

EXHIBIT B

SCHEDULE OF PERFORMANCE – AMENDED 6/16/2016

ACTION	DATE
1. <u>Deposit</u> . The Developer shall deliver the Deposit to the Agency.	No later than April 22, 2015.
2. <u>Submittal of Information to Agency</u> . Developer shall submit all the required information to Agency for use in considering Developer's proposed development.	No later than February 22, 2016.
3. <u>Agency Approval of Project Design</u> . Agency shall issue approval, or approval with conditions of design amendment, of Developer's project design.	No later than March 17, 2016
4. <u>Completion of Fair Use Appraisal</u> . Agency appraiser shall complete the fair use appraisal.	No later than July 1, 2016.
5. <u>Project Financing Commitment</u> . Developer shall submit a letter of project financing commitment from project lender as evidence of project funding to Agency.	No later than August 15, 2016
6. <u>Submittal of Draft Disposition and Development Agreement (DDA)</u> . The Agency staff and Developer shall have completed a draft DDA in a sufficiently final form to permit review by the Agency Board and to proceed through the required notice and hearing process.	No later than September 1, 2016.
7. <u>DDA Consideration</u> . The Agency Board shall consider and approve if appropriate the DDA.	No later than September 15, 2016.

4846-9577-7570, v. 2



Minutes: Thursday June 16, 2016, 7:00 a.m.

City of Moscow Council Chambers • 206 E 3rd Street • Moscow, ID 83843

McGeehan called the meeting to order at 7:02 a.m.

Commissioners Present	Commissioners Absent	Also in Attendance
Steve McGeehan, Chair	Steve Drown	Bill Belknap, MURA Executive Director
Art Bettge	Ron Smith	Anne Peterson, MURA Clerk
Dave McGraw		
Brandy Sullivan		
John Weber		

1. **Consent Agenda** - Any item will be removed from the consent agenda at the request of any member of the Board and that item will be considered separately later.

A. *Minutes from May 19, 2016*

B. *May 2016 Payables*

C. *May 2016 Financials*

ACTION: *Approve the consent agenda or take such other action deemed appropriate.*

Bettge moved approval, seconded by McGraw. Motion passed unanimously.

2. **Public Comment for items not on agenda:** Three minute limit

No comments.

3. **Announcements**

None.

4. **Appointments**

McGeehan recommended Jon Kimberling's reappointment to the Finance Committee and Brian Foisy as a new appointee, with expiration dates of July 31, 2019. Weber moved acceptance of both nominees, seconded by Bettge and the motion passed unanimously.

5. **Sangria Downtown LLC Project Update – George Skandalos**

Representatives of Sangria Downtown LLC will provide an update on the status of their development plans for the 6th and Jackson property project.

ACTION: *Accept report and provide direction as deemed appropriate.*

Skandalos reported that they are scheduled to review contractor bids next week with their accountant and it will then be forwarded to the bank for financing. Montana CDC reports they still have funding available with more coming in December. The final plan is three floors (ground floor restaurant and retail; two floors residential) plus basement root cellar and bathrooms.

6. Sangria Downtown LLC Exclusive Negotiation Agreement Schedule of Performance Review

On February 26, 2015, the Board selected Sangria Downtown LLC as the successful respondent to a request for proposals for development of the MURA's 6th and Jackson property. On January 21st of this year, the Board approved an amendment to the schedule of performance which established dates by which certain actions would need to be completed. While Sangria Downtown LLC has made significant progress over the last several months, delays in finalizing the project scope and obtaining project bids in conjunction with delays in the environmental remediation process has resulted in the project falling behind the previously amended schedule of performance. Staff has prepared a revised proposed project schedule of performance for the Board's review and consideration.

ACTION: *Approve the proposed revised schedule of performance; or take other action as deemed appropriate.*

Belknap explained that due to the extended environmental remediation process and project design delays, the previously approved Amended Schedule of Performance dates need to be adjusted by about four months. Weber moved to approve the schedule revision, seconded by Sullivan. Motion passed with four ayes and one nay (McGraw).

7. 6th and Jackson Environmental Remediation Project Update – Bill Belknap

Staff will provide any update on the status of the environmental remediation work on the 6th and Jackson property.

ACTION: *Accept report and provide direction as deemed appropriate.*

TerraGraphics is working on the close-out report for delivery to DEQ next week which is the final step toward receipt of the Certificate of Completion and Covenant Not to Sue. As part of the wrap-up, TerraGraphics has submitted an invoice for \$7,400 over the contracted amount for weather-related issues that required unexpected work and materials. Payment of the \$7,400 will leave a balance of \$40,728.87 in remediation grant funding. McGraw was surprised that TerraGraphics didn't include a contingency in their bid and wanted it on the record that he was uncomfortable with them requesting more at this point. Belknap stated that the Agency did budget contingency funds for the project for situations like this, but those are not including within the contracted budget. Sullivan and Weber agreed the alternative would have been to halt the project, and Bettge said it was mostly DEQ issues that caused the delay which created the weather-related issues and therefore the extra charges. Bettge moved approval of the expenditure, seconded by Sullivan. Motion passed with four ayes and one nay (McGraw). McGeehan thanked everyone for their comments and agreed that it was important to closely consider expenditure of all funds, grant or otherwise, as good stewards of taxpayer funds.

8. FY2016 Financial Statement Audit Services Letter of Engagement – Bill Belknap

For the last several years the Agency has engaged Presnell Gage, PLLC for to perform an audit of the MURA's financial statements. Presnell Gage is offering to provide the same services for the Agency's fiscal year ending September 30, 2016. The proposed fee is \$4,700, which is a modest 2% fee increase over past fees paid for these services. Staff has been pleased with the services provided by Presnell Gage and recommends that the Board to continue with their firm for the upcoming audit.

ACTION: *Approve the proposed letter of engagement for the audit of the MURA financial statements for the fiscal year ending September 30, 2016; or take other action as deemed appropriate.*

Bettge said Presnell Gage has always done a good job in the past and moved approval. Weber seconded the motion which passed unanimously without further discussion.

9. Proposed Cancellation of July 7th Meeting– Bill Belknap

The next upcoming regularly scheduled meeting will fall upon July 7th during the week of the July 4th Holiday. Due to potential commissioner and staff absences, Staff is recommending that the MURA cancel the July 7th meeting, with the next regularly scheduled meeting to occur on July 21, 2016.

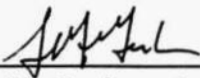
ACTION: *Cancel the July 7th meeting; or provide other direction as deemed appropriate.*

Board was in agreement with cancelling the July 7 meeting. The next meeting will be July 21st, 2016.

10. General Agency Updates – Bill Belknap

- Legacy Crossing District
 - Land use hearing for the Identity on Main project will be next week.
- Alturas District
 - GeneShifters has planted the leased test plot and there have been inquiries about their ongoing interest in locating at Alturas. McGeehan thanked Bettge for making the contact between GeneShifters and the Agency.
- General Agency Business
 - Belknap thanked Board members for their input on the draft strategic planning questionnaire. It was distributed this morning to the list of partner agencies and other key people, and results should be available to the Board within a month. The Agency's second meeting in August is tentatively set as a joint meeting with the Board and City Council to discuss priorities for Legacy Crossing and the potential for other districts.
 - McGeehan asked if there was an update on the Downtown Restrooms project. Belknap said the Parks & Recreation Department is researching cost information requested by Council. Bettge said the topic will come before Council within a month.

McGeehan declared the meeting adjourned at 7:45 am.



Steve McGeehan, Agency Chair

7.21.16

Date