



Item: Resolution 10099 to Expand the Boundaries of the Great Falls Business Improvement District within the City of Great Falls, Montana

From: Judy Burg, Taxes and Assessments

Initiated By: Great Falls Business Improvement District Board of Directors

Presented By: Melissa Kinzler, Fiscal Services Director

Action Requested: City Commission vacate public hearing and deny Resolution 10099

Suggested Motion regarding Public Hearing:

1. Commissioner moves:

“I move the City Commission (vacate/not vacate) the Public Hearing on Resolution 10099 to Expand the Boundaries of the Great Falls Business Improvement District within the City of Great Falls, Montana, for failure to have the requisite percentage of supporting property owners in the proposed expansion area.”

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

Suggested Motion:

1. “I move the City Commission (withdraw/not withdraw) Resolution 10099 to Expand the Boundaries of the Great Falls Business Improvement District within the City of Great Falls, Montana.”

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

Background: Staff recommends the City Commission vacate the public hearing, and withdraw Resolution 10099 to expand the boundaries of the Great Falls Business Improvement within the City of Great Falls, Montana.

Montana Code Annotated (MCA) §§7-12-1101 through 7-12-1151 provide statutory authority to the City Commission of the City of Great Falls to expand the boundaries of the Great Falls Business Improvement District (referred to in this part as the District.) Resolution 10099 deals only with the expanded area, and the existing District does not have to be reestablished per MCA §7-12-1112.

The Great Falls Business Improvement District in the City of Great Falls was originally created in May 1989, re-created in July 1999 and again in July 2009. MCA §7-12-1141, specifies that a Business Improvement District shall not be for a period longer than ten (10) years unless the duration of the District is extended in compliance with the provision for the creation of the District.

The City Commission for the City of Great Falls has determined that the Great Falls Business Improvement District promotes the health, safety, prosperity, security and general welfare of the inhabitants of the City of Great Falls and has determined the District provides special benefits to those properties located within its boundaries.

The City of Great Falls provides many in-kind services to the Business Improvement District. The in-kind services include setting assessments for properties within the BID, preparing agenda reports, placing legal advertisements for Public Hearings, reconciling BID assessments on a monthly basis, and providing legal counsel. The City of Great Falls does not receive monetary reimbursement for these services. The Business Improvement District is a discretely presented component unit of the City of Great Falls which is reported in the Comprehensive Annual Report of the City of Great Falls.

The City of Great Falls adopted Resolution 10098, evidencing intent to conduct a public hearing regarding the proposed expansion to the District. Afterward, pursuant to MCA §7-12-1112 and 1113, notices regarding the intention to expand the boundaries of the District, along with a copy of the published legal notice and the protest procedures were sent to affected parties. Said notice allowed protests to be lodged in writing, within fifteen days of the notice, pursuant to MCA §7-12-1113.

During the protest period, sixteen (16) protests were received by the City regarding the expansion of the District. Of the sixteen protests, eleven were from Cascade County, which originally voted "FOR" the expansion. As such, the requisite percentage of property owners supporting the expansion of the BID is not met under pursuant MCA §7-12-1111. Therefore, Staff recommends the vacation of the Public Hearing and the withdrawal of Resolution 10099.

Concurrences: Representatives from Fiscal Services have been assisting the Great Falls Business Improvement District Board of Directors on the proposed expansion of the District. The City Attorney concurs with the Staff recommendation.

Fiscal Impact: No direct fiscal impact to the City is anticipated as a result of this withdrawal.

Cc: Joan Redeen, BID

Attachments/Exhibits: Resolution 10099
Resolution 10099 - Exhibit "A"
Resolution 10099 - Exhibit "B"

RESOLUTION NO. 10099

A RESOLUTION EXPANDING THE BOUNDARIES OF THE GREAT FALLS BUSINESS IMPROVEMENT DISTRICT WITHIN THE CITY OF GREAT FALLS, MONTANA; DESCRIBING THE BOUNDARIES THEREOF AND ESTABLISHING THE COST TO BE ASSESSED AGAINST THE BENEFITED PROPERTIES

WHEREAS, the City Commission of the City of Great Falls, Montana, on the 17th day of March, 2015, adopted Resolution No. 10098, a resolution of Intent to Expand the Boundaries of the Great Falls Business Improvement District (referred to in this part as the District) within the City of Great Falls, setting the hearing on the expansion of said District and hearing on protests against the expansion of said District, or any matter pertaining thereto; and,

WHEREAS, the City Commission of the City of Great Falls is authorized to create, expand and administer a Business Improvement District as provided by 7-12-1101 through 7-12-1151 MCA; and,

WHEREAS, the City Commission of the City of Great Falls originally created the Great Falls Business Improvement District (referred to as District) in May 1989, re-created it in 1999 and again in 2009; and,

WHEREAS, the City Commission of the City of Great Falls according to Section 7-12-1141, MCA specified that a Business Improvement District shall not be for a period longer than ten (10) years unless the duration of the District is extended in compliance with the provisions for the creation of the District; and,

WHEREAS, notice of the adoption of Resolution 10098 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 expansion of the District are hereby declared insufficient.

Section 2

The City Commission does hereby expand the boundaries of the Great Falls Business Improvement District, the boundaries shall be the same as shown on Resolution 10099 Exhibit "A", the legal description of those boundaries as contained in Exhibit "B", and by this reference are incorporated herein and made a part hereof.

Section 3

The City Commission of the City of Great Falls hereby finds and determines that all real estate situated within the boundaries of said District will be especially benefited and affected by such expansion, and that all property included within the District are hereby declared to be the property to be assessed for the cost and services provided by the District.

Section 4

That, pursuant to Montana Code Ann. § 7-12-1133, the City Commission of the City of Great Falls shall assess the entire cost of the District, using the assessment formula presented to the new property owners within the expanded boundaries and recommended to the City Commission as follows:

- a flat fee of \$200.00 for each lot or parcel
- an assessment of \$.00165 times the phase-in market valuation as provided for by Montana State Legislatures, and
- an assessment of \$.015 times the square footage of the land area

ADOPTED by the Commission of the City of Great Falls, Montana, on this 21st day of April, 2015.

Michael J. Winters, Mayor

ATTEST:

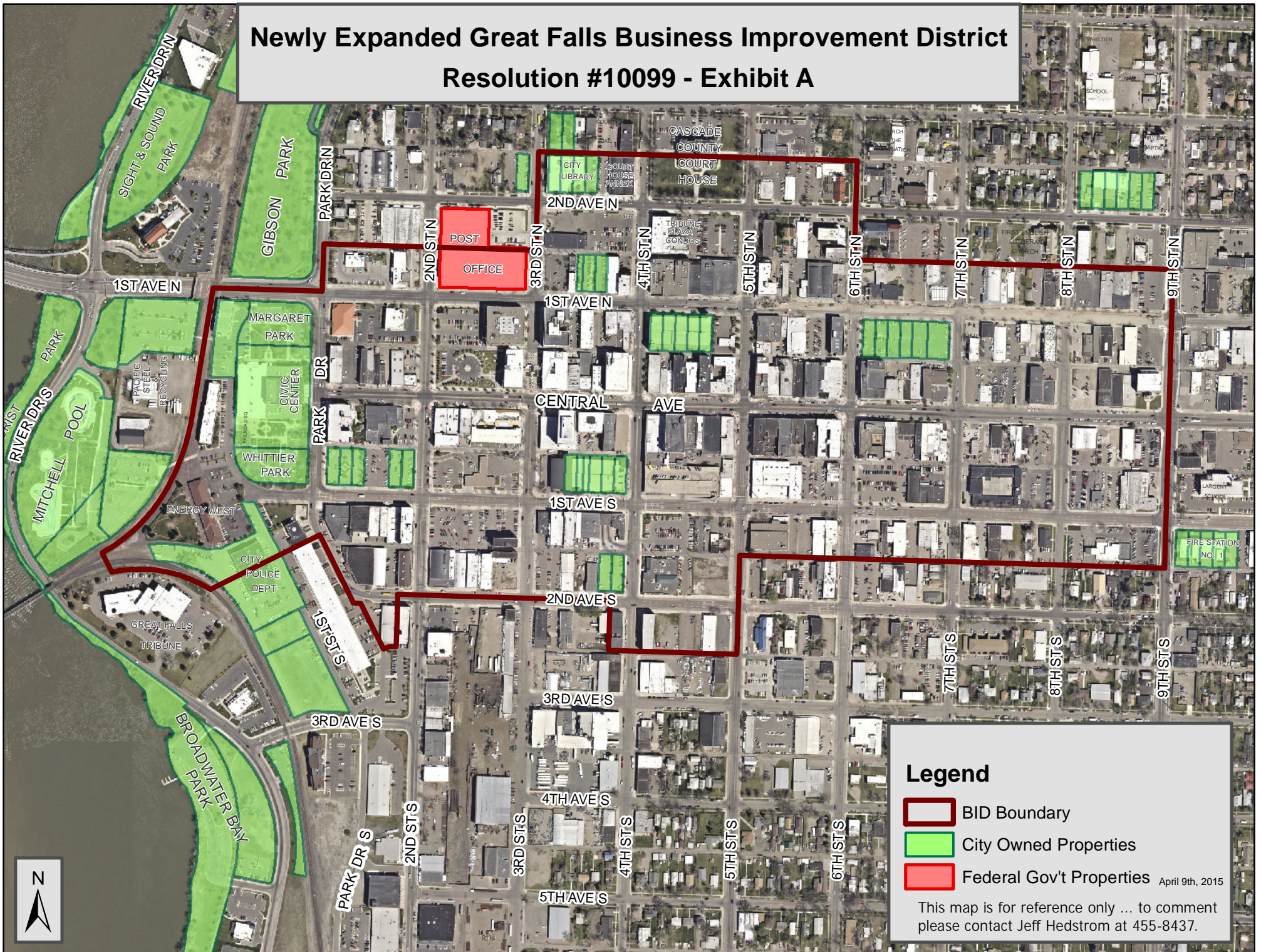
Lisa Kunz, City Clerk

(SEAL OF THE CITY)

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney

Newly Expanded Great Falls Business Improvement District Resolution #10099 - Exhibit A



City of Great Falls

Business Improvement District

Exhibit "B" Resolution No. 10099

Expanded Boundary Description

(This is not a survey...Generated from Exhibit A of Resolution)

Point of Beginning: Beginning at the intersection of the centerline of Park Drive North and the centerline of 1st Avenue North; thence north to the intersection of the centerline of Park Dr. N and the extended centerline of 2nd Alley North; thence east along the centerline of 2nd Alley North to its intersection with the centerline of 3rd Street North; thence north along the centerline of 3rd Street North to its intersection with the extended centerline of the 3rd Alley North; thence east along the centerline of 3rd Alley North to its intersection with the centerline of 6th Street North; thence south along the centerline of 6th Street North to its intersection with the extended centerline of 2nd Alley North; thence east along the centerline of 2nd Alley North to its intersection with the centerline of 9th Street North; thence south along the centerline of 9th Street North to its intersection with the extended centerline of 2nd Alley South; thence west along the centerline of 2nd Alley South to its intersection with the centerline of 5th Street South; thence south along the centerline of 5th Street South to its intersection with the extended centerline of 3rd Alley South; thence west along the centerline of 3rd Alley South to its intersection with the extended west boundary line of Lot 7, Block 415, Great Falls Original (GFO); thence north along the west boundary line of Lot 7, Block 415, GFO to its intersection with the centerline of 2nd Avenue South; thence west along the centerline of 2nd Avenue South to a point 50 feet west of the extended east boundary line of Lot 1, Block 417, GFO; thence south along a line 50 feet west and parallel to the east boundary line of Lot 1, Block 417, GFO to its intersection with the south R/W line of 3rd Alley South; thence west along the south R/W line of 3rd Alley South and southwest along the north boundary line of Lot 1, Block 11, Broadwater Bay Business Park (BBP) to a point 25 feet southwest of the east R/W line of 3rd Alley South; thence northwest along a line 25 feet southwest of and parallel to the east R/W line of 3rd Alley South to its intersection with the south R/W line of 2nd Avenue South; thence west along the south R/W line of 2nd Avenue South to a point 30 feet west of its intersection with the extended centerline of Park Drive South; thence northwest along the centerline of Park Drive South to its intersection with the extended south boundary line of the tract of land described as Mark 22K in NE ¼ of Sect. 11, Township 20N, Range 3E; thence southwest along the extended south

boundary line of the Mark 22K tract of land to its intersection with the centerline of the BNSF Railroad; thence west along the centerline of the BNSF Railroad to the intersection of the centerline of BNSF Railroad's north-south track split; thence north along the centerline of the north track of the BNSF Railroad to its intersection with the centerline of 1st Avenue North; thence west along the centerline of 1st Avenue North to its intersection with the centerline of Park Drive North and the point of beginning.