

# **RESOLUTIONS OF THE CITY OF HELENA, MONTANA**

## **RESOLUTION NO. 20684**

### **A RESOLUTION SPECIFYING THE ASSESSMENT OPTION FOR THE LANDFILL MONITORING AND MAINTENANCE DISTRICT FOR FISCAL YEAR 2022 AND LEVYING AN ASSESSMENT ON ALL PROPERTIES WITHIN THE DISTRICT**

**WHEREAS**, § 7-11-1003, MCA, authorizes the City Commission to create special districts by resolution whenever the public convenience and necessity may require;

**WHEREAS**, on December 20, 2010, the City Commission passed Resolution No. 19801 creating the Landfill Monitoring and Maintenance District ("District");

**WHEREAS**, pursuant to Resolution No. 19801 the purpose of the District is for the protection of groundwater from contamination from pollutants, including methane; preserving and maintaining the cap on the landfill that prevents contaminants from entering into the air and neighboring soils; and generally complying with state and federal requirements for containment, monitoring, and control of a landfill that was officially closed on January 27, 2000;

**WHEREAS**, the District is generally located north of West Lyndale Avenue, west of North Last Chance Gulch, east of Carroll College, and south of the Montana Rail Link railroad mail line;

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**WHEREAS**, § 7-11-1025, MCA, requires the City Commission to pass and finally adopt a resolution specifying the special district assessment option and levying an assessment on all properties within the District;

**WHEREAS**, § 7-11-1024, MCA, authorized the City Commission to assess the properties within the District using any combination of the assessment options provided by statute;

**WHEREAS**, the City Commission has estimated, as near as practicable, the cost of maintaining, monitoring, and improving the District for fiscal year 2022;

**WHEREAS**, residential properties derive substantially equivalent benefit from the District;

**WHEREAS**, the City 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; and

**WHEREAS**, a public hearing on this resolution was held by the City Commission on June 28, 2021, in the City Commission Chambers, 316 North Park Avenue, in Helena, Montana, at 6:00

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P.M. and via Zoom Meeting at webinar ID:

<https://zoom.us/j/96971903791>.

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

**Section 1.** The total assessment needed to fund the estimated annual cost of the District for fiscal year 2022 is \$139,000.00. The assessment option for fiscal year 2022 is as follows:

	<b>FY2022</b>
<b>Residential:</b>	
All lots/parcels	\$7.23
<b>Commercial Properties:</b>	
Amount of Impervious area	
less than 10,000 sq. ft.	\$18.08
10,000 sq. ft. or more but less than 50,000 sq. ft.	\$42.20
50,000 sq. ft. or more but less than 100,000 sq. ft.	\$72.34
100,000 sq. ft. or more but less than 250,000 sq. ft.	\$108.50
more than 250,000 sq. ft	\$150.70

All assessments are annual.

**Section 2.** For purposes of this resolution the following definitions apply:

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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.

B. "Commercial" is all other lots or parcels of land not otherwise classified.

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

**Section 3.** A list of those properties subject to this assessment, which includes the name of the owner, if known, is available at the Finance Department for the City of Helena, 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 28<sup>th</sup> DAY OF JUNE, 2021.

/S/ WILMOT COLLINS  
MAYOR

ATTEST:

/S/ DANNAI CLAYBORN  
CLERK OF THE COMMISSION