

**Meeting of the TIFID Board of Directors**  
**Friday, March 15, 2019**  
**Boardroom, Business Development Center**  
**305 W. Mercury**

Members Present: Todd Tregidga, Brendan McDonough, Andy Durkin, Todd Johnston, Rody Holman

Members Absent: Mick Ringsak, Cindy LaSalle

Staff Present: Kristen Rosa, Sherrie Walsh

1.0 Todd Tregidga called the meeting to order and determined there was a quorum.

2.0 Todd Johnston moved, seconded by Brendan McDonough to accept the December 14, 2018 minutes as presented. The motion passed unanimously.

3.1 ARK Land Advancement, LLC - The TIFID Board reviewed the Agreement to Lease with Purchase Requirement with Butte-Silver Bow (BSB) and Western States Asphalt of Montana, LLC to lease the property that is directly south and adjacent to the Montana Craft Malt (MCM) parcel for the development of an asphalt facility. This is a lease because this parcel has not been subdivided with a legal descriptions etc., has not been completed in order to sell the parcel. Once the subdivision is in place then a purchase could be completed. Chip Ray and Ron Mahan, Western States Asphalt of Montana, LLC joined the meeting by speaker phone. Chip and Ron gave an overview of all of their facilities. Kristen stated that this will be a 10 million dollar facility with three to four employees. Also, WSA is working with Butte Local Development Corporation (BLDC) on getting some state workforce incentives.

Kristen gave an overview of the lease stating that this is a similar lease that was entered into with MCM. Kristen reviewed the edits that were different from the MCM lease. These included a provision that WSA can cancel the agreement with 90 days' notice for any reason. Heritage Group, Western States parent company, is also working with BSB on the easement that with Solvay. The Heritage Group can meet the insurance requirements that BSB cannot. The easement is still being worked on and WSA will not purchase or start the engineering process until the easement is completed. Rail is a vital part of WSA operation. Also, Kristen reviewed the 18 month claw back wording and the insurance requirements that are vastly different than the TIFID Board has seen in the past. They are the same requirements that Solvay is requiring, so that once the rail is in place everyone can have access.

Todd Tregidga and the TIFID Board had questions and discussion on some sections of the lease. Also, Chip and Ray took part in the discussion of the questions that the TIFID Board had. Kristen stated that a letter from the EPA has been received and she will have a conference call with Solvay after today's TIFID Board meeting. Also, the TIFID Board had questions and discussion regarding a waiver of subrogation. Kristen stated that Eileen, BSB County Attorney and WSA's lawyers have reviewed the lease.

Rody Holman had questions and discussion regarding the Professional Liability Insurance in the lease. The discussion was in regards to the lease being written on a per claim basis instead of a claims made basis. Rody's concern was finding Professional Liability coverage may be difficult under an occurrence policy, as opposed to a claims made policy. Kristen stated she would check on Section 7, Item E and send the answer to the question in an e-mail to the TIFID Board.

The TIFID Board then moved forward with a motion to approve the lease. Brendan McDonough moved, seconded by Andy Durkin to recommend to the Council of Commissioners to approve the ARK Land Advancement, LLC as presented, subject to follow-up on the Professional Liability Insurance, Section 7, Item E. The motion passed unanimously. Kristen will send the resolution to this question in an e-mail to the TIFID Board. Kristen stated that this is Solvay's insurance

language and BSB is copying that language and will use that same language in future agreements in order to comply with Solvay's requirements on the easement. Kristen stated that Nick, Heritage Group's representative has presented this question to his colleagues, and it is not an issue for them to meet the insurance requirement.

Kristen reported that she is talking to Solvay this afternoon. Kristen stated that after a letter that was received from the EPA, which was well written in Solvay's opinion and stated railroad tracks were a good reuse of the property. Kristen stated that EPA cc'd the State DEQ on this letter. The TIFID Board had questions and discussion.

4.1 Sub Division Update – Kristen had the TIFID Board follow along on as she pointed out the new boundaries on Exhibit A, Amended Plat that was done by engineer, Everly and Associates. This Exhibit A is now ready to go to the Planning Department for subdivision. It is then anticipated that it would then out for construction in late summer. Kristen stated that we are obligated to bring the National Guard project their infrastructure. Kristen stated that we will build the entire road and pull infrastructure all the way around and there will then be smaller lots that can be marketed. Kristen stated that Everly and Associates is working on a cost estimate. Kristen then had the TIFID Board follow along on the financial sheet, as she spoke on the costs of the infrastructure projects. The TIFID Board had questions and discussion on the fire hydrants and the codes. The TIFID Board had questions and discussion on the sub division update.

4.3 Fire Suppression – Kristen stated that MCM is not coming to the TIFID Board for pump assistance at this time. The pressure from the Silver Lake Water is sufficient.

Kristen stated that in the future, any three story building that may come into the Montana Connections Business Development Park (MCBDP) will need a pump system for fire suppression.

5.0 TIFID Action Items From Prior Meetings – Kristen reported that the Century Link Grant passed on the Council of Commissioners consent agenda.

6.0 Kristen reported that Montana Precision Products (MPP) has contacted her regarding food trucks coming out to their facility. Also, Kristen stated that MPP is expanding their building, as they are meeting their goals. Kristen stated that speaking with MPP, she told them that the TIFID may be able to help enclose the temporary cafeteria that has been set-up. Kristen stated that BSB is the owner of the building.

Kristen stated that Building #2 is coming along, and weather has not been good.

Kristen stated that the Fed Ex expansion is still a couple of years out. Also, Old Dominion is waiting for their bonding to come in so that they could pull all of their permits and then start construction on their new facility.

Kristen stated that MCM should open in the next couple of months.

Kristen stated that she will contact Jackie, Pet4K Mining to get an update.

7.0 Public Comment – There was no public comment.

8.0 There being no further business, the meeting adjourned.