed arrangements. To make your request known, please call 406-628-7431, Ext. 2, or write to City Clerk, PO Box 10, Laurel, MT 59044, or present your request at City Hall, 115 West First Street, Laurel, Montana.

DATES TO REMEMBER