

# RESOLUTIONS OF THE CITY OF HELENA, MONTANA

## RESOLUTION NO. 20483

### A RESOLUTION SPECIFYING THE ASSESSMENT OPTION FOR THE SPECIAL LANDFILL MONITORING AND MAINTENANCE DISTRICT FOR FISCAL YEAR 2019 AND LEVYING AN ASSESSMENT ON ALL PROPERTY WITHIN THE DISTRICT

**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;

**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,** a public hearing was held by the Commission on August 27, 2018, in the City Commission Chambers, 316 North Park Avenue, in Helena, Montana.

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

**Section 1.** The assessment to fund the estimated annual cost of the program and improvements for fiscal year 2019, being no

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different than fiscal year 2018, is \$139,000. The method of assessment is:

A. For each residential lot, parcel, or condominium unit, and vacant lot:

i. \$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.** 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

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storm water facilities, water storage reservoirs, and public utility sites.

PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA,  
THIS 27<sup>th</sup> DAY OF AUGUST, 2018.

/S/ WILMOT J. COLLINS  
MAYOR

ATTEST:

/S/ DEBBIE HAVENS  
CLERK OF THE COMMISSION