



Item: Set Public Hearing for Resolution 10145 to Levy and Assess the Street Maintenance District

From: Judy Burg, Taxes and Assessments

Initiated By: Annual Assessment Process

Presented By: Melissa Kinzler, Fiscal Services Director

Action Requested: City Commission Set Public Hearing Date for Resolution 10145 to Levy and Assess the Street Maintenance District

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (set/not set) a Public Hearing date on Resolution 10145 for August 2, 2016 at 7:00 p.m. to levy and assess the Street Maintenance District.”

2. Mayor requests a second to the motion, Commission discussion, public comment, and calls for the vote.

Staff Recommendation: Staff recommends the City Commission set a public hearing date for August 2, 2016.

Background: The Street Division maintains approximately 383 miles of streets and alleys within the city limits. Maintenance consists of pavement rehabilitation and restoration, street cleaning, snow and ice removal, alley maintenance, and the nuisance weed program. In addition, Traffic Operations are funded through the Street Division and are responsible for the maintenance of all roadway signs, signals and pavement markings.

During the budget process information is gathered regarding the actual and anticipated expenses of the Street Fund, future capital projects are reviewed and the street maintenance assessment for the next fiscal year is discussed.

After calculating all factors pertinent to the operation of the Street Maintenance District, an assessment amount for the next fiscal year is calculated, proposed and presented to the City Commissioners for approval. No recommendation for an increase is proposed for Fiscal Year 2017. The last street maintenance increase of 10% was approved in FY 2016.

As part of the annual budget development and adoption procedures the Street Maintenance Assessment Resolution must be submitted for City Commission action. A public notice and hearing is required prior to final passage of the assessment resolution.

ASSESSMENT OPTION

Section 7-12-4425 M.C.A. states: "...The council shall pass and finally adopt a resolution specifying the district assessment option and levying and assessing all the property within the several districts ..." The City uses the "assessable area" option under Section 7-12-4422, M.C.A. to assess its street maintenance. The assessable area option, defines assessable area by square footage caps. Four options for assessments exist:

Residential: Square footage caps per parcel of 12,000 square feet for residential property and properties categorized as non-profit/cemetery organizations 501(c)(13) as defined by the Internal Revenue Code.

Downtown: Downtown District shall be defined as being within an area bounded on the north by Third Alley North, on the south by Third Alley South, on the east by Tenth Street, and on the west by Park Drive. Any properties located in this area with a designated residential land use code of 111, 112, or 114 shall be excluded from the District and assessed as part of the Residential District.

Mixed-Use: A 'mixed use' category which consists of property equal to or greater than 112,000 square feet but less than 50% commercially developed. For the 'mixed use' category, the Planning Department shall annually identify all property equal to or greater than 112,000 square feet which are 50% or less commercial developed. Those properties shall be assessed 50% commercial and 50% at capped residential.

Commercial: 1 million square foot cap for all other property. The 1 million square foot cap for all other property encourages large green areas on some private properties within the City.

Concurrences: Public Works staff is responsible for the operational expenses of the Street Department. Fiscal Services staff is responsible for assessing and collecting the revenues necessary to carry out the operations.

Fiscal Impact: Adoption of Resolution 10145 will allow the City to fund the cost of work, improvements, and maintenance in the street maintenance district.

For Fiscal Year 16/17 the street maintenance assessment will remain the same as Fiscal Year 15/16. This equates to an assessment factor of \$0.014702 per square foot, for a total of \$4,535,592, and will result in an annual assessment of \$110.27 for an average size lot of 7,500 square feet (7,500 sq ft x 0.014702 factor = \$110.27.)

Alternatives: The City Commission could choose to not set the public hearing and thereby deny the adoption of Resolution 10145 to Levy and Assess Street Maintenance; however, the reduction in services for street maintenance could be hazardous to the safety and welfare of the general public.

Attachments/Exhibits: Resolution 10145
Legal Notice

RESOLUTION NO. 10145

A RESOLUTION LEVYING AND ASSESSING THE COST OF STREET MAINTENANCE FOR STREETS AND ALLEYS IN THE CITY OF GREAT FALLS, MONTANA FOR THE FISCAL YEAR BEGINNING JULY 1, 2016 AND ENDING JUNE 30, 2017

WHEREAS, creation and alteration of Street Maintenance Districts is authorized pursuant to Title 7, Chapter 12, Part 44, MCA; and

WHEREAS, the City Commission did provide for street maintenance pursuant to Ordinance 1687 adopted September 7, 1971; and

WHEREAS, the City Commission did amend and expand the scope of street maintenance services pursuant to Ordinance 2584 adopted February 5, 1991; and

WHEREAS, the City Commission finds and has determined that each and every lot or parcel within said district has been or will be specially benefited by said maintenance; and

WHEREAS, the City intends to continue maintaining streets and alleys within the corporate limits of the City of Great Falls; and

WHEREAS, on July 19, 2016, the City Commission adopted Resolution 10151, Annual Budget Resolution, in which the estimated assessment for such maintenance not offset by other revenues within the Street Maintenance District was reflected as FOUR MILLION FIVE HUNDRED THIRTY-FIVE THOUSAND FIVE HUNDRED NINETY-TWO DOLLARS (\$4,535,592); and

WHEREAS, in accordance with § 7-12-4426, MCA, notice was published setting forth that Resolution No. 10145 Levying and Assessing the Cost of Street Maintenance for Streets and Alleys in the City of Great Falls, Montana, would be brought before the Great Falls City Commission for public hearing on August 2, 2016.

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

Section 1 – Maintenance Costs Assessed

The costs of maintenance, not offset by other revenues, in the Street Maintenance District, totaling FOUR MILLION FIVE HUNDRED THIRTY-FIVE THOUSAND FIVE HUNDRED NINETY-TWO DOLLARS (\$4,535,592) be levied and assessed upon the property in said district for the fiscal year ending June 30, 2017. The description of each lot or parcel of land within the Street Maintenance District and the respective assessments are set forth in the records of the Fiscal Services Department of the City of Great Falls, Montana, and by this reference incorporated herein as if fully set forth.

Section 2 – Maintenance Assessment Method

The percentage of the cost of maintenance for the assessable areas benefitted by the maintenance district as established in § 7-12-4425, MCA, shall be made as set forth in § 7-12-4422, MCA.

The Street Maintenance District shall be assessed according to factors based on the property classification and square footage with caps. Assessable areas within the Street Maintenance District shall be set with a square footage cap of 12,000 square feet for residential property and properties categorized as non-profit/cemetery organizations 501(c)(3) as defined by the Internal Revenue Code, and a one million square feet cap for all other property. Downtown District shall be defined as being within an area bounded on the north by Third Alley North, on the south by Third Alley South, on the east by Tenth Street and on the west by Park Drive and any properties located within this area with a designated residential land use code shall be excluded from the District. The Planning and Community Development Department shall annually identify all mixed-use property equal to or greater than 112,000 square feet which are 50% or less commercially developed. Those mixed-use properties shall be assessed 50% commercial and 50% capped residential.

No proration of the street maintenance assessment shall be made for any reason, including the fact that a particular property did not have paved streets for the entire taxable year.

Section 3 – Assessments Due Date

Assessments are payable in two payments and will become delinquent at 5:00 o'clock p.m. on November 30, 2016 and May 31, 2017.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, this 2nd day of August, 2016.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney

PUBLIC HEARING NOTICE

NOTICE IS HEREBY GIVEN that Resolution 10145 – A Resolution Levying and Assessing the Cost of Street Maintenance for Streets and Alleys in the City of Great Falls, Montana for the Fiscal Year Beginning July 1, 2016 and Ending June 30, 2017 – will be brought before the Great Falls City Commission for public hearing in the Commission Chambers, Civic Center Building, 2 Park Drive South, Great Falls, Montana on Tuesday, August 2, 2016, at 7:00 o'clock p.m. Any interested person may appear and speak for or against said Resolution 10145 or submit in writing any comments to the City Clerk prior to or during the Commission Meeting.

/s/ Lisa Kunz
City Clerk

DO NOT PUBLISH BELOW THIS LINE:

Publication Dates: July 15 & 22, 2016