

**AGENDA**  
**CITY COUNCIL MEETING**  
**CITY OF SHELBY**  
October 2, 2023  
6:30 P.M.

**ROLL CALL OF MEMBERS**

**PLEDGE OF ALLEGIANCE**

**OPEN PUBLIC HEARING**

- Intent to Modify Comprehensive Development Plan for TED/TIFD

**APPROVAL OF MINUTES**

- Regular Council Meeting, 09/18/23 (pgs. 5-6)

**APPEARANCE REQUESTS**

- Agenda Items
- Non-Agenda Items

**CLOSE PUBLIC HEARING**

**CLAIMS REPORT 9/30/23 (pgs. 7-18)**

**COMMITTEE REPORTS**

- Park & Rec Committee Minutes, 9/25/23 (pgs. 19-20)

**CITY FINANCE OFFICER**

- Resolution No. 2076 (2<sup>nd</sup> rdg) re: Intent to Modify Comprehensive Development Plan for TED/TIFD (pgs. 21-26)
- Ordinance No. 852 (2nd rdg) re: Intent to Modify Comprehensive Development Plan for TED/TIFD (pgs. 27-30)
- 9/14/23 Letter from Dan Semmens re: Engagement Letter (pgs. 31-33)
- Triple Tree Task Order (pgs. 34-39)
- Heaters for Historic Shelby High (pg. 40)
- 1<sup>st</sup> Ave SE Paving (pg. 41)

**CITY SUPERINTENDENT**

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**COMMUNITY DEVELOPMENT DIRECTOR**

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**OTHER MATTERS**

- Fire Truck Purchase Agreement (pg. 42)

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**ADJOURN**

## CITY OF SHELBY MEETING SCHEDULE

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### October 2, 2023

- 6:00 p.m.      **Audit Committee**  
                    (Mayor, Finance Officer, Clark, Frydenlund, Moritz)
- 6:30 p.m.      **Regular City Council Meeting**

### October 10, 2023 (due to Columbus Day Holiday)

- 6:30 p.m.      **City-County Planning Board**  
                    (Mayor, Flesch, Clark)

### October 16, 2023

- 6:30 p.m.      **Regular City Council Meeting**

### October 30, 2023

- 6:30 p.m.      **Park & Recreation Meeting**  
                    (Mayor, Superintendent, Frydenlund, Kimmet)

## City Council Packet Listing

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### A. Agenda

### B. Agenda Items

1. Minutes of Regular Council Meeting, 9/18/23
2. Claims Report, September 2023
3. Minutes of Park & Rec Committee Meeting, 9/25/23
4. Resolution No. 2076 (2<sup>nd</sup> rdg) re: Intent to Modify Comprehensive Development Plan for TED/TIFD
5. Ordinance No. 852 (2<sup>nd</sup> rdg) re: Intent to Modify Comprehensive Development Plan for TED/TIFD
6. 9/14/23 Letter from Dan Semmens re: Engagement Letter
7. 9/27/23 Letter from Triple Tree Engineering re: Shelby SE Front Street Rail Spur Extension, Proposed Task Order
8. 6/28/23 Proposal from All Season Heating & Air Conditioning, LLC re: unit heaters for Historic Shelby High
9. 9/27/23 Great Falls Sand & Gravel, Inc Proposal re: 1<sup>st</sup> Ave SE Paving
- ~~10. 9/27/23 Letter from Triple Tree Engineering re: Shelby SE Front Street Rail Spur Extension, Proposed Task Order~~
11. 8/7/23 Shelby City Council Minutes re: Fire Truck Purchase

### C. Correspondence

1. 9/20/23 Letter to Jose Castillo re: Noxious Weeds at 1145 Sanders Ave.
2. 9/28/23 Letter to Coyote Apparel Retailers re: Safe Routes to School prizes
3. Montana Taxpayer Association Newsletter, September 2023

### D. Reports

- 1.

### E. Handouts

- 1.

### **Policy on Conduct and Manner of Addressing Council**

The public is invited to speak on any item after recognition by the presiding officer.

1. Public comments will be accepted only on items within the jurisdiction of the City of Shelby.
2. Comments shall be limited to 5 minutes per meeting, unless such time is extended by a majority vote of the Council members.
3. While the Council is in session, those in attendance must preserve order and decorum. No member of the public shall delay or interrupt the Council proceedings; disturb any member who may be speaking; or refuse to obey the orders of the Council or its presiding officer.
4. Prepared statements are welcome and should be given to the Finance Officer prior to a Council meeting. Prepared statements that are also read, however, shall be deemed unduly repetitious. All prepared statements for public hearings shall become part of the hearing record.
5. All remarks shall be addressed to the Council as a body and not to any member of the Council or Staff.
6. Public members recognized by the presiding officer, shall:
  - a. Stand, if able
  - b. For the record, give his/her name and address
  - c. If applicable, give the person, firm or organization he/she represents
  - d. Limit comments to the matter of fact
  - e. Address the Council as a body and not to any individual member of the Council or City Staff
  - f. Ask no questions of individuals who are Council members, staff or other public members, except through the presiding officer
  - g. Limit comments to a maximum of 5 minutes, unless such time is extended by a majority vote of Council members.

The Council thanks public members for respectfully and courteously providing constructive and valuable information.

**MINUTES OF REGULAR COUNCIL MEETING OF THE SHELBY CITY COUNCIL  
HELD IN COUNCIL CHAMBERS  
September 18, 2023**

Mayor McDermott called the meeting to order at 6:30 p.m.  
Present were: Sanna Clark, Lyle Kimmet (at 6:50), Pat Frydenlund, Jayce Yarn, Joe Flesch and Bill Moritz, Council Members; Jade Goroski, Finance Officer; Eric Kary, Superintendent; Lorette Carter, Community Development Director.  
Absent & Excused: None.

Other citizens present: None.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES**

- Regular Council Meeting, 9/5/2023  
FRYDENLUND MADE A MOTION TO APPROVE THE MINUTES. SECONDED BY FLESCH. VOTE AYES - CLARK, FRYDENLUND, FLESCH, MORITZ, YARN. NOES - NONE. ABSENT - NONE. ABSTAIN - NONE.

**APPEARANCE REQUESTS**

- AGENDA ITEMS -
- NON-AGENDA ITEMS -

**COMMITTEE REPORTS**

- Law Enforcement -

**BUILDING INSPECTOR**

**CITY FINANCE OFFICER**

1. City Judge's Report, 8/30/2023
2. Bank Account Report, Budget Year to Date, Vendor Summary, Enterprise Funds, Statement of Expenditures, Revenues, Cash Flow Report, 8/30/2023  
CLARK MADE A MOTION TO APPROVE THE REPORTS. SECONDED BY MORITZ. VOTE AYES - CLARK, KIMMET, FRYDENLUND, FLESCH, MORITZ, YARN. NOES - NONE. ABSENT - NONE. ABSTAIN - NONE.
3. Public Safety Commission Appointment - Joe Pehan  
FLESCH MADE A MOTION TO APPOINT JOE PEHAN. SECONDED BY FRYDENLUND. VOTE AYES - CLARK, KIMMET, FRYDENLUND, FLESCH, MORITZ, YARN. NOES - NONE. ABSENT - NONE. ABSTAIN - NONE.
4. NCMRWA LINE SPONSOR - LLOYD OMDAHL  
FLESCH MADE A MOTION TO APPROVE THE WATER LINE SPONSORSHIP.

SECONDED BY MORITZ. VOTE AYES - CLARK, KIMMET, FRYDENLUND, FLESCH, MORITZ, YARN. NOES - NONE. ABSENT - NONE. ABSTAIN - NONE.

CITY SUPERINTENDENT

Eric provided an update on the projects ongoing and plans for the next couple weeks.

COMMUNITY DEVELOPMENT DIRECTOR

Lorette provided notes as a handout.

OTHER MATTERS

- Fire Truck Purchase Amendment

ADJOURN

AT 7:10 P.M. FLESCH MADE A MOTION TO ADJOURN THE MEETING. SECONDED BY KIMMET. VOTE AYES - CLARK, KIMMET, FRYDENLUND, FLESCH, MORITZ, YARN. NOES - NONE. ABSENT - NONE. ABSTAIN - NONE.

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Gary McDermott, Mayor

ATTEST:

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Jade Goroski, Finance Officer

09/28/23  
11:21:32

CITY OF SHELBY  
Claim Details  
For the Accounting Period: 9/23

Page: 1 of 12  
Report ID: AP100

\* ... Over spent expenditure

Claim Line #	Check Invoice #/Inv Date/Description	Vendor #/Name/	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
230175		02045 NAPA AUTO PARTS	214.27					
1	201184 09/06/23 napa filter		5.15		34519	1000 430200	200	101000
2	202407 09/27/23 napa filters		108.35		34519	5410 430830	200	101000
3	201946 09/19/23 steering worm		5.92		34519	5410 430840	369	101000
4	201369 09/08/23 towels/glass cleaner		26.88		34519	5410 430830	200	101000
5	200840 08/30/23 0w20 oil		43.98		34519	5210 430500	200	101000
6	200832 08/30/23 trailer ball		23.99		34519	1000 460430	200	101000
230176		00400 UTILITIES UNDERGROUND LOCATION	69.08					
1	3085103 08/31/23 44 excavation notifications		69.08		34506	1000 430200	300	101000
230177		29716S 00144 POSTMASTER	422.17					
1	09/25/23 9/23 UB Postage		140.72			5210 430570	310	101000
2	09/25/23 9/23 UB Postage		140.72			5310 430670	310	101000
3	09/25/23 9/23 UB Postage		140.73			5410 430870	310	101000
230178		29714S 00043 SHELBY GAS ASSOCIATION	608.00					
1	09/11/23 9/23 Gas Bill		10.40			1000 411200	343	101000
2	09/11/23 9/23 Gas Bill		8.70			1000 420400	343	101000
3	09/11/23 9/23 Gas Bill		8.70			1000 420401	343	101000
4	09/11/23 9/23 Gas Bill		500.40			1000 460445	343	101000
5	09/11/23 9/23 Gas Bill		18.10			1000 460442	343	101000
6	09/11/23 9/23 Gas Bill		9.70			5410 430840	343	101000
7	09/11/23 9/23 Gas Bill		5.03			1000 430200	343	101000
8	09/11/23 9/23 Gas Bill		5.03			5210 430500	343	101000
9	09/11/23 9/23 Gas Bill		5.03			5310 430600	343	101000
10	09/11/23 9/23 Gas Bill		5.01			5410 430830	343	101000
11	09/11/23 9/23 Gas Bill		2.25			1000 411202	343	101000
12	09/11/23 9/23 Gas Bill		2.25			5210 430520	343	101000
13	09/11/23 9/23 Gas Bill		2.25			5310 430620	343	101000
14	09/11/23 9/23 Gas Bill		2.25			5410 430820	343	101000
15	09/11/23 9/23 Gas Bill		13.90			5210 430500	343	101000
16	09/11/23 9/23 Gas Bill		9.00			1000 460465	343	101000
230179		01851 CT CLEANING	1,200.00					
1	09/26/23 9/23 Janitorial Service		75.00			1000 411202	390	101000
2	09/26/23 9/23 Janitorial Service		75.00			5210 430520	390	101000
3	09/26/23 9/23 Janitorial Service		75.00			5310 430620	390	101000
4	09/26/23 9/23 Janitorial Service		75.00			5410 430820	390	101000
5	09/26/23 9/23 CC Janitorial Service		900.00			1000 460442	300	101000

09/28/23  
11:21:32

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Page: 2 of 12  
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230180	02368 OPTUM FINANCIAL, INC		25.50					
1	1496065 09/25/23 HSA Service Fee		6.38			1000 410550	300	101000
2	1496065 09/25/23 HSA Service Fee		6.38			5210 430570	300	101000
3	1496065 09/25/23 HSA Service Fee		6.37			5310 430670	300	101000
4	1496065 09/25/23 HSA Service Fee		6.37			5410 430870	300	101000
230181	01862 MOUNTAIN ALARM		43.50					
1	3821913 09/01/23 9/23 Fire Alarm Monitoring		43.50			1000 420401	300	101000
230182	02563 DPHHS-LABORATORY		24.00					
1	41966 08/31/23 NCMRWA Water Samples		24.00			5210 430500	300	101000
230183	00048 TOOLE COUNTY CLERK & RECORDER		56,074.73					
1	09/08/23 City Judge/Sec Wages		2,993.77			1000 410360	100	101000
2	09/08/23 City Judge/Sec Medicare		42.92			1000 410360	142	101000
3	09/08/23 City Judge/Sec SS		183.51			1000 410360	141	101000
4	09/08/23 City Judge/Sec Unemploy Ins		4.27			1000 410360	145	101000
5	09/08/23 City Judge/Sec Workers Comp		13.19			1000 410360	146	101000
6	09/08/23 City Judge/Sec PERS		154.96			1000 410360	143	101000
7	09/08/23 City Judge Health Insurance		434.50			1000 410360	147	101000
8	09/08/23 City Judge Supplies		87.47			1000 410360	200	101000
9	09/08/23 City Judge Phone		22.64			1000 410360	344	101000
10	09/08/23 City Judge Travel & Education		137.50			1000 410360	370	101000
11	09/08/23 Law Enforcement		37,270.00			1000 420000	300	101000
12	09/08/23 Law Enforcement		4,910.00			5210 420100	300	101000
13	09/08/23 Law Enforcement		4,910.00			5310 420100	300	101000
14	09/08/23 Law Enforcement		4,910.00			5410 420100	300	101000
230184	297155 00026 MARIAS RIVER ELECTRIC COOP INC		14,411.30					
1	09/11/23 9/23 Electric Bill		171.65			1000 411200	342	101000
2	09/11/23 9/23 Electric Bill		171.74			1000 420400	342	101000
3	09/11/23 9/23 Electric Bill		171.74			1000 420401	342	101000
4	09/11/23 9/23 Electric Bill		71.88			1000 411202	342	101000
5	09/11/23 9/23 Electric Bill		71.88			5210 430520	342	101000
6	09/11/23 9/23 Electric Bill		71.88			5310 430620	342	101000
7	09/11/23 9/23 Electric Bill		71.89			5410 430820	342	101000
8	09/11/23 9/23 Electric Bill		133.51			1000 430200	342	101000
9	09/11/23 9/23 Electric Bill		133.51			5210 430500	342	101000
10	09/11/23 9/23 Electric Bill		133.51			5310 430600	342	101000
11	09/11/23 9/23 Electric Bill		133.49			5410 430830	342	101000
12	09/11/23 9/23 Electric Bill		60.85			1000 440600	342	101000
13	09/11/23 9/23 Electric Bill		60.84			1000 460430	342	101000
14	09/11/23 9/23 Electric Bill		73.24			1000 460465	342	101000
15	09/11/23 9/23 Electric Bill		417.46			1000 460439	342	101000



09/28/23  
11:21:32

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Page: 3 of 12  
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16	09/11/23 9/23 Electric Bill		827.08			1000 460442	342	101000
17	09/11/23 9/23 Electric Bill		450.74			1000 460445	342	101000
18	09/11/23 9/23 Electric Bill		3,906.91			2400 430263	342	101000
19	09/11/23 9/23 Electric Bill		6,856.28			5210 430500	342	101000
20	09/11/23 9/23 Electric Bill		297.71			5310 430600	342	101000
21	09/11/23 9/23 Electric Bill		41.09			5410 430840	342	101000
22	09/11/23 9/23 Electric Bill		47.70			1000 460430	342	101000
23	09/11/23 9/23 Electric Bill		34.72			1000 470270	300	101000
230185	01388 3 RIVERS COMMUNICATIONS INC		864.07					
1	09/01/23 9/23 Phone Bill		19.82			1000 420500	344	101000
2	09/01/23 9/23 Phone Bill		40.89			1000 410550	344	101000
3	09/01/23 9/23 Phone Bill		40.88			5210 430570	344	101000
4	09/01/23 9/23 Phone Bill		40.89			5310 430670	344	101000
5	09/01/23 9/23 Phone Bill		40.89			5410 430870	344	101000
6	09/01/23 9/23 Phone Bill		18.23			1000 430200	344	101000
7	09/01/23 9/23 Phone Bill		18.23			5210 430500	344	101000
8	09/01/23 9/23 Phone Bill		18.23			5310 430600	344	101000
9	09/01/23 9/23 Phone Bill		18.23			5410 430830	344	101000
10	09/01/23 9/23 Phone Bill		170.67			1000 460442	344	101000
	09/01/23 9/23 Phone Bill		71.46			1000 420400	344	101000
12	09/01/23 9/23 Phone Bill		71.45			1000 420401	344	101000
13	09/01/23 9/23 Phone Bill		7.22			1000 410200	344	101000
14	09/01/23 9/23 Phone Bill		7.22			5210 430512	344	101000
15	09/01/23 9/23 Phone Bill		7.22			5310 430612	344	101000
16	09/01/23 9/23 Phone Bill		7.21			5410 430812	344	101000
17	09/01/23 9/23 Phone Bill		114.88			1000 460445	344	101000
18	09/01/23 9/23 Phone Bill		85.58			5310 430600	344	101000
19	09/01/23 9/23 Phone Bill		32.44			5210 430500	344	101000
20	09/01/23 9/23 Phone Bill		32.43			5210 430500	344	101000
230186	00309 PREFERRED OFFICE EQUIPMENT		553.90					
1	47281 09/15/23 9/23 Maintenance/Copies		79.02			1000 411050	300	101000
2	47281 09/15/23 9/23 Maintenance/Copies		79.01			1000 410550	300	101000
3	47281 09/15/23 9/23 Maintenance/Copies		79.01			5210 430570	300	101000
4	47281 09/15/23 9/23 Maintenance/Copies		79.01			5310 430670	300	101000
5	47281 09/15/23 9/23 Maintenance/Copies		79.01			5410 430870	300	101000
6	47302 09/15/23 9/23 Maintenance/Copies Shop		11.27			1000 430200	300	101000
7	47302 09/15/23 9/23 Maintenance/Copies Shop		11.27			5210 430500	300	101000
8	47302 09/15/23 9/23 Maintenance/Copies Shop		11.27			5310 430600	300	101000
9	47302 09/15/23 9/23 Maintenance/Copies Shop		11.27			5410 430840	300	101000
10	47302 09/15/23 9/23 Maintenance/Copies Shop		11.27			1000 420500	300	101000
11	47280 09/15/23 9/23 Maintenance/Copies CC		79.78			1000 460442	300	101000
12	47085 09/01/23 9/23 Maintenance Copies		4.54			1000 411050	300	101000
13	47085 09/01/23 9/23 Maintenance Copies		4.54			1000 410550	300	101000

09/28/23  
11:21:32

CITY OF SHELBY  
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Page: 4 of 12  
Report ID: AP100

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14	47085 09/01/23 9/23 Maintenance Copies		4.54			5210 430570	300	101000
15	47085 09/01/23 9/23 Maintenance Copies		4.55			5310 430670	300	101000
16	47085 09/01/23 9/23 Maintenance Copies		4.54			5410 430870	300	101000
230187	E 00111 FIRST STATE BANK		55.00					
1	09/30/23 FSB Billing ACH Origination		18.33			5210 430570	300	101000
2	09/30/23 FSB Billing ACH Origination		18.33			5310 430670	300	101000
3	09/30/23 FSB Billing ACH Origination		18.34			5410 430870	300	101000
230188	02517 VALLI INFORMATION SYSTEMS INC		49.75					
1	90267 08/31/23 Express Pay Online Monthly Fee		15.00			5210 430570	300	101000
2	90267 08/31/23 Express Pay Online Monthly Fee		15.00			5310 430670	300	101000
3	90267 08/31/23 Express Pay Online Monthly Fee		15.00			5410 430870	300	101000
4	90267 08/31/23 IVR Fee		1.59			5210 430570	300	101000
5	90267 08/31/23 IVR Fee		1.58			5310 430670	300	101000
6	90267 08/31/23 IVR Fee		1.58			5410 430870	300	101000
230189	01137 AQUA TECH LABORATORY		75.00					
	PWSID# MT0000328							
1	38742 09/07/23 Monthly Coliform Water Testing		75.00		34505	5210 430500	300	101000
230190	-98132E 01486 USDA RURAL DEVELOPMENT		1,603.00					
1	09/06/23 Fire Hall Improvement Loan		813.77			1000 490527	610	101000
2	09/06/23 Fire Hall Improvement Loan Int		789.23			1000 490527	620	101000
230191	01137 AQUA TECH LABORATORY		25.00					
	PWSID# MT0000200							
1	38745 09/07/23 DWI Monthly Water Test		25.00		34505	5210 430500	300	101000
230192	01137 AQUA TECH LABORATORY		25.00					
	PWSID# MT0004936							
1	38744 09/07/23 NCMRWA Monthly Water Test		25.00		34505	5210 430500	300	101000
230193	00139 MARIAS VETERINARY CLINIC		64.00					
1	08/31/23 Euthanasia/SA disposal fee		64.00*			1000 440600	300	101000
230194	01969 GREAT FALLS SAND & GRAVEL INC		115,370.30					
1	56118 08/30/23 milling machine		29,078.60			1000 430200	900	101000
2	56192 09/14/23 paving gallatin/benton		55,181.60			1000 430200	900	101000
3	56193 09/19/23 paving-gravel galena/richland		31,110.10			1000 430200	900	101000

09/28/23  
11:21:32

CITY OF SHELBY  
Claim Details  
For the Accounting Period: 9/23

Page: 5 of 12  
Report ID: AP100

\* ... Over spent expenditure

Claim Line #	Check Invoice #/Inv Date/Description	Vendor #/Name/ Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
230195	29708S 02634	GEORGE GIBSON ARCHITECTURE	5,842.50					
1	2472 09/01/23	civic center addition architec	5,842.50*			7030 460442	950 2292	101000
230196	00113	DNRC	30.00					
	Welcome to Shelby Sign - Township 32N Range 2W Section 36 Legal Description All Shelby East Entrance Billboard Sign North Side of Highway 2 on DNRC Land.							
1	SULS240000 09/01/23	LUL 8451 Annual Lease	30.00			1000 411201	300	101000
230197	02638	JONES LEGAL SERVICES	1,319.50					
1	5229 08/31/23	8/23 Legal Services	329.87			1000 411100	350	101000
2	5229 08/31/23	8/23 Legal Services	329.87			5210 430513	350	101000
3	5229 08/31/23	8/23 Legal Services	329.88			5310 430613	350	101000
4	5229 08/31/23	8/23 Legal Services	329.88			5410 430813	350	101000
230198	29709S 02586	DIS TECHNOLOGIES	951.00					
1	12325 09/05/23	Monthly Managed Services	126.88			1000 410550	300	101000
2	12325 09/05/23	Monthly Managed Services	126.88			5210 430570	300	101000
3	12325 09/05/23	Monthly Managed Services	126.87			5310 430670	300	101000
	12325 09/05/23	Monthly Managed Services	126.87			5410 430870	300	101000
5	12325 09/05/23	Monthly Managed Services	72.50			1000 411050	300	101000
6	12325 09/05/23	Monthly Managed Services	72.50			1000 460442	300	101000
7	12325 09/05/23	Monthly Managed Services	54.37			1000 430200	300	101000
8	12325 09/05/23	Monthly Managed Services	54.37			5210 430500	300	101000
9	12325 09/05/23	Monthly Managed Services	54.38			5310 430600	300	101000
10	12325 09/05/23	Monthly Managed Services	54.38			5410 430830	300	101000
11	12325 09/05/23	Monthly Microsoft 365	16.20			1000 410550	300	101000
12	12325 09/05/23	Monthly Microsoft 365	16.20			5210 430570	300	101000
13	12325 09/05/23	Monthly Microsoft 365	16.20			5310 430670	300	101000
14	12325 09/05/23	Monthly Microsoft 365	16.20			5410 430870	300	101000
15	12325 09/05/23	Monthly Microsoft 365	16.20			1000 411050	300	101000
230199	02045	NAPA AUTO PARTS	199.60					
1	199753 08/10/23	RFD work lights	21.98		34463	1000 420401	200	101000
2	200437 08/23/23	RFD filters	158.93		34463	1000 420401	200	101000
3	200866 08/30/23	RFD blower motor relay	18.69		34463	1000 420401	200	101000
230200	00485	BIG SKY FIRE EQUIPMENT	3,544.69					
1	503473 08/18/23	CFD vista screen control head	3,435.34*		34465	1000 420400	215	101000
2	503522 09/06/23	CFD adapter harness P51	109.35		34467	1000 420400	200	101000

09/28/23  
11:21:32

CITY OF SHELBY  
Claim Details  
For the Accounting Period: 9/23

Page: 6 of 12  
Report ID: AF100

\* ... Over spent expenditure

Claim Line #	Check Invoice #/Inv Date/Description	Vendor #/Name/	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
230201	29710S 01329 CITY OF SHELBY		309.43					
1	09/11/23 Energy Share Assistance		309.43			7060 450138	710	101000
230202	29711S 02643 MBOH LOAN SERVICING		291.35					
1	09/11/23 Emergency Disaster Assistance		291.35			7061 420760	710	101000
230203	29712S 02644 STATE FARM		69.55					
1	09/11/23 Emergency Disaster Assistance		69.55			7061 420760	710	101000
230204	29713S 00681 AT&T		101.37					
1	09/11/23 Emergency Disaster Assistance		101.37			7061 420760	710	101000
230205	02425 DRY FORK PLUMBING & HEATING INC		6,730.00					
1	3964 09/08/23 sewer extension		6,730.00*			2399 470000	950 2293	101000
230206	02639 BTI MONTANA		1,660.57					
1	689786 08/08/23 RFD oil		206.16		34466	1000 420401	200	101000
2	11727 08/12/23 CFD magnetic key holder		8.99		34466	1000 420400	200	101000
3	4447 08/31/23 RFD fuel		1,445.42		34466	1000 420401	230	101000
230207	01305 DISPLAY SALES		1,519.79					
1	314 09/05/23 banners		1,519.79*			7427 411850	200	101000
230208	01470 RMR AGGREGATE		3,711.38					
1	4645 09/08/23 Crushed Gravel		3,711.38*			1000 430200	400	101000
230209	02595 PONDEROSA PUBLICATIONS LLC		120.00					
1	27607 08/30/23 public hearing-budget		12.00			1000 410550	300	101000
2	27607 08/30/23 public hearing-budget		12.00			5210 430570	300	101000
3	27607 08/30/23 public hearing-budget		12.00			5310 430670	300	101000
4	27607 08/30/23 public hearing-budget		12.00			5410 430870	300	101000
5	29366 09/20/23 public hearing-industrial park		72.00			1000 411201	300	101000
230210	02601 NORTHERN PLAINS ELECTRIC LLC		1,034.37					
1	1499 09/13/23 repair of main lights control		612.81*		34504	2400 430263	200	101000
2	1483 09/05/23 sewer lift prison work		421.56		34504	5310 430600	300	101000
230211	02645 GO GENERAL DISTRIBUTING CO.		65.00					
1	1282844 08/31/23 oxygen tank welder lease		16.25		34508	1000 430200	200	101000
2	1282844 08/31/23 oxygen tank welder lease		16.25		34508	5210 430500	200	101000
3	1282844 08/31/23 oxygen tank welder lease		16.25		34508	5310 430600	200	101000
4	1282844 08/31/23 oxygen tank welder lease		16.25		34508	5410 430830	200	101000

09/28/23  
11:21:32

CITY OF SHELBY  
Claim Details  
For the Accounting Period: 9/23

Page: 7 of 12  
Report ID: AP100

\* ... Over spent expenditure

Claim Line #	Check Invoice #/Inv Date/Description	Vendor #/Name/	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
230212	02639 BTI MONTANA		6,953.93					
1	CL4264 08/31/23 fuel-parks		333.36*		34510	1000 460430	230	101000
2	CL4264 08/31/23 fuel-garbage		854.05		34510	5410 430830	230	101000
3	CL4264 08/31/23 fuel-animal control		299.22*		34510	1000 440600	230	101000
4	CL4264 08/31/23 fuel-streets		1,211.66		34510	1000 430200	230	101000
5	CL4264 08/31/23 fuel-water		704.59		34510	5210 430500	230	101000
6	CL4264 08/31/23 fuel-sewer		704.00		34510	5310 430600	230	101000
7	695795 08/23/23 DEF-megaplex grease		415.24		34510	5410 430840	200	101000
8	696619 08/30/23 80W90 oil/powerdrive		276.06		34510	5410 430840	200	101000
9	696748 08/30/23 scraper fuel		859.80		34510	5410 430840	200	101000
10	14694 09/11/23 2" gate valve		65.99		34510	5210 430500	200	101000
11	12648 08/22/23 gloves-project		5.00		34510	1000 430200	200	101000
12	12648 08/22/23 gloves-project		5.00		34510	5210 430500	200	101000
13	12648 08/22/23 gloves-project		5.00		34510	5310 430600	200	101000
14	12648 08/22/23 gloves-project		4.99		34510	5410 430830	200	101000
15	14163 09/06/23 conduit/knife		24.87		34510	1000 430200	200	101000
16	14163 09/06/23 conduit/knife		24.88		34510	5210 430500	200	101000
17	14163 09/06/23 conduit/knife		24.87		34510	5310 430600	200	101000
18	14163 09/06/23 conduit/knife		24.87		34510	5410 430830	200	101000
19	13417 08/29/23 specs thinner		6.00		34510	1000 430200	200	101000
20	13417 08/29/23 specs thinner		6.00		34510	5210 430500	200	101000
21	13417 08/29/23 specs thinner		5.99		34510	5310 430600	200	101000
22	13417 08/29/23 specs thinner		6.00		34510	5410 430830	200	101000
23	13527 08/30/23 gray temp cover		0.94		34510	1000 430200	200	101000
24	13527 08/30/23 gray temp cover		0.95		34510	5210 430500	200	101000
25	13527 08/30/23 gray temp cover		0.95		34510	5310 430600	200	101000
26	13527 08/30/23 gray temp cover		0.95		34510	5410 430830	200	101000
27	13461 08/29/23 wasp killer		25.98		34511	1000 460430	200	101000
28	12880 08/24/23 tank float ball		5.49		34511	1000 460442	369	101000
29	11936 08/14/23 white marking paint		9.49		34511	1000 430200	200	101000
30	14186 09/06/23 10" wrench/nipple/bushing		92.36		34511	5210 430500	369	101000
31	15975 09/25/23 shovel/gloves/wrenches		107.97		34516	5310 430600	200	101000
32	15984 09/25/23 rope/chain hoist/eye hook		167.94		34516	5310 430600	200	101000
33	15335 09/18/23 seal tape/close		5.58		34516	5210 430500	200	101000
34	701620 09/19/23 #2 dyed diesel		629.87		34516	5410 430840	230	101000
35	16078 09/25/23 staples		5.49*		34516	1000 440600	200	101000
36	15330 09/18/23 sheeting/duct tape		26.98*		34516	1000 440600	200	101000
37	15568 09/20/23 wire/wire connectors		5.55*		34516	1000 440600	200	101000

09/28/23  
11:21:32

CITY OF SHELBY  
Claim Details  
For the Accounting Period: 9/23

Page: 8 of 12  
Report ID: AP100

\* ... Over spent expenditure

Claim Line #	Check Invoice #/Inv Date/Description	Vendor #/Name/	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
230213	01780 MONTANA BROOM & BRUSH		136.44					
1	308770 08/23/23 tissue/comet		136.44		34085	1000 460442	200	101000
230214	01700 ORKIN, INC		2,344.10					
1	247955898 08/28/23 service HCH		44.22			1000 411200	300	101000
2	249373196 09/01/23 year in advanced HCH		691.14			1000 411200	300	101000
3	247956679 08/23/23 service water tank		118.99			5210 430500	300	101000
4	249373196 09/01/23 service water tank		118.99			5210 430500	300	101000
5	09/15/23 year in advanced water tank		1,370.76			5210 430500	300	101000
230215	00027 MARKS TIRE & ALIGNMENT		60.00					
1	73508 08/01/23 flat repair-truck tire end dum		60.00*		34507	1000 430200	369	101000
230216	02551 TRIPLE TREE ENGINEERING INC		2,325.00					
1	21-1-021 09/18/23 Rail Safety		2,325.00			1000 470120	790	101000
230217	02551 TRIPLE TREE ENGINEERING INC		2,623.08					
1	23-23-003 09/18/23 Williamson Park survey		2,623.08			5210 430500	300	101000
230218	00117 QUILL CORPORATION		147.84					
1	34658342 09/18/23 8" tab indexes/sharpie/copy		36.96		34185	1000 410550	200	101000
2	34658342 09/18/23 8" tab indexes/sharpie/copy		36.96		34185	5210 430570	200	101000
3	34658342 09/18/23 8" tab indexes/sharpie/copy		36.96		34185	5310 430670	200	101000
4	34658342 09/18/23 8" tab indexes/sharpie/copy		36.96		34185	5410 430870	200	101000
230219	00442 SHELBY AREA CHAMBER OF COMMERCE		500.00					
1	09/19/23 TBID HH volunteer meals		500.00			7199 212500		101000
230220	01946 ALL SEASON HEATING & AIR		545.61					
1	49112 09/18/23 troubleshoot/repair CC fridge		545.61		34512	1000 460442	369	101000
230221	02097 FASTENAL COMPANY		35.00					
1	229632 09/05/23 electrical connectors/boxes		8.75		34513	1000 430200	200	101000
2	229632 09/05/23 electrical connectors/boxes		8.75		34513	5210 430500	200	101000
3	229632 09/05/23 electrical connectors/boxes		8.75		34513	5310 430600	200	101000
4	229632 09/05/23 electrical connectors/boxes		8.75		34513	5410 430840	200	101000
230222	02335 CINTAS CORPORATION		104.23					
1	5176233721 09/21/23 RX box restock		26.06			1000 410550	200	101000
2	5176233721 09/21/23 RX box restock		26.06			5210 430570	200	101000
3	5176233721 09/21/23 RX box restock		26.06			5310 430670	200	101000
4	5176233721 09/21/23 RX box restock		26.05			5410 430870	200	101000

09/28/23  
11:21:32

CITY OF SHELBY  
Claim Details  
For the Accounting Period: 9/23

Page: 9 of 12  
Report ID: AP100

\* ... Over spent expenditure

Claim Line #	Check Invoice #/Inv Date/Description	Vendor #/Name/	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
230223		0263 STUTZ, JENNIFER	3,500.00					
1	09/30/23 9/23 Legal Services		875.00			1000 411100	350	101000
2	09/30/23 9/23 Legal Services		875.00			5210 430513	350	101000
3	09/30/23 9/23 Legal Services		875.00			5310 430613	350	101000
4	09/30/23 9/23 Legal Services		875.00			5410 430813	350	101000
230224		02551 TRIPLE TREE ENGINEERING INC	1,567.50					
1	23-78-002 09/18/23 pnmh west track extensions		1,567.50			2310 430000	900 2295	101000
230225		00037 NORTHWEST PIPE FITTINGS INC	15,182.47					
1	21453 09/19/23 corps/curb stops/tapping saddl		3,672.81		34515	5210 430500	200	101000
2	21756 09/19/23 16" saddle		271.90		34515	5210 430500	200	101000
3	2999403 09/19/23 6" filler flange/gaskets/bolt		596.47		34515	5210 430500	200	101000
4	21588 09/18/23 6" C900 pipe/12" C900 pipe		3,285.40		34515	5210 430500	200	101000
5	23504 09/18/23 6"flange/6" gasket valve/6" C9		7,355.89		34515	5720 430246	950 2288	101000
230226		01439 CONRAD BUILDING CENTER INC	443.75					
1	78289 09/25/23 R19 faced insulation-dog kenne		426.00*		34517	1000 440600	200	101000
2	77833 09/19/23 sheetrock 5/8"		17.75*		34517	1000 440600	200	101000
230227		00653 GREAT WEST ENGINEERING	4,389.25					
1	30376 09/21/23 Capital Improvement Plan		1,755.70*			1000 430200	350	101000
2	30376 09/21/23 Capital Improvement Plan		1,097.31*			5210 430500	350	101000
3	30376 09/21/23 Capital Improvement Plan		1,097.31			5310 430600	350	101000
4	30376 09/21/23 Capital Improvement Plan		438.93*			5720 430246	350	101000
230228		00653 GREAT WEST ENGINEERING	46,831.68					
1	30472 09/22/23 Storm Water South Side		46,831.68			5720 430246	950 2288	101000
230229		00653 GREAT WEST ENGINEERING	4,099.55					
1	30375 09/21/23 Airport Tank Transmission Main		4,099.55			5210 430501	950 2286	101000
230230		00653 GREAT WEST ENGINEERING	3,822.80					
1	30373 09/21/23 wellfield investigation		3,822.80			5210 430501	950 2296	101000
230231		02623 SHELBY PAINT & HARDWARE	348.55					
1	76026 09/06/23 teflon/connector/mask		27.22		34514	5210 430500	200	101000
2	75819 09/06/23 true fuel/torx bits/marker		69.38		34514	1000 460430	200	101000
3	75848 08/28/23 silicone/sandpaper/hose clamp		34.33		34514	1000 460442	200	101000
4	75884 08/16/23 glue traps/hose clamps		8.46		34514	1000 430200	200	101000
5	75884 08/16/23 glue traps/hose clamps		8.46		34514	5210 430500	200	101000
6	75884 08/16/23 glue traps/hose clamps		8.46		34514	5310 430600	200	101000
7	75884 08/16/23 glue traps/hose clamps		8.47		34514	5410 430840	200	101000
8	75881 08/16/23 rollers/paint brushes		38.46		34514	1000 460442	200	101000

09/28/23  
11:21:32

CITY OF SHELBY  
Claim Details  
For the Accounting Period: 9/23

Page: 10 of 12  
Report ID: AP100

\* ... Over spent expenditure

Claim	Check	Vendor #/Name/	Document \$/	Disc \$					Cash
Line #		Invoice #/Inv Date/Description	Line \$		PO #	Fund Org Acct	Object Proj	Account	
9	75881	08/16/23 starting fluid/clips/batteries	64.92		34514	1000 460430	200	101000	
10	75881	08/16/23 rollers/paint tray/tape	63.40		34514	1000 460442	200	101000	
11	75813	08/21/23 doormat	16.99*			2940 470000	950 2290	101000	
230232	29717S	01980 SHELBY HIGH SCHOOL	175.00						
1	09/27/23	60" wreath	43.75			1000 411202	200	101000	
2	09/27/23	60" wreath	43.75			5210 430520	200	101000	
3	09/27/23	60" wreath	43.75			5310 430620	200	101000	
4	09/27/23	60" wreath	43.75			5410 430820	200	101000	
230233		00039 PETTY CASHIER	44.00						
1	3013	09/06/23 James-postage reimbursement	20.00			5210 430500	300	101000	
2	3014	09/20/23 9/23 legal filings	6.00			1000 410550	300	101000	
3	3014	09/20/23 9/23 legal filings	6.00			5210 430570	300	101000	
4	3014	09/20/23 9/23 legal filings	6.00			5310 430670	300	101000	
5	3014	09/20/23 9/23 legal filings	6.00			5410 430870	300	101000	
230234		00001 DEPARTMENT OF REVENUE	64.56						
1	09/30/23	Accom Tax Williamson Park	64.56			7110 212500		101000	
230235		00001 DEPARTMENT OF REVENUE	668.78						
1	09/30/23	Accom Tax Shel-oolle Campground	668.78			7110 212500		101000	
230236		02486 MARIAS RIVER CONTRACTING LLC	11,500.00						
1	1129	09/27/23 bathroom materials & labor	11,500.00			1000 460430	900 2294	101000	
230237		02486 MARIAS RIVER CONTRACTING LLC	13,500.00						
1	1131	09/27/23 labor framing and trusses	13,500.00*			2940 470000	950 2293	101000	
230238		02486 MARIAS RIVER CONTRACTING LLC	12,000.00						
1	1130	09/27/23 bitterroot materials & labor	12,000.00			7030 470000	900 2291	101000	
230239		00049 TRACTOR & EQUIPMENT CO	925.78						
1	434251	09/26/23 cat keys	7.27		34520	1000 430200	200	101000	
2	434251	09/26/23 cat keys	7.27		34520	5210 430500	200	101000	
3	434251	09/26/23 cat keys	7.27		34520	5310 430600	200	101000	
4	434251	09/26/23 cat keys	7.27		34520	5410 430830	200	101000	
5	434152	09/22/23 filters	896.70		34520	5410 430840	369	101000	
230240		00088 CARQUEST AUTO PARTS	165.53						
1	360930	09/21/23 grinder wheels/wire brush/ 1/2	25.00		34518	1000 430200	200	101000	
2	360930	09/21/23 grinder wheels/wire brush/ 1/2	25.01		34518	5210 430500	200	101000	
3	360930	09/21/23 grinder wheels/wire brush/ 1/2	25.01		34518	5310 430600	200	101000	
4	360930	09/21/23 grinder wheels/wire brush/ 1/2	25.01		34518	5410 430830	200	101000	
5	359927	08/30/23 thread lock	16.55		34518	1000 460430	200	101000	



09/28/23  
11:21:32

CITY OF SHELLEY  
Claim Details  
For the Accounting Period: 9/23

Page: 11 of 12  
Report ID: AP100

\* ... Over spent expenditure

Claim Line #	Check Invoice #	Vendor #/Name/ Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
6	360743	09/18/23 5W30 oil/tape/minute weld	48.95		34518	1000 460430	200	101000
# of Claims			66	Total:		354,282.10		
Total Electronic Claims			1,658.00	Total Non-Electronic Claims		352624.10		

09/28/23  
11:21:33

CITY OF SHELBY  
Fund Summary for Claims  
For the Accounting Period: 9/23

Page: 12 of 12  
Report ID: AP110

Fund/Account	Amount
1000 GENERAL	
101000 Cash-Operating	\$194,315.05
2310 TAX INCREMENT FINANCING DISTRICT (TIFD)	
101000 Cash-Operating	\$1,567.50
2399 REVOLVING LOAN	
101000 Cash-Operating	\$6,730.00
2400 STREET LIGHTING DISTRICT NO. 35	
101000 Cash-Operating	\$4,519.72
2940 CDBG HOUSING FUND	
101000 Cash-Operating	\$13,516.99
5210 WATER UTILITY	
101000 Cash-Operating	\$36,292.33
5310 SEWER UTILITY	
101000 Cash-Operating	\$10,052.56
5410 SOLID WASTE UTILITY	
101000 Cash-Operating	\$11,294.12
5720 STORM DRAINAGE	
101000 Cash-Operating	\$54,626.50
7030 HOUSING FUND	
101000 Cash-Operating	\$17,842.50
7060 SHELBY ENERGY SHARE	
101000 Cash-Operating	\$309.43
7061 LOCAL DISASTER RELIEF	
101000 Cash-Operating	\$462.27
7110 ACCOMMODATIONS TAX	
101000 Cash-Operating	\$733.34
7199 TOURISM BUSINESS IMPROVEMENT DIST (TBID)	
101000 Cash-Operating	\$500.00
7427 SPECIALTY LICENSE PLATES (SHELBY)	
101000 Cash-Operating	\$1,519.79
Total:	\$354,282.10

## **SHELBY PARKS & REC**

**September 25, 2023**

**In attendance:** Eric Tokerud, Lyle Kimmet, Gary McDermott, Eric Kary, Jessi LaTray and Lorette Carter.

**Civic Center:** Jessi reported there was some damage done to the new flooring when the lockers were re-installed in the men's bathroom. The city will look to replace the sections damaged. She also noted the new stalls do not allow for ADA accessibility. Lorette will reach out to *Sanymetal* for a new door to meet ADA requirements. Jessi also asked about purchasing an AED to keep in the Civic Center. Presently the AED equipment is moved to the pool during summer months. Lorette will reach out to Cintas for a cost estimate. Jessi also asked Lyle about reaching out to the school district to use their buffer to buff the gym floor. Lyle will work with Jessi on this.

The fall schedule includes the following:

- Cornhole tournament – September 30<sup>th</sup>: Sponsored by Albertsons to support their "Turkey Bucks" campaign;
- Blood Draw – October 5<sup>th</sup>
- Health Fair – October 11<sup>th</sup>

Classes are going well. Ashley Denno has a large group for Silver Sneakers and her Wednesday noon hour Zumba class. Bridger Ergenbright, 6<sup>th</sup> grader is teaching a Karate class to 3<sup>rd</sup>-4<sup>th</sup>-& 5<sup>th</sup> grade kids. With assistance from her instructors, the kids are able to achieve different levels/belts with her instruction.

Jessi will reach out to Michelle White to manage/open the facility on Saturdays from October to May. The fridges have also been repaired in the kitchen.

### **City Facilities:**

**Roadrunner Recreation Trail/The Hill Mountain Bike Trail:** The weeds have been cut along the trail edges. The next planned trail seal coat will be in 2025.

**Meadowlark Park:** The concrete pad for the restroom has been laid and masonry work is beginning.

**Historic Shelby High:** Gary reported the city has initiated the installation of two forced-air furnaces for the classroom side of the building to keep the building at a moderate temperature during the winter months. The city will also be reaching out to a plumber to get a cost estimate on the work to be done in the gym locker rooms.

**Lake Shel-oole Baseball fields:** The garbage cans for the ballfields and Champions Park will be installed as the crew has time this fall or early next spring.

## **TREE BOARD**

The city will apply for funding from the Urban & Community Forestry Development Grant funding for additional tree care/maintenance in 2024. We will also apply for Arbor Day funds to replace some trees on Main Street.

Arbor Day will be celebrated Friday, April 26, 2024 in Shelby. The city will continue to seek community support in cleaning parks and public areas. The Toole County Conservation District will provide saplings for our police/fire departments this year.

**COMMUNITY PARKS MASTER PLAN:** The city council has approved the removal of the old barbeque grills in the City Park, Aronow Park and Johnson Park. The city has also purchased 11 picnic tables which the crew will put together during the winter months for replacement in our parks next spring.

## **OLD BUSINESS**

- Lake Shel-oole Dog Park: Montana Fence will be here October 10<sup>th</sup> to measure for the dog park and give a cost estimate.

## **NEW BUSINESS**

- Fall Clean Up Week ~ October 2<sup>nd</sup> through 5<sup>th</sup>  
The week of September 25<sup>th</sup> through 28<sup>th</sup>, City Shop is creating the pickup list. Residents must call to get their items on the list. The crew will pick up the week of October 2<sup>nd</sup>.

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Shelby, Montana (the "City"), hereby certify that the attached resolution is a true copy of Resolution No. 2076 entitled: "RESOLUTION OF INTENTION TO MODIFY THE COMPREHENSIVE DEVELOPMENT PLAN FOR THE SHELBY INDUSTRIAL PARK TARGETED ECONOMIC DEVELOPMENT TAX INCREMENT FINANCING DISTRICT TO APPROVE CERTAIN PROJECTS AS VALUE-ADDING ECONOMIC DEVELOPMENT PROJECTS; AND CALLING A PUBLIC HEARING THEREON" (the "Resolution"), on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Council of the City on September 5, 2023, and that the meeting was duly held by the City Council and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

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

WITNESS my hand and seal officially this 5th day of September, 2023.

(SEAL)

\_\_\_\_\_  
City Finance Officer

RESOLUTION NO. 2076

RESOLUTION OF INTENTION TO MODIFY THE COMPREHENSIVE DEVELOPMENT PLAN FOR THE SHELBY INDUSTRIAL PARK TARGETED ECONOMIC DEVELOPMENT TAX INCREMENT FINANCING DISTRICT TO APPROVE ADDITIONAL PROJECTS AS VALUE-ADDING ECONOMIC DEVELOPMENT PROJECTS; AND CALLING A PUBLIC HEARING THEREON

BE IT RESOLVED by the City Council (the "Council") of the City of Shelby, Montana (the "City"), as follows:

Section 1. Recitals; Authorizations; Prior Acts and Approvals.

1.01. The Act. 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 targeted economic development areas, prepare and adopt a comprehensive development plan therefor and amendments thereto, undertake value-adding economic development projects therein, provide for the segregation and collection of tax increment with respect to property taxes collected in such areas, issue its bonds to pay the costs of such projects and to refund bonds previously issued under the Act and pledge to the repayment of the bonds the tax increment and other revenues derived from projects undertaken within the targeted economic development area.

1.02. The District and the Plan. This Council, pursuant to the Act and Ordinance No. 813 adopted by the Council on November 18, 2013 (the "Ordinance"), terminated its prior Shelby Industrial Park-Fairgrounds Area Tax Increment Financing District and, with the approval of the Montana Department of Revenue, created the Shelby Targeted Economic Development Tax Increment Financing District (the "District") as a targeted economic development district. In addition, the City has adopted the Comprehensive Development Plan for the Shelby Targeted Economic Development Tax Increment Financing District (the "Plan"), as a comprehensive development plan in accordance with the provisions of the Act. The Plan provides for the segregation and collection of tax increment revenues with respect to the District.

1.03. The Projects. The City created the District in part to promote and support the development of an inland multimodal transportation port capable of shipping and receiving containerized international cargo (the "Multimodal Hub"). The City previously assisted in the development of the Multimodal Hub in the District, including through the issuance of its water and sewer system revenue bonds, the proceeds of which were used to finance infrastructure within the District serving the Multimodal Hub. The City has identified additional projects in the District that would support the development of the District and the Multimodal Hub, including the extension of one or more rail spurs; construction of one or more warehouse buildings that could be used as storage for companies utilizing the Multimodal Hub; and related improvements (collectively, the "Projects").

This Council hereby determines, on a preliminary basis and subject to public comment at the public hearing described in Section 4, that the Projects will encourage value-adding economic development in the District; consist of infrastructure eligible for tax increment financing under the Act; and will assist secondary value-adding industries in meeting their

infrastructure needs within the District. Subject to the testimony presented at the public hearing, the Council intends to amend the Plan to declare the Projects as value-adding economic development projects for the District.

Following the passage and after the effective date of the ordinance described in Section 4 below, the City proposes to sell and issue its tax increment revenue bonds to finance all or a portion of the eligible costs of one or more of the Projects, to fund a deposit to a debt service reserve account, if necessary, and to pay costs of issuance of the bonds.

Section 2. Findings. Subject to testimony presented at the public hearing, the Council hereby preliminarily finds as follows:

- (a) No persons will be displaced from their housing by the Projects;
- (b) The Plan conforms to the City's growth policy;
- (c) The Plan and the Projects will afford maximum opportunity, consistent with the needs of the City as a whole, for the rehabilitation or redevelopment in the District by private enterprise;
- (d) Sound and adequate financial programs will exist for the Projects; and
- (e) the Projects constitute value-adding economic development projects within the meaning of the Act and the Plan.

Section 3. Conditional Approval. The findings and representations in this Resolution are preliminary and subject to testimony presented at the public hearing.

Section 4. Public Hearing. A public hearing is hereby called and shall be held on Monday, October 2, 2023 at 6:30 p.m. in the City Hall, 112 1<sup>st</sup> Street South, Shelby, Montana, on the approval of the Projects as value-adding economic development projects for the District. The approval of the Projects as value-adding economic development projects is contemplated to be achieved pursuant to an ordinance, the first reading of which is expected to occur on the date hereof and the second reading of which is expected to occur on October 2, 2023, following the public hearing.

Section 5. Notice. Notice of the public hearing shall be mailed to property owners of the District and published in the *Shelby Promoter* on September 13 and September 20, 2023, in each case in substantially the form attached as Exhibit A hereto (which is incorporated by reference and made a part hereof).

Section 6. Reimbursement Expenditures.

6.01. Regulations. The United States Department of Treasury has promulgated final regulations governing the use of proceeds of tax-exempt bonds, all or a portion of which are to be used to reimburse the City for project expenditures paid by the City prior to the date of issuance of such bonds. Those regulations (Treasury Regulations, Section 1.150-2) (the "Regulations") require that the City adopt a statement of official intent to reimburse an original

expenditure not later than 60 days after payment of the original expenditure. The Regulations also generally require that the bonds be issued and the reimbursement allocation made from the proceeds of the bonds within 18 months (or three years, if the reimbursement bond issue qualifies for the "small issuer" exception from the arbitrage rebate requirement) after the later of (i) the date the expenditure is paid or (ii) the date the project is placed in service or abandoned, but (unless the issue qualifies for the "small issuer" exception from the arbitrage rebate requirement) in no event more than three years after the date the expenditure is paid. The Regulations generally permit reimbursement of capital expenditures and costs of issuance of the bonds.

6.02. Prior Expenditures. Other than (i) expenditures to be paid or reimbursed from sources other than the bonds, (ii) expenditures constituting preliminary expenditures within the meaning of Section 1.150-2(f)(2) of the Regulations, or (iii) expenditures in a "de minimus" amount (as defined in Section 1.150-2(f)(1) of the Regulations), no expenditures for the Projects have been paid by the City before the date 60 days before the date of adoption of this resolution.

6.03. Declaration of Intent. The City reasonably expects to reimburse the expenditures made for costs of the Project out of the proceeds of bonds in an estimated maximum aggregate principal amount of up to \$2,000,000 after the date of payment of all or a portion of the costs of the Projects. All reimbursed expenditures shall be capital expenditures, a cost of issuance of the bonds or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Regulations.

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

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



PASSED AND APPROVED by the City Council of the City of Shelby, Montana, this 5th day of September, 2023.

Attest:

  
\_\_\_\_\_  
City Finance Officer

  
\_\_\_\_\_  
Mayor

## EXHIBIT A

### NOTICE OF PUBLIC HEARING ON MODIFICATION OF THE COMPREHENSIVE DEVELOPMENT PLAN FOR THE SHELBY INDUSTRIAL PARK TARGETED ECONOMIC DEVELOPMENT TAX INCREMENT FINANCING DISTRICT TO APPROVE ADDITIONAL PROJECTS AS VALUE-ADDING ECONOMIC DEVELOPMENT PROJECTS

NOTICE IS HEREBY GIVEN that the City Council (the "Council") of the City of Shelby, Montana (the "City"), will hold a public hearing on Monday, October 2, 2023 at 6:30 p.m., at the City Hall, 112 1<sup>st</sup> Street South, Shelby, Montana, regarding the modification of the City's Comprehensive Development Plan for the Shelby Targeted Economic Development Tax Increment Financing District (the "Plan") in order to approve the Projects (defined below) as value-adding economic development projects for the District.

The City created the Shelby Targeted Economic Development Tax Increment Financing District (the "District") in part to promote and support the development of an inland multimodal transportation port capable of shipping and receiving containerized international cargo (the "Multimodal Hub"). The City has identified additional projects in the District that would support the development of the District and the Multimodal Hub, including the extension of one or more rail spurs; construction of one or more warehouse buildings that could be used as storage for companies utilizing the Multimodal Hub; and related improvements (collectively, the "Projects").

Modifications to the Plan with respect to the approval of the Projects as value-adding economic development projects for the District would be made pursuant to an ordinance, the second reading of which is expected to occur following the public hearing.

Any interested persons may appear and will be heard or may file written comments with the City Finance Officer prior to such hearing.

Dated: September 5, 2023

  
\_\_\_\_\_  
City Finance Officer

Publication Dates:      September 13, 2023  
                                 September 20, 2023

Mail Date:                September 13, 2023

CERTIFICATE AS TO ORDINANCE AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Shelby, Montana (the "City"), hereby certify that the attached ordinance is a true copy of an Ordinance entitled: "ORDINANCE RELATING TO THE MODIFICATION OF THE COMPREHENSIVE DEVELOPMENT PLAN FOR THE SHELBY INDUSTRIAL PARK TARGETED ECONOMIC DEVELOPMENT TAX INCREMENT FINANCING DISTRICT TO APPROVE CERTAIN PROJECTS AS VALUE-ADDING ECONOMIC DEVELOPMENT PROJECTS" (the "Ordinance"), on file in the original records of the City in my legal custody; that the Ordinance was duly presented for first reading by the City Council of the City at a regular meeting on September 5, 2023 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 Ordinance has not as of the date hereof been amended or repealed.

WITNESS my hand and seal officially this 5th day of September, 2023.

(SEAL)

\_\_\_\_\_  
City Finance Officer

I further certify that the Ordinance was duly adopted by the City Council of the City at a regular meeting on October 2, 2023, 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 Ordinance has not as of the date hereof been amended or repealed.

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

WITNESS my hand and seal officially this 2nd day of October, 2023.

(SEAL)

\_\_\_\_\_  
City Finance Officer

ORDINANCE NO. 852

ORDINANCE RELATING TO THE MODIFICATION OF THE  
COMPREHENSIVE DEVELOPMENT PLAN FOR THE  
SHELBY INDUSTRIAL PARK TARGETED ECONOMIC  
DEVELOPMENT TAX INCREMENT FINANCING DISTRICT  
TO APPROVE ADDITIONAL PROJECTS AS VALUE-  
ADDING ECONOMIC DEVELOPMENT PROJECTS

WHEREAS, 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 targeted economic development areas, prepare and adopt a comprehensive development plan therefor and amendments thereto, undertake value-adding economic development projects therein, provide for the segregation and collection of tax increment with respect to property taxes collected in such areas, issue its bonds to pay the costs of such projects and to refund bonds previously issued under the Act and pledge to the repayment of the bonds the tax increment and other revenues derived from projects undertaken within the targeted economic development area; and

WHEREAS, pursuant to the Act and Ordinance No. 813 adopted by the Council on November 18, 2013 (the "Ordinance"), the City terminated its prior Shelby Industrial Park-Fairgrounds Area Tax Increment Financing District and, with the approval of the Montana Department of Revenue, created the Shelby Targeted Economic Development Tax Increment Financing District (the "District") as a targeted economic development district; and

WHEREAS, the City has adopted the Comprehensive Development Plan for the Shelby Targeted Economic Development Tax Increment Financing District (the "Plan"), as a comprehensive development plan in accordance with the provisions of the Act; and

WHEREAS, the City created the District in part to promote and support the development of an inland multimodal transportation port capable of shipping and receiving containerized international cargo (the "Multimodal Hub"); and

WHEREAS, the City previously assisted in the development of the Multimodal Hub in the District, including through the issuance of its water and sewer system revenue bonds, the proceeds of which were used to finance infrastructure within the District serving the Multimodal Hub; and

WHEREAS, the City has identified additional projects in the District that would support the development of the District and the Multimodal Hub, including the extension of one or more rail spurs; construction of one or more warehouse buildings that could be used as storage for companies utilizing the Multimodal Hub; and related improvements (collectively, the "Projects"); and

WHEREAS, the Act provides that the Council may amend the Plan by enacting an ordinance providing for and setting forth the modification and amendment, following a duly noticed public hearing; and

WHEREAS, by a resolution adopted by the Council on September 5, 2023, the Council set forth its intention to modify the Plan to approve the Projects as value-adding economic development projects under the Plan, made certain preliminary findings related thereto, and called a public hearing thereon; and

WHEREAS, a duly called and noticed public hearing on the proposed modifications to the Plan was held on October 2, 2023, and all persons attending were given the opportunity to speak.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City as follows:

Section 1. Findings. The Council hereby finds as follows:

- (a) No persons will be displaced from their housing by the Projects;
- (b) The Plan conforms to the City's growth policy;
- (c) The Plan and the Projects will afford maximum opportunity, consistent with the needs of the City as a whole, for the rehabilitation or redevelopment in the District by private enterprise;
- (d) Sound and adequate financial programs will exist for the Projects; and
- (e) the Projects constitute value-adding economic development projects within the meaning of the Act and the Plan.

Section 2. Amendment of Plan. The Council hereby amends the Plan to approve the Projects as value-adding economic development projects within, and under, and to be undertaken pursuant to the Plan. Except as specifically amended by this ordinance, the provisions of the Ordinance and the Plan are hereby confirmed and remain in full force and effect. All actions of the Council heretofore taken with respect to the Project, to the extent not inconsistent herewith, are hereby ratified and confirmed.

Section 3. Use of Tax Increment with Respect to The Project. Pursuant to Section 7-15-4288 of the Act, costs eligible to be paid from tax increment financing include acquisition, construction and improvement of public improvements or infrastructure, including publicly owned buildings and tangible facilities and assets related to rail service. The City may use tax increment revenues and tax increment financing to pay some or all of the costs of one or more of the Projects, in accordance with Section 7-15-4288 of the Act.

Section 4. Modification of Projects. The Projects herein designated and approved may be modified by the Council if the Council determines by resolution that an adjustment to the Projects is required and in the best interest of the City.

Section 5. Effect. This Ordinance shall take effect from and after 30 days of its passage by the Council and approval by the Mayor.

PASSED, ADOPTED and APPROVED this 2nd day of October, 2023.

\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
City Finance Officer

September 14, 2023

Mayor Gary McDermott  
Mr. Jade Goroski, Finance Officer  
City of Shelby  
112 1st Street S  
Shelby, MT 59474

*Via Email*

Re: Tax Increment Revenue Bond  
(Shelby Industrial Park Targeted Economic Development Tax Increment  
Financing District)  
City of Shelby, Montana

Dear Mayor McDermott and Jade:

This letter will serve to outline the services we will provide as bond counsel to the City of Shelby, Montana (the "City") with respect to the proposed issuance of a tax increment revenue bond (the "Bond") in the estimated principal amount of approximately \$1,500,000. The proceeds of the Bond will be used to finance the costs of improvements within the Shelby Industrial Park Targeted Economic Development Tax Increment Financing District (the "District"), which may include extension of one or more rail spurs, construction of one or more warehouse buildings, and/or related improvements, and to pay costs of issuance. We understand the Bond will be sold in a private negotiated sale to a purchaser, and that no official statement or other offering document will be prepared in connection with the issuance of the Bond.

As bond counsel, our principal function is to render an opinion with respect to the authorization and issuance of the Bond. The opinion is rendered in written form at the time the Bond is delivered to the purchaser. The opinion would be addressed to the purchaser and the City, and both parties are entitled to rely on it.

In our capacity as bond counsel, we will provide the following services to the City in connection with the Bond:

1. prepare and coordinate with the City the adoption of resolutions and other actions to be taken by the governing body of the City, including the bond resolution authorizing the issuance and sale of the Bond;
2. prepare closing papers and supervise the closing;
3. deliver the opinion discussed above to the City and the purchaser of the Bond;  
and

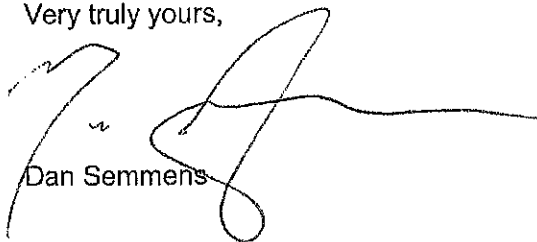
Mayor Gary McDermott  
Mr. Jade Goroski, Finance Officer  
September 14, 2023  
Page 2

4. assist the City in such other activities and prepare such other documents as may be appropriate in connection with the financing and the issuance of the Bond.

Our fee is based on the actual time we spend performing the work, the size of the bond issue, and the type of bond issue. There is a certain amount of work in a tax increment revenue bond issue that must be done regardless of the size of the bond issue. Based on the scope of work described above and a principal aggregate amount of Bond of approximately \$1,500,000, we estimate our fee to be approximately \$15,000 to \$20,000, plus any out-of-pocket expenses for all of the services rendered. If, as we proceed, we discover any facts that would cause our estimates to decrease or increase, we would let you know. It is mutually understood that the services set forth in this letter are solely for the benefit of the City.

We hope that this proposal to serve as bond counsel on this financing meets with the approval of the City. If this proposal is satisfactory to you, please so acknowledge by signing the attached acknowledgment and returning a copy to us.

Very truly yours,



Dan Semmens

DPS/vm



Mayor Gary McDermott  
Mr. Jade Goroski, Finance Officer  
September 14, 2023  
Page 3

### ACKNOWLEDGMENT

The undersigned acknowledges receipt of the attached and foregoing engagement letter dated September 14, 2023, and confirms, on behalf of the City, the City's consent to the representation described therein.

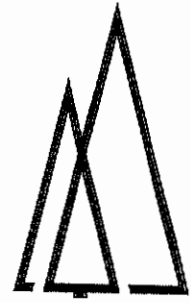
Accepted this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF SHELBY, MONTANA

By: \_\_\_\_\_

Its: \_\_\_\_\_

# TRIPLE TREE ENGINEERING



September 27, 2023

Jade Goroski, Finance Officer  
City of Shelby  
112 1<sup>st</sup> Street South  
Shelby, MT 59474

**RE: Shelby SE Front Street Rail Spur Extension  
Proposed Task Order**

Dear Jade:

Per your request, please reference the attached proposed task order to provide survey, design engineering, BNSF coordination, bidding, and construction engineering for the Shelby SE Front Street Rail Spur Extension Project. We propose to complete the proposed services on a time and materials basis not to exceed \$76,700.

Please review the attached task order and call me anytime at (406) 461-0692 if you have questions or comments. If approved, please sign and send a copy to us. Thank you for the opportunity to work with the City!

Sincerely,

Triple Tree Engineering, Inc.

A handwritten signature in black ink that reads "Bradley Koon". The signature is written in a cursive, slightly slanted style.

Brad Koon, P.E.

Encl: Proposed Task Order – Shelby SE Front Street Rail Spur Extension

## TASK ORDER

This is Task Order "Shelby SE Front Street Rail Spur Extension", consisting of 3 pages.

### Task Order – Shelby SE Front Street Rail Spur Extension

In accordance with Paragraph 1.01 of the Agreement Between Owner and Engineer for Professional Services – Task Order Edition, dated July 6, 2020 ("Agreement"), Owner and Engineer agree as follows:

#### 1. Background Data

- a. Effective Date of Task Order: October 2, 2023
- b. Owner: City of Shelby
- c. Engineer: Triple Tree Engineering, Inc.
- d. Specific Project (title): Shelby SE Front Street Rail Spur Extension
- e. Specific Project (description): Provide Survey, engineering, permitting, and BNSF coordination for development of a rail spur, generally as shown in Exhibit A to this agreement.

#### 2. Services of Engineer

The specific services to be provided or furnished by Engineer under this Task Order are as follows:

##### TOPOGRAPHIC SURVEY

- 1. Request utility locates from "One Call" utility locate service
  - 2. Provide a site survey, generally including the following:
    - a. Existing topography
    - b. Site features
    - c. Fences
    - d. Existing concrete
    - e. Existing structures
    - f. Utilities
    - g. Existing rail
    - h. Existing roadways around the site
    - i. Asphalt
- Develop base map in AutoCAD Civil 3-D format including survey information for the site.

## **DESIGN**

1. Design in accordance with BNSF Design Guidelines for Industrial Track Projects
  - a. Utilize the existing PNMMH design of the 2970 B track to identify the start point for the proposed rail spur.
  - b. Prepare the horizontal alignment and vertical profile of the proposed rail spur
  - c. Perform the design to allow space for addition of a future turnout to accommodate the property to the south. The turnout will not be included in the design.
    - 1) Adjust the alignment and profile to match the grade of SE Front Street where possible.
      - (i) Adjustments to the grade of SE Front Street may be required.
      - (ii) If needed, design of adjustments to the grade of SE front Street will be completed to accommodate the rail spur crossing.
  - d. Design the crossing panels for the SE Front Street crossing.
  - e. Address signage for the crossing.
    - 1) It is not anticipated that lighting, Crossing Signals, or crossing arms will be required. These items have therefore been excluded from the scope of services.
  - f. Perform hydraulic calculations and design drainage structures.
  - g. Prepare specifications with reference to Montana Public Works Standard Specifications and BNSF Design Guidelines for Industrial Track Projects.
    - 1) Specifications will include up-front bidding documents and technical specifications.
  - h. Prepare submittal to BNSF
    - 1) Address comments from BNSF
  - i. Prepare 100% Design Submittal

## **BIDDING OR NEGOTIATING:**

1. Assist Owner in advertising and obtain bids.
2. Maintain the plan holder's list and manage the Quest bidding process.
3. Administer a pre-bid conference.
4. Prepare Addenda as appropriate to clarify, correct, or change the issued documents.
5. Address contractor questions during the bidding process.
6. Attend the bid opening
7. Prepare bid tabulations
8. Prepare recommendation of award to the Owner.
9. Prepare Notice of Award and coordinate necessary signatures with the Owner.

### **CONSTRUCTION PHASE:**

1. Engineer will provide the services outlined in section A.1.05 Construction Phase, outlined in the "Agreement Between Owner and Engineer for Professional Services – Task Order Edition" dated July 6, 2020, amended as follows:
  - A.1.05.A.2 (Resident Project Representative) – Add the following:
    - Construction observation is limited to six 10-hour days.
  - A.1.05.A.8 (Baselines and Benchmarks) – Add the following:
    - Engineer will provide construction staking one time prior to construction including drainage structure inverts, centerline and offset at 50-foot stations, and crossing panel locations.
  - A.1.05.A.25.B (Duration of Construction Phase) – Add the following to the end of the paragraph:
    - Engineer's proposal is based on administration of construction for one contractor.

### **POST CONSTRUCTION PHASE:**

2. Engineer will provide the services outlined in section A.1.06 Post-Construction Phase, outlined in the "Agreement Between Owner and Engineer for Professional Services – Task Order Edition" dated July 6, 2020.

### **SERVICES NOT INCLUDED:**

1. Payment of permit, review, or testing fees.
2. Geotechnical Engineering
  - a. It is proposed to utilize the rail section recommended for the Port of Northern Montana Multimodal Hub Project.
3. Structural Engineering
4. Boundary Surveying
5. Railroad signaling design

### **3. Owner's Responsibilities**

Owner shall have those responsibilities set forth in Article 2 of the Agreement and in Exhibit B.

### **4. Task Order Estimated Schedule**

Survey – November 2023

Design Submittal to BNSF – January 2024

Construction – Summer of 2024

## 5. Payments to Engineer

- A. Owner shall pay Engineer for services rendered under this Task Order on a time and materials basis not to exceed \$76,700.
- B. The terms of payment are set forth in Article 4 of the Agreement and in the applicable governing provisions of Exhibit C.

## 6. Other Documents Incorporated by Reference: Agreement Between Owner and Engineer for Professional Services – Task Order Edition dated July 6, 2020.

## 7. Terms and Conditions

Execution of this Task Order by Owner and Engineer shall make it subject to the terms and conditions of the Agreement (as modified above), which Agreement is incorporated by this reference. Engineer is authorized to begin performance upon its receipt of a copy of this Task Order signed by Owner.

The Effective Date of this Task Order is October 2, 2023.

OWNER: City of Shelby

ENGINEER: Triple Tree Engineering, Inc.

By:

By:

Bradley Koon

Print Name: Gary Mc Dermott

Print Name: Brad Koon

Title: Mayor

Title: President

Engineer License or Firm's  
Certificate No. (if required): 14124  
State of: Montana

DESIGNATED REPRESENTATIVE FOR TASK ORDER:

DESIGNATED REPRESENTATIVE FOR TASK ORDER:

Name: Jade Goroski

Name: Brad Koon

Title: Finance Officer

Title: Project Manager

Address: 112 1<sup>st</sup> St. South  
Shelby, MT 59474

Address: 1145 Cap Rd  
Helena, MT 59602

E-Mail  
Address: [jade@shelbymt.com](mailto:jade@shelbymt.com)

E-Mail  
Address: [bkoon@tripletreemt.com](mailto:bkoon@tripletreemt.com)

Task Order Form

EJCDC® E-505, Agreement Between Owner and Engineer for Professional Services – Task Order Edition.  
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and American Society of Civil Engineers. All rights reserved.

Page 4





**All Season Heating & Air Conditioning LLC**  
**PO Box 870 - Shelby, MT 59474**  
**Office (406) 434-7990 Fax (406) 434-7085**

40



**GREAT FALLS SAND & GRAVEL, INC**

P.O. BOX 1989, GREAT FALLS, MT 59403

PHONE: 406-761-5400

FAX: 406-453-2931

PROPOSAL NO. 1

SHEET NO. 1

**BID PROPOSAL**

DATE: 9/27/2023

**PROPOSAL SUBMITTED TO****WORK TO BE PERFORMED AT**

NAME City of Shelby Mt

STREET

CITY

PHONE

CONTACT Jade

[jade@shelbymt.com](mailto:jade@shelbymt.com)

NAME 1st Av SE

STREET

CITY

DATE OF PLANS

ARCHITECT

We hereby propose to furnish the materials and perform the labor necessary for the completion of:

3" A/C PAVE 415' X 34' = 14110 SF

INCLUDES: REMOVE EXISTING PAVEMENT, HAUL TO CITY DUMP SITE

LEVEL AND RECOMPACT EXISTING GRAVEL BASE

PAVE WITH 3" OF MPWSS HOT MIXED ASPHALT

LABOR

MILEAGE

MOBE

FUEL SURCHARGES

NOTE: IF ADDITIONAL GRAVEL IS NEEDED IT WILL BE ADDED CHARGE OR SUPPLIED BY  
CITY OF SHELBY

All material is guaranteed as specified, and the above work to be performed is accordance with  
drawings and specification submitted for above and completed in a substantial workmanlike  
manner for the sum of

Dollars \$ 66,317.00

Any alteration or deviation from the above specifications involving extra cost of material or labor will  
only be executed upon written orders for the same and will become an extra charge over the sum  
mentioned in this contract. All agreements must be made in writing or indicated below and initialed.

Dollars

TERMS: (Unless otherwise stated) All accounts are due and payable upon completion. A 20%  
per year service charge to all past due accounts. If monies are not paid as specified contractor/  
owner agrees to pay all cost of collection. Any water, undiggable rock or other unforeseen objects  
will be extra-above proposal price. All work will be done "weather permitting". This agreement is  
contingent on strikes, accidents or delays beyond our control. (Owner to carry fire, tornado and  
other necessary insurance on above work.)

SPECIAL TERMS: 30 DAY PRODUCTION DRAWS IF NEEDED FOR WEATHER  
AND ON COMPLETION

Respectfully submitted:

NOTE: This proposal may be withdrawn by us if not accepted within 30 days

**ACCEPTANCE OF PROPOSAL**

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are  
authorized to do the work as specified. Payment will be made as outlined above.

Accepted by:

Date:

MINUTES OF REGULAR COUNCIL MEETING OF THE SHELBY CITY COUNCIL  
HELD IN COUNCIL CHAMBERS  
August 7, 2023

Mayor McDermott called the meeting to order at 6:30 p.m.  
Present were: Lyle Kimmet, Sanna Clark, Joe Flesch and Bill Moritz, Council Members; Jade Goroski, Finance Officer; Eric Kary, Superintendent; Lorette Carter, Community Development Director. Absent & Excused: Pat Frydenlund & Jayce Yarn.

Other citizens present: Ron Buck.

PLEDGE OF ALLEGIANCE

REGULAR MEETING MINUTES, 7/17/2023

KIMMET MADE A MOTION TO APPROVE THE 7/17/2023 MINUTES. SECONDED BY MORITZ. VOTE AYES - CLARK, FLESCH, KIMMET, MORITZ. NOES - NONE. ABSENT - YARN, FRYDENLUND.

APPEARANCE REQUESTS

- AGENDA ITEMS - Ron Buck re: ladder truck purchase
- NON-AGENDA ITEMS - NONE

CLAIMS REPORT, 7/31/2023

MORITZ MADE A MOTION TO APPROVE THE 7/31/2023 CLAIMS REPORT. SECONDED BY CLARK. VOTE AYES - CLARK, FLESCH, KIMMET, MORITZ. NOES - NONE. ABSENT - YARN, FRYDENLUND.

COMMITTEE REPORTS

CITY FINANCE OFFICER

- 102 1<sup>st</sup> Street SE & 201 1<sup>st</sup> Ave SE Property  
MORITZ MADE A MOTION TO SELL THE PROPERTY FOR \$15,000. SECONDED BY FLESCH. VOTE AYES - CLARK, FLESCH, KIMMET, MORITZ. NOES - NONE. ABSENT - YARN, FRYDENLUND.

- Fire Truck Purchase

KIMMET MADE A MOTION TO APPROVE THE PURCHASE FOR UP TO \$300,000 WITH THE FOLLOWING CONDITIONS: GUN RAFFLE PROCEEDS TO BE DONATED TO THE CITY AND PROCEEDS FROM THE SALE OF THE CURRENT LADDER TRUCK STAY WITH THE CITY. SECONDED BY FLESCH. VOTE AYES - CLARK, FLESCH, KIMMET, MORITZ. NOES - NONE. ABSENT - YARN, FRYDENLUND.

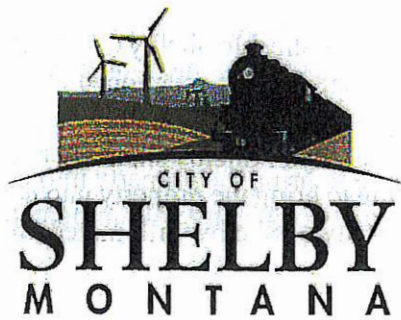
CITY SUPERINTENDENT

Eric provided an update of projects the public works department have been working on.



# CITY OF SHELBY

112 First Street South  
Shelby, MT 59474  
Telephone: (406) 434-5222  
FAX: (406) 434-2039  
[www.shelbymt.com](http://www.shelbymt.com)



Mayor: Gary McDermott  
Council: Joe Flesch, Sanna Clark, Jayce Yarn,  
Lyle Kimmet, Bill Moritz, Pat Frydenlund  
Animal Control: Anthony Botts  
Attorney: Daniel Jones  
City Supt.: Eric Kary  
Building Inspector:  
Community Development: Lorette Carter  
Finance Officer: Jade Goroski  
Judge: Donna Whitt

September 20, 2023

To: Jose Castillo ~ 1145 Sanders Avenue

From: City of Shelby

## RE: Noxious Weeds at 1145 Sanders Avenue

The purpose of this courtesy notice is to inform you that the property located at 1145 Sanders Avenue is currently in violation of the City of Shelby's noxious weed prohibition. Pursuant to Shelby City Code §4-4-3 it is your duty as the owner of the aforementioned property to remove or eradicate all noxious weeds located on said property. A noxious weed is any raw vegetation growth of every kind and nature that is over six inches in height. See Shelby City Code §4-4-1. Included with this courtesy notice are pictures of the prohibited noxious weeds that were taken on September 21, 2023.

Due to the property being in violation, and pursuant to Shelby City Code §4-4-4(D)(2), the City of Shelby will be posting a "Mow Notice" on the property. If the noxious weeds have not been removed or eradicated within five days after the "Mow Notice" has been posted the City of Shelby will have the right to impose a fine of "not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) or by imprisonment for not less than ten (10) days nor more than thirty (30) days or by both such fine and imprisonment."<sup>1</sup>

In addition to the imposition of a fine, if the noxious weeds have not been eradicated or removed within five days of the "Mow Notice", the City of Shelby will have the right to enter the property and remove the noxious weeds or direct the removal thereof pursuant to Shelby City Code §4-4-4(A). If the City of Shelby removes the noxious weeds from the property you will be assessed "a minimum charge of one hundred dollars (\$100.00) plus material and equipment costs. Any labor requiring more than one hour shall be assessed an additional seventy-five dollars (\$75.00) per hour, computed pro rata, plus any material and equipment costs."<sup>2</sup> If you fail to pay the aforementioned assessment, it will be levied against the property as a special assessment and be recorded as a lien against the property.<sup>3</sup>

<sup>1</sup> See Shelby City Code §4-4-6(B).

<sup>2</sup> Shelby City Code §4-4-4(B).

<sup>3</sup> Mont. Code Ann. §7-22-4101(1)(d) and Shelby City Code §4-4-4(C).

For your ease of reference copies of the applicable Shelby City Code and Montana Code Annotated have been enclosed. Also enclosed herewith, as mentioned above, are pictures of the violative noxious weeds. The City of Shelby intends to immediately post a "Mow Notice" and this notice is being sent to you as a courtesy. The City of Shelby sincerely hopes you can address the noxious weeds. However, if you are unwilling to bring the property into compliance, and thereby improve and beautify our neighborhoods, the City of Shelby will immediately proceed as explained above.

Thank you,  
City of Shelby

Lorette Carter, Community Development Director

cc: Gary McDermott, Mayor  
Shelby City Council  
Public Works Director  
City Attorney

Encl: Shelby City Code-Title 4, Chapter 4 Weed Control  
Mont. Code Ann. §7-22-4101  
Noxious Weed Pictures

## **CHAPTER 4 WEED CONTROL**

### **SECTION:**

4-4-1: Definitions

4-4-2: Noxious Weeds Prohibited

4-4-3: Extermination

4-4-4: Failure To Comply, Notice, And Assessment

4-4-5: Access To Premises

4-4-6: Penalty

### **4-4-1: DEFINITIONS:**

As used in this chapter unless the context otherwise requires, the following words and terms shall have the meanings ascribed to them in this section:

**LOT:** Includes all the area of a city lot, tract or other parcel including the area extended to the center of the adjacent city street or streets and alleyways.

**NOXIOUS WEEDS:** All raw vegetation growth of every kind and nature, including, but not limited to, kochia, sweet clover, clump grass, dandelions and all weeds known as Canada thistle, Scotch bull thistle, Russian thistle, sow thistle, quack grass, leafy spurge, Russian knapweed, spotted knapweed, hoary cress, dodder, beggar's lice, downey brome (cheat) grass, foxtail barley or any similar unwanted vegetation over six inches (6") in height. (Ord. 795, 4-20-2009)

### **4-4-2: NOXIOUS WEEDS PROHIBITED:**

No owner or owners of any lot, tract or other parcel within the city, or agent or lessee of such owner or owners, shall permit noxious weeds on such lot, tract or other parcel. The existence of such noxious weeds is hereby declared a nuisance. (Ord. 786, 10-1-2007)

### **4-4-3: EXTERMINATION:**

It is hereby made the duty of the owner or owners of any lot, tract or other parcel, or agent or lessee of such owner or owners, to remove or eradicate all noxious weeds thereon by cutting the same down or by some other effective method. (Ord. 786, 10-1-2007)

### **4-4-4: FAILURE TO COMPLY, NOTICE, AND ASSESSMENT:**

A. Removal: If a lot violates sections 4-4-2 and 4-4-3 of this chapter, then the city of Shelby through its designated representative may direct or hire the removal or eradication of noxious weeds in order to bring the lot into compliance with this chapter.

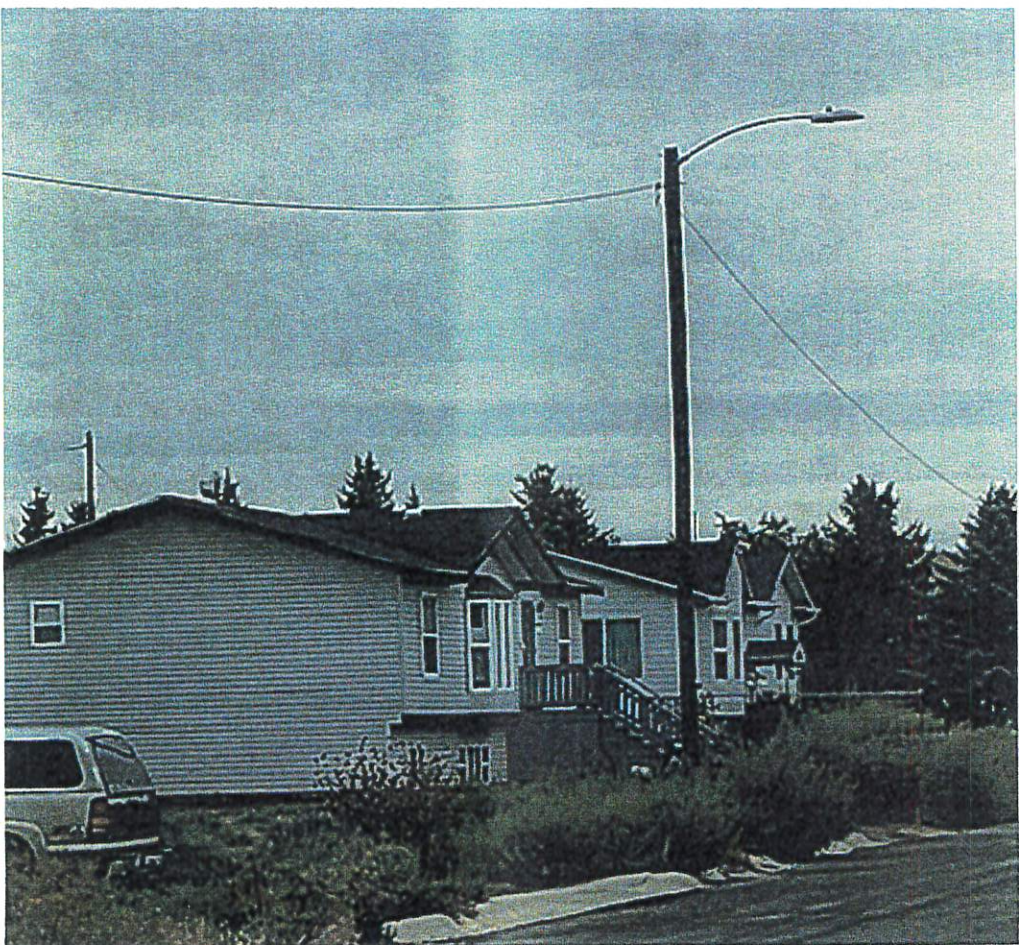
B. Assessment Of Minimum Charge: If the city of Shelby exercises its rights under subsection A of this section, then the city shall assess the lot owner or owners a minimum charge of one hundred dollars (\$100.00) plus material and equipment costs. Any labor requiring more than one hour shall be assessed an additional seventy five dollars (\$75.00) per hour, computed pro rata, plus any material and equipment costs.

C. Lien: Any amount so assessed shall constitute a lien on the lot and will be taxed as a special assessment against the real property.

D. Notice:

1. If the city superintendent and mayor determine that the weeds on a lot create an emergency, the city at its discretion may without further notice direct or hire the removal and eradication of noxious weeds in order to bring the lot into compliance with this section. An emergency means noxious weeds of such growth or species that create a health hazard, fire hazard, other safety hazard, or hazard of imminently producing seeds and spreading to other lots. Once an emergency for weed removal has been determined, the city shall remove or cause to be removed the noxious weeds within forty eight (48) hours.







Lorette Carter  
Community Development  
112 1<sup>st</sup> Street South  
Shelby, MT 59474  
(406) 434-5222  
(406) 450-4067  
[lorette@shelbymt.com](mailto:lorette@shelbymt.com)  
[www.shelbymt.com](http://www.shelbymt.com)

September 28, 2023

To: Coyote apparel retailers  
From: Lorette Carter

Re: Safe Routes to School prizes

Hello all,

The Shelby ~ School District #14 Safe Routes to School Program has been part of our school year for the last 17 years encouraging our elementary students and their families to walk and/or bike to school via Walk N' Wheel Wednesdays and Fit Fridays.

Throughout this time, I have been very fortunate to have received grant dollars in which to purchase end-of-the-year prizes for a few of the students chosen randomly as incentives to take part in the walking program. In past years we have given away 6-10 Coyote T-shirts and 6 swimming pool passes (thanks to the generosity of our city for many of those years).

I have finally run out of Coyote T-shirts. I am hoping each of you might be able to contribute 2 or 3 youth Coyote T-shirts to be given away at the end-of-year assembly if it is feasible for your business. Those, along with swimming pool passes donated by the city are joyfully received by kids that have been diligent in walking and biking to school throughout the school year.

In addition to the individual prizes given away, the Toole County DUI Task Force gives each student a prize. In past years students have received frisbees, water bottles, drawstring bags and sunglasses.

If you can participate in our SRTS program, please give me a call at (406) 434-5222 or email me at [lorette@shelbymt.com](mailto:lorette@shelbymt.com). Again, all I ask is 2-3 youth Coyote T-shirts for our elementary students. Thank you for your participation. I will make sure your business is recognized with the students and through our media outlets. Your donation will be greatly appreciated.

Lorette Carter, Community Development Director  
City of Shelby

Cc: Gary McDermott, Mayor  
Shelby City Council



# SEPTEMBER 2023 NEWSLETTER



PO Box 4909  
Helena, MT 59604  
406-442-2130  
[Montax.org](http://Montax.org)

## INSIDE THIS ISSUE

- State Raises Property Tax Levies
- Executive Director Distributes Op-Ed on State Property Tax Levies
- Legislative Fiscal Division Issues Fiscal Year End Report
- Revenue Interim Committee to Study Nonprofit Property Tax Exemptions
- Upcoming Meetings

## STATE RAISES PROPERTY TAX LEVIES

On September 11<sup>th</sup> the Department of Revenue sent a letter to the counties instructing them to levy 95 mills to fund the school equalization levies. There are three school equalization levies. One is for 22 mills to fund high school equalization at the county level. One is for 33 mills to fund elementary school equalization at the county level. The third is a levy of 40 mills to be used to help fund the State's share of K-12 funding. Collectively these mills total 95 mills and are all sent to the State.

These three levies are adjusted by the state law that limits property collections to a growth of  $\frac{1}{2}$  the average rate of inflation for the previous three years plus collections from newly taxable property.

The Department of Revenue is required to calculate how many mills may be assessed to fund each of these levies so they do not collect any more revenue than allowed by the limitation statute. When the Department made that calculation this month it determined that 77.8 mills would collect the proper amount of revenue.

Another section of the limitation law allows property taxing entities to bank mills that they are authorized to collect, but do not collect, to be used in the future. The State believes that it has banked mills and has decided to use 17.2 of them to raise the total of the three levies back up to 95 mills. This becomes a 17.2 mill increase in property taxes for every taxpayer in Montana and generates almost 80 million dollars above the allowed increases for inflation and new property.

The belief that the State has banked mills is being challenged by several counties. They have asked the Attorney General to rule on the issue of the State having banked mills. Their argument is that since the State has always collected the maximum number of mills allowed by law, 95, that it cannot have banked mills.

The State's position appears to be that some years the calculation required by law results in a number of mills that is higher than the 95 mills the law allows the State to collect. They then are entitled to bank those mills to be used in years when the calculation generates a number lower than 95 mills. That is what is being done this year.

By the time this issue is resolved, either by the AG's opinion and probably court cases to follow, everyone will have paid the additional 17 mills. If the challenge is successful and the State does not have the authority to levy over 77.8 mills, then taxpayers will be out the overpayment unless they pay that portion of their property taxes under protest.



December 6, 2023  
Montax Annual Meeting



## EXECUTIVE DIRECTOR DISTRIBUTES OP-ED ON STATE PROPERTY TAX LEVIES

Montana Taxpayers Association Executive Director, Bob Story, wrote and distributed an op-ed piece in early September asking the State to take a fiscally responsible approach to the school equalization levies and only levy the amount of mills necessary to generate revenue that complies with the property tax limitation law. When the op-ed was written the expected mill levy number was 81. After the State determined the value of all the taxable property in the State the levy was calculated to be 77.8. The op-ed ran in several papers in the State. Below is the text of the op-ed.

### STATE TO RECEIVE 65 MILLION DOLLAR WINDFALL

During the past legislative session, the Montana Taxpayers Association was excited to support the Gianforte administration's ideas that improved Montana's tax systems and provided tax relief. We look forward to continuing that working relationship. However, unless the administration decides soon on the level of the State's property tax collections, when tax bills go out this coming November the State of Montana could receive a windfall collection of 65 million dollars in ongoing property tax revenue. This windfall is in addition to the 22 million dollar increase in property tax revenues the State will receive that result from statutorily allowed inflation adjustments and property tax collections from new property. The State will collect almost 90 million dollars more property tax revenue this fiscal year than it did last fiscal year, a 26% increase.

In 1999, the Legislature passed a law limiting how much property tax collections can grow without a vote. The law limits cities, counties, and the State property tax collection growth to  $\frac{1}{2}$  the rate of inflation over the 3 previous years plus revenue from newly taxable property. Schools have an even more restrictive limit on their tax revenue.

The law that limits property tax collections, requires the Montana Department of Revenue to calculate how many mills the State may collect to comply with the  $\frac{1}{2}$  the rate of inflation growth rate. This year, due to the massive increase in value of residential and commercial properties, the Department calculated that the State should assess 81 mills. At 81 mills State property tax collections still grow by about 8 million dollars. Combined with over 14 million dollars in taxes from new property, the state would have over 22 million dollars in new property tax revenue. If the administration decides to impose an additional 14 mills and assess 95 mills, the state will receive an additional 65 million dollars. About two thirds of this money will come from the property owners that saw the huge increase in value from reappraisal - homeowners, landlords, and small businesses.

According to figures published by the Legislative Fiscal Division, in the last fiscal year the State collected 321 million dollars in property taxes. Using the calculated  $\frac{1}{2}$  the rate of inflation, which is 2.4%, the State should collect about 329 million dollars from last year's tax base. Adding about 14 million dollars in taxes from new properties, the State should receive 343 million dollars if they levy 81 mills. If the State levies 95 mills the revenues grow to around 408 million dollars, a 26% increase.

The State is relying on its interpretation of the law to use mills it has banked to increase its assessment from 81 mills to 95 mills. That interpretation is being challenged by several counties. They have asked the Attorney General to look at the law and issue an opinion as to whether the State has banked mills since it has always assessed the maximum 95 mills current law allows.

Imposing the lower mill levy will not affect any state or local programs. School funding and local school levies are not dependent on the amount of money the State collects in property taxes. Those implying so are muddying the waters.

The benefits the State receives from assessing its taxpayers an additional 65 million dollars is to pad the State's ending fund balance and to establish a higher tax base to apply the inflation adjustment to in coming years.

We encourage the Gianforte administration to show fiscal restraint and set the state mill levy collections at the 81 mills calculated in accordance with state law.



## LEGISLATIVE FISCAL DIVISION ISSUES FISCAL YEAR END REPORT

The Legislative Fiscal Division has issued a report showing the final revenue numbers for fiscal year 2023 that ended June 30<sup>th</sup>. The document reports that revenues overall are down from last year, but ahead of the projections the Legislature adopted during the 2023 session.

The report shows that fiscal year 2023 revenues were 244.5 million dollars above the expected collections. At the same time expected expenditures were lower by 23.1 million dollars. The table below shows the General Fund Balance sheet for 2022 and 2023, and the projected balances for the coming two fiscal years. The report predicts that the State will have an ending fund balance at the end of the 2025 biennium of 782.9 million dollars if revenues and expenditures continue as projected. The State is expected to have structural balances each year also, which means ongoing revenue exceeds ongoing expenditures.

**General Fund Balance Sheet**  
Includes HJ Revenue Estimates Adjusted for Legislation  
(\$ Millions)

	Actual FY 2022	Actuals FY 2023	Revenue Forecast Adjusted for Legislation FY 2024	Revenue Forecast Adjusted for Legislation FY 2025
<b>Beginning Fund Balance</b>	<b>\$720.0</b>	<b>\$1,847.1</b>	<b>\$851.2</b>	<b>\$701.7</b>
<b>Revenues</b>				
Actuals & HJ 2 Ongoing Forecasts Adjusted for Legislation	3,755.7	3,682.6	3,178.1	3,131.7
One-Time-Only (OTO) Actuals & Forecast				
OTO revenues	135.9	260.8	(55.5)	(54.7)
OTO Accounting Accruals & Assumed Reversal for Property Tax Rebates		(187.4)	187.4	
<b>Total Funds Available</b>	<b>4,598.1</b>	<b>5,612.9</b>	<b>4,161.2</b>	<b>3,778.7</b>
<b>Adjustments</b>	<b>(13.6)</b>	<b>9.8</b>		
<b>Expenditures - Ongoing</b>				
Statutory Appropriations	302.9	315.2	312.5	335.4
Ongoing Transfers	23.4	22.2	12.5	12.5
HB 2 Agency Budgets (includes pay plan)	2,121.9	2,237.2	2,098.6	2,247.6
HB 2 Language Appropriations		0.1	1.9	1.9
HB 1 Feed Bill	2.2	11.5	7.1	13.4
Other House and Senate Bills	10.8	3.1	27.5	19.0
Health plans transfer (structural balance purposes)			8.2	8.2
Estimated Reversions			(7.4)	(7.9)
<b>Ongoing Expenditures</b>	<b>2,461.3</b>	<b>2,589.3</b>	<b>2,461.0</b>	<b>2,630.2</b>
<b>Expenditures One-Time-Only (OTO)</b>				
HB 2 Agency Budgets	18.6	13.5	57.3	38.6
OTO Health plans transfer (structural balance purposes)			(8.2)	(8.2)
OTO FMAP phase down			(20.0)	
OTO Statutory Appropriations (property tax rebates)			191.4	192.0
OTO Transfers	270.2	2,125.7	842.1	122.6
OTO Other House & Senate Bills, Carryforward, etc.	2.6	41.5	136.0	20.7
<b>Total Expenditures</b>	<b>2,752.7</b>	<b>4,769.9</b>	<b>3,459.5</b>	<b>2,995.9</b>
<b>Adjustments</b>	<b>(1.7)</b>	<b>8.3</b>		
<b>Ending Fund Balance</b>	<b>\$1,847.1</b>	<b>\$851.2</b>	<b>\$701.7</b>	<b>\$782.9</b>
<b>Structural Balance</b>	<b>\$1,294.4</b>	<b>\$1,093.3</b>	<b>\$717.1</b>	<b>\$501.6</b>

The full report can be found at:

<https://leg.mt.gov/content/Committees/Interim/2023-2024/Revenue/Meetings/September-2023/FYE-2023-Report-Overview.pdf>

## REVENUE INTERIM COMMITTEE TO STUDY NONPROFIT PROPERTY TAX EXEMPTIONS

The Revenue Interim Committee (RIC) is looking at the property tax exemption that many nonprofit organizations receive. At the RIC meeting in September, they received a report from the Legislative Audit Division analyzing the Montana Department of Revenue's handling of the exemption process. The audit report identified several issues to be addressed and corrected. The full report can be found at:

<https://storymaps.arcgis.com/collections/aad3ecd76f5740dbb5fccdd6287907b3?item=1>

The committee has asked staff to start the process of drafting legislation to require periodic application by non-profit organizations to retain their property tax exemption status.

### UPCOMING MEETINGS

- |                   |   |
|-------------------|---|
| ♦ September 26    | <a href="#"><u>Economic Affairs</u></a>                           |
| ♦ September 27-28 | <a href="#"><u>Environmental Quality Council</u></a>              |
| ♦ September 28    | <a href="#"><u>Energy and Telecommunications</u></a>              |
| ♦ October 3-4     | <a href="#"><u>Water Policy</u></a>                               |
| ♦ October 5       | <a href="#"><u>State-Tribal Relations</u></a>                     |
| ♦ October 5       | <a href="#"><u>Legislative Audit Committee</u></a>                |
| ♦ October 10-11   | <a href="#"><u>Water Policy</u></a>                               |
| ♦ November 2      | <a href="#"><u>Criminal Justice Oversight Council</u></a>         |
| ♦ November 8-9    | <a href="#"><u>State Administration and Veterans' Affairs</u></a> |
| ♦ November 14-15  | <a href="#"><u>Law and Justice</u></a>                            |
| ♦ November 16-17  | <a href="#"><u>Education</u></a>                                  |
| ♦ December 6      | <b>Montana Taxpayers Association Annual Meeting</b>               |

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