



Item: Resolution 10055 to Create City Owned Special Improvement Residential Lighting District No. 1309, Stone Meadows Addition Phase II

From: Judy Burg, Taxes and Assessments

Initiated By: Stone Meadows Inc. and Silver Stone Enterprises

Presented By: Melissa Kinzler, Fiscal Services Director

Action Requested: City Commission conduct Public Hearing and adopt Resolution 10055

Public Hearing:

1. Mayor conducts public hearing, calling three times each for proponents and opponents.
2. Mayor closes public hearing and asks the will of the Commission.

Suggested Motion:

1. Commissioner moves:

“I move the City Commission (adopt/deny) Resolution 10055.”

2. Mayor calls for a second, discussion, and calls for the vote.
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Staff Recommendation: Staff recommends the City Commission adopt Resolution 10055 and create City Owned Special Improvement Residential Lighting District No. 1309.

Background: The City Commission adopted Resolution 9506 creating the City’s Street Light Policy on July 19, 2005. This resolution established the City’s policy to own and operate any new street lighting districts within the City limits, requested by property owners or developers, as allowed by MCA 7-12-4301, 7-12-4329 and 7-12-4333. These statutes authorize the City to create lighting districts and to assess the cost of installing and/or maintaining the district to the property owners within the boundaries of the district.

Staff received a signed petition from Stone Meadows Inc. and Silver Stone Enterprises, developers of Stone Meadows Addition Phase II. Then on January 20, 2015, the developers presented another revised signed Petition with changes to the number of parcels within the subdivision due to a new amended plat for Stone Meadows Addition Phase II. Both petitions are requesting the installation of eight (8) 100 watt HPS Semi-cut off Street Lights. However, it was determined by final design, the actual number of lights to be installed will be nine (9) 100 watt

HPS Semi-cutoff street lights mounted on 20 foot steel poles with underground wiring. Boundaries and the positions of the street lighting for the petitioned area are outlined on Exhibit “B” included in the Intent to Create Resolution No. 10054, which was adopted by the City Commission on February 3, 2015. The signed petitions meet all requirements as set forth in the policy for new street light districts.

When presented with the plans for the new roadway lighting, City Staff reviewed the possibility of installing LED lights and found the bulbs were quite costly and increased the cost of installation significantly. The developers chose street lights that were consistent with the previously installed roadway lighting in Phase I of Stone Meadows and the design of the fixture was chosen because it helps prevent light pollution.

Staff mailed letters regarding the City’s intention to create City Owned Special Improvement Residential Lighting District No. 1309 along with a copy of the published legal notice and outlined the protest procedures to each person, firm or corporation, or a known agent having property located within the boundaries of the proposed district. During the 15 day protest period, no protest letters were received by the City regarding the creation of a special improvement lighting district as presented in the Intent to Create City Owned Special Improvement Residential Lighting District No. 1309.

Concurrences: Representatives from the City’s Public Works, Fiscal Services, Engineering and Planning Department work with the property owners and developers throughout the review and approval process of the lighting district creation and construction.

Fiscal Impact: The special assessment for the installation costs of the improvements will be financed through the Montana Board of Investments following the Bid Opening and the monies received will be payable over a term not to exceed fifteen (15) years.

The estimated annual assessment for construction, exclusive of annual interest of 3% will be \$104.02 for an average sized lot of 10,450 square feet as shown on Exhibit “C” included in the Intent to Create Resolution No. 10054. Property owners have the right to prepay the assessment as provided by law.

The ongoing estimated annual maintenance assessment will be \$99.20 for an average sized lot of 10,450 square feet as shown on Exhibit “D” included in the Intent to Create Resolution No. 10054. The maintenance costs include energy, transmission, distribution and other ongoing related costs.

Alternatives: The City Commission could choose to deny the adoption of Resolution 10055, and therefore not create City Owned Special Improvement Residential Lighting District 1309.

Attachments/Exhibits: Resolution 10055
Timeline for SLD 1309

RESOLUTION NO. 10055

A RESOLUTION OF THE CITY COMMISSION CREATING CITY OWNED SPECIAL IMPROVEMENT RESIDENTIAL LIGHTING DISTRICT NO. 1309 IN THE CITY OF GREAT FALLS, MONTANA, FOR THE PURPOSE OF FINANCING THE INSTALLATION OF, AND SECURING AND PROVIDING ENERGY AND MAINTENANCE FOR NEW STREETLIGHTING TO PROPERTIES LOCATED WITHIN STONE MEADOWS ADDITION PHASE II

WHEREAS, the City Commission of the City of Great Falls, Montana, on the 3rd day of February, 2015, adopted Resolution No. 10054, a Resolution of Intention to Create a City Owned Special Improvement Residential Lighting District No. 1309, setting the hearing on the creation of said District and hearing on protests against the extent and creation of said District, or any matter pertaining thereto; and

WHEREAS, notice of the adoption of Resolution 10054 was made by publication and mailing, all as required by law, and said hearing was held at the time and place specified in said notice.

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

Section 1:

The City Commission does hereby find and determine that the protests and each of them made against the creation of the District and against the making of the proposed improvements be and the same are hereby declared insufficient.

Section 2:

There is hereby created a City-Owned Special Improvement Residential Lighting District No. 1309, hereinafter called the District, for the purpose of financing the installation of, securing and providing energy and maintenance for, new streetlights for lighting is said District.

Section 3:

The boundaries of the District shall be the same as described in the Resolution of Intent No. 10054, hereinafter called the Resolution, on file in the office of the City Clerk of Great Falls, Montana, and by this reference is incorporated herein and made a part hereof.

Section 4:

The City Commission hereby finds and determines that each property described within the Resolution is especially benefitted and affected by said improvements, and each of the properties are hereby declared to be the property to be assessed for the cost of financing, and expense of the energy and maintenance of the District.

Section 5:

That the general character of the improvements to be made is hereby declared to be as described in the Resolution and is by this reference incorporated herein and made a part hereof.

Section 6:

That, pursuant to Mont. Code Ann. § 7-12-4323, the City Commission of the City of Great Falls shall assess the entire cost of the lighting improvement against the entire District, each lot or parcel of land within the District to be assessed for that part of the whole cost that its area bears to the area of the entire District, exclusive of streets, avenues, alleys and public places.

The special assessment for the installation cost of the improvements shall be payable over a term not to exceed 15 years. The installation costs are estimated to be \$.147693 per square foot assessable area and the property owners have the right to prepay the assessment as provided by law.

The ongoing annual assessment for the energy, maintenance and administrative costs is estimated to be \$.00943 per square foot assessable area.

That the monies derived from the collection of such assessments shall be paid into a fund to known as the "Special Improvement Residential Lighting District No. 1309," and warrants shall be drawn on said fund for the payment of such costs of maintaining said lights and supplying energy therefore.

ADOPTED by the Commission of the City of Great Falls, Montana, on this 3rd day of March, 2015.

Michael J. Winters, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney

EXHIBIT “G”

TIMELINE FOR
CITY OWNED SPECIAL IMPROVEMENT LIGHTING
DISTRICT NO. 1309

February:

- 3 - Commission Action – Resolution of Intent – Set Public Hearing
- 6 - 1st Publication of Notice & Letter w/Notice to property owners
Beginning of 15-day Protest Period
- 13 - 2nd Publication of Notice
- 21st - End of 15-day Protest Period

March:

- 3 - Commission Action – Public Hearing to Create
- 4-31 - Construction Bid & Bid Opening

April:

- 7 - Commission Action - Construction Bid Award
- 7 - Commission Action – Montana Board of Investment
Loan Agreement

June:

- 2 - Commission Action – Set Public Hearing to Levy & Assess
- 5 - 1st Publication of Notice to Levy & Assess
- 12 - 2nd Publication of Notice

July:

- 21 - Commission Action – Public Hearing to Levy & Assess