



## Cole Law Firm

PLLC

July 28, 2017

City of Billings  
c/o Christina F. Volek  
City Administrator  
PO Box 1178  
Billings, MT 59103-1178

RE: Yellowstone Kelly Interpretive Site – Change Order #4

Dear Tina:

As you are aware, we are now close to completing the construction of the Yellowstone Kelly Interpretive Site in Swords Rimrock Park after a three-year planning, fundraising and building process. The proposed Change Order #4 requires \$35,040 in additional funding for important project elements that the YKIS committee has always hoped to include (e.g., paving of the parking lot, electrical service, National Register of Historic Places commemorative plaque, etc.) if the funds became available.

A large portion of the funding for Change Order #4 is already in hand. Interim Finance Director Andy Zoeller has determined that \$6,482.56 in surplus funds is available from earlier YKIS fundraising efforts, and more recent fundraising has generated \$9,000 in cash gifts that will be presented to the City by John Brewer, President/CEO of the Billings Chamber of Commerce. This leaves a temporary gap of \$19,557.44 ( $\$35,040 - \$6,482.56 - \$9,000 = \$19,557.44$ ) that we expect will be filled by additional fundraising over the next couple months. That sum represents approximately 3.7% of the total project cost.

It is important that Change Order #4 be approved so the project can be efficiently completed while the contractors are mobilized and on site. To avoid an unnecessary and costly delay, the purpose of this letter is to advise you that my wife, Anne, and I will, upon approval of Change Order #4 by the City, gladly and unconditionally guarantee payment to the City of Billings of an amount up to the current shortfall (\$19,557.44) if that becomes necessary. In other words, if by the time the City becomes obligated to pay the general contractor for the items specified in Change Order #4, the funds currently on hand (\$15,482.56) plus future fundraising together total less than \$35,040, we will cover the difference by making a charitable contribution to the City for the amount of the shortfall.

**William A. Cole**

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We understand that by approving Change Order #4 the City will be relying on our promise made in this letter, which is intended to create a binding obligation.

Please feel free to contact me if you have any questions. I look forward to working with you and your staff to expeditiously complete this exciting project.

Very truly yours,

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

William A. Cole

WAC:btp  
enclosures  
cc: John Brewer