

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. 20197

A RESOLUTION SPECIFYING THE ASSESSMENT OPTION FOR THE SPECIAL LANDFILL MONITORING AND MAINTENANCE DISTRICT FOR FISCAL YEAR 2016 AND LEVYING AND ASSESSING ALL PROPERTY WITHIN

WHEREAS, a special city-wide Landfill Monitoring and Maintenance District (“District”) was created to control, attend to, maintain, monitor, protect, and care for the former city landfill that was closed officially on January 27, 2000, and is located north of west Lyndale Avenue, west of North Last Chance Gulch, east of Carroll College, and south of the Montana Rail Link railroad main line; and

WHEREAS, the lots or parcels of land in the District must be assessed to defray the cost of maintaining and monitoring the former city landfill based on the square-foot area of impervious surface on lots or parcels of land; and

WHEREAS, it has been determined that approximately an additional \$150,000 is needed to construct a methane diversion trench at the former city landfill site; and

WHEREAS, it has been determined that an increase is necessary to the assessment for properties within the district by an amount up to 20.56% for repayment of a loan to be used to fund the construction costs of the methane diversion trench noted above until such loan is paid off;

WHEREAS, it is the intention of the Helena City Commission that the increase in assessment not extend beyond the five years necessary to repay any loan used to fund the construction of the methane diversion trench; and

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WHEREAS, a public hearing was held on this resolution on the 24th day of August, 2015, at 6:00 p.m. on the Commission Chambers in the City-County Building at 316 North Park Avenue in Helena, Montana.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

Section 1. ESTIMATE OF COSTS AND METHOD OF ASSESSMENT: The assessment to fund the estimated annual cost of the program and improvements for fiscal year 2016 is \$264,000. The method of assessment is:

- A.** For each residential lot, parcel, or condominium unit, and vacant lot:
\$7.23 per lot, parcel, or unit.
- B.** For each commercial or other non-residential lot or parcel:
 - i.** \$18.08 per lot or parcel having an impervious area of less than 10,000 square feet;
 - ii.** \$42.20 per lot or parcel having an impervious area of 10,000 square feet or more, but less than 50,000 square feet;
 - iii.** \$72.34 per lot or parcel having an impervious area of 50,000 square feet or more, but less than 100,000 square feet;
 - iv.** \$108.50 per lot or parcel having an impervious area of 100,000 square feet or more, but less than 250,000 square feet; and
 - v.** \$150.70 per lot or parcel having an impervious area of 250,000 square feet or more.

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Section 2. SPECIAL REQUIREMENTS APPLICABLE TO THE DISTRICT: A residential lot or parcel is one that does not have more than four (4) residential units in one structure upon the lot or parcel. Vacant lots or parcels not used for commercial storage of business inventory and equipment are considered residential lots. Each individual residential condominium unit is considered a residential lot. Except for residential condominium units, a lot or parcel with more than four (4) residential units thereon is considered a commercial lot. The Commission finds that for residential properties the benefits derived from the landfill monitoring and maintenance district are substantially equivalent and the cost of the program is to be assessed equally to each residential lot, parcel, or condominium unit located within the special district. The Commission finds that for commercial properties the benefits derived from the landfill monitoring and maintenance district are best measured by the amount of the lot or parcel that contains impervious area developed for commercial use.

Impervious area is the developed part of a lot or parcel that is impermeable to storm water infiltration, excluding rights-of-way and publicly owned streets, runways, and taxiways; privately-owned streets within licensed mobile home parks; and City-owned storm water facilities, water storage reservoirs, and public utility sites.

Section 3. LIST OF PROPERTIES SUBJECT TO ASSESSMENT: A list of those properties subject to the potential assessment is provided through the City's Department of Administrative Services, 316 North Park Avenue, Helena, Montana, and is available upon request for inspection and copying during normal business hours.

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**PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA,
THIS 24TH DAY OF August, 2015.**

**/S/ James E. Smith
MAYOR**

ATTEST:

**/S/ Debbie Havens
CLERK OF THE COMMISSION**