

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. 20761

A RESOLUTION SPECIFYING THE ASSESSMENT OPTION FOR THE LANDFILL MONITORING AND MAINTENANCE DISTRICT FOR FISCAL YEAR 2023 AND LEVYING AN ASSESSMENT ON ALL PROPERTIES WITHIN THE DISTRICT

WHEREAS, MCA § 7-11-1003 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, MCA § 7-11-1025 requires the City Commission to pass and finally adopt a resolution specifying the special district assessment option and levying and assessing all the property within the special district;

WHEREAS, MCA § 7-11-1024 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 2023;

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 August 22, 2022, in the Commission Chambers at 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/92797897907>

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

Section 1. The total assessment to fund the estimated annual cost of the District for Fiscal Year 2023 is \$140,000.00. The assessment option for Fiscal Year 2023 is as follows:

	FY2022	FY2023
Residential:		
All lots/parcels	\$7.23	\$7.23
Commercial Properties:		
Amount of Impervious area		
less than 10,000 sq. ft.	\$18.08	\$18.08
10,000 sq. ft. or more but less than 50,000 sq. ft.	\$42.20	\$42.20
50,000 sq. ft. or more but less than 100,000 sq. ft.	\$72.34	\$72.34
100,000 sq. ft. or more but less than 250,000 sq. ft.	\$108.50	\$108.50
more than 250,000 sq. ft	\$150.70	\$150.70

All assessments are annual.

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

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

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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 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. A list of those properties subject to this proposed 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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Section 4. If a property is not chargeable for the assessment described above by reason of state or federal law, said property shall be exempt from the assessment.

PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 22nd DAY OF AUGUST, 2022.



TEST:

A handwritten signature in blue ink, appearing to read "Dennis J.", is written over a horizontal line.

CLERK OF THE COMMISSION

A handwritten signature in blue ink, appearing to read "Daniel", is written over a horizontal line.

MAYOR