



Item: Resolution 9991 to Levy and Assess the Abatement of Diseased Trees in the City of Great Falls, Montana

From: Judy Burg, Taxes and Assessments

Initiated By: Annual Assessment Process

Presented By: Melissa Kinzler, Fiscal Services Director

Action Requested: City Commission Adopt Resolution 9991

Suggested Motion:

1. Commissioner moves:

“I move the City Commission (adopt/deny) Resolution 9991.”

2. Mayor calls for a second, discussion, inquiries from the public, and calls for the vote.

Staff Recommendation: Staff recommends the City Commission adopt Resolution 9991.

Background: Each year the City Forester from the Park and Recreation Department inspects all premises and places within the City to determine the existence of nuisance and diseased trees. If the City Forester finds with reasonable certainty that any tree disease, fungus or harmful insect exists in any tree, shrub or wood located on private property outside any public way in the City, or upon property owned and controlled by a governmental unit other than the City, the owner or person in control of such property shall be notified in writing by certified mail, or by personal delivery the existence of the nuisance and direct that the nuisance be removed, burned, buried or otherwise effectively treated in the approved manner. The notice shall state that if such nuisance shall not be abated by the owner within the time provided, the Park and Recreation Department shall proceed to have such nuisance properly abated or eliminated.

In accordance with the City of Great Falls Municipal Code 8.52.050, owners are given twenty (20) days after mailing the certified notice to comply with the abatement of the diseased tree. Properties found not in compliance are documented and scheduled for treatment or removal of the nuisance.

The cost of abatement of any nuisance incurred by the City and not reimbursed by the owner on or before September 15th of each year shall be reported to the City Commission. Exhibit “A” of the Resolution lists 5 property owners who will be assessed for a total amount of \$6,528.00, for

non-payment after several monthly billings. The City Commission shall assess the levy and cause the same to be collected as a special assessment lien against the subject premises in accordance with City of Great Falls Municipal Code 8.52.100. Any additional payments made prior to the processing of the tax file will be applied accordingly to avoid placing an assessment on the property owner's tax bill.

Concurrences: Park and Recreation staff is responsible for the operation and related expenses for the Abatement of Diseased Tree Program. Fiscal Services staff is responsible for assessing and collecting the revenues.

Fiscal Impact: Owners whose nuisance or diseased trees are cut by the City crews are billed for actual time spent.

Alternatives: The City Commission could choose to deny the adoption of Resolution 9991; however, the reduction in services to the community could be harmful and render land unfit for agriculture, forestry, wildlife, native plant communities and the general public.

Attachments/Exhibits: Resolution 9991
Exhibit "A" Unpaid Tree Abatement Charges

Cc: Todd Seymanski, City Forester

RESOLUTION 9991

A RESOLUTION LEVYING AND ASSESSING THE ABATEMENT OF DISEASED TREES IN THE CITY OF GREAT FALLS, MONTANA

WHEREAS, the City Commission of the City of Great Falls declares the properties listed on the attached Exhibit A were issued a notice of nuisance and diseased tree; and,

WHEREAS, the City Commission of the City of Great Falls declares after due notice the nuisance or diseased tree had not been removed and were subsequently cut down by the City.

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

1. The costs of said nuisance or diseased tree removal are hereby assessed upon the aforementioned properties in accordance with City of Great Falls Municipal Code 8.52.100.
2. The description of each lot or parcel of land which is hereby levied upon and assessed, with the name of the owner and the amount of each assessment to be made, is as set out in the Assessment List, attached as Exhibit A, which said list is incorporated herein and made a part of this Resolution by this reference.

PASSED by the Commission of the City of Great Falls, Montana, on this 4th day of September, 2012.

Michael J. Winters, Mayor

ATTEST:

Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

David Nielsen
Interim City Attorney

**UNPAID TREE ABATEMENT CHARGES
ASSESSMENTS FY 2012
RESOLUTION #9991- EXHIBIT "A"**

	PARCEL NO.	SUB DIV	LOT	BLOCK	PROPERTY ADDRESS	PROPERTY OWNER	MAILING ADDRESS	CITY	STATE	ZIP	ASSESSED AMT
1	133450	GF4	6	271	2222 3rd Ave N	Poirier, Jeremy	2222 3rd Ave N	Great Falls	MT	59401	300.00
2	144100	GF11	N 58' of Lot 14	287	111 25th St N	Poitra, Blaise	111 25th St N	Great Falls	MT	59401	740.00
3	322100	GF10	8	747	1911 6th Ave S	Kinder, Susan J	1911 6th Ave S	Great Falls	MT	59405	2,296.00
4	786100	FAV	14	10	1501 12th Ave S	Martin, Rudy R	1501 12th Ave S	Great Falls	MT	59405	1,296.00
5	789200	FAV	3	13	1810 11th Ave S	Kuebler, Michael Karl & Cari Jo	1810 11th Ave S	Great Falls	MT	59405	1,896.00
TOTAL											\$6,528.00