

RESOLUTION NO. 10191

A RESOLUTION DECLARING IT TO BE THE INTENTION OF THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO CREATE A SPECIAL PARK DISTRICT AS AUTHORIZED BY TITLE 7, CHAPTER 11, PART 10 MCA, MORE SPECIFICALLY A CITY-WIDE PARK DISTRICT ENTITLED “CITY OF GREAT FALLS PARK DISTRICT NUMBER 1,” TO ESTABLISH AN ANNUAL ASSESSMENT AND PROVIDE FOR A METHOD OF ASSESSMENTS FOR THE PURPOSES OF FUNDING AND/OR FINANCING COSTS ASSOCIATED WITH PROVIDING SERVICES INCLUDING BUT NOT LIMITED TO: (1) MAINTENANCE, REPAIR, REPLACEMENT, UPKEEP, INSTALLATION, IMPROVEMENT, OPERATIONAL ENHANCEMENT, CONSTRUCTION, RECONSTRUCTION, ACQUISITION OF LAND, AND/OR (2) IMPLEMENTATION OF MEASURES REQUIRED TO MAINTAIN PUBLIC HEALTH AND SAFETY OR MEET LEGAL OR REGULATORY REQUIREMENTS, AND/OR (3) PURCHASING, REPLACING, AND/OR MAINTAINING EQUIPMENT, TOOLS OR VEHICLES USED TO CARRY OUT THE FUNCTIONS DESCRIBED HEREIN, AND/OR (4) ANY OTHER FUNCTIONS, LABOR, SUPPLIES AND/OR MATERIALS NECESSARY FOR MANAGEMENT AND MAINTENANCE OF CITY-OWNED FACILITIES, LANDS AND EQUIPMENT UNDER THE RESPONSIBILITY AND CARE OF THE CITY OF GREAT FALLS PARKS AND RECREATION DEPARTMENT INCLUDING BUT NOT LIMITED TO: PUBLIC PARKS AND PARK AREAS (AS DESCRIBED IN THE CITY OF GREAT FALLS PARK AND RECREATION MASTER PLAN), RECREATION FACILITIES, TRAILS, OPEN SPACE, URBAN FOREST, MEDIANS, BOULEVARDS, PATHWAYS, SIDEWALKS, PUBLIC EASEMENTS AND OTHER FACILITIES LOCATED IN THE CITY AND/OR OWNED BY THE CITY; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, the City of Great Falls, Montana (the “City”) is a municipality duly organized and existing under and by virtue of the constitution and laws of the State of Montana; and

WHEREAS, the City Commission (the “Commission”) is authorized by Montana Code Annotated (MCA), Part 7, Chapter 11, Part 10, to create special districts to serve the inhabitants of the special district; and

WHEREAS, the City Commission has made the determination to initiate the creation of a special district; and

WHEREAS, the City Commission finds that the creation of a special park district is necessary to provide funding for the effective implementation of the Great Falls Park and Recreation Master Plan; and

WHEREAS, in accordance with MCA Section 7-11-1007, the City Commission has conducted a public hearing on June 6, 2017, at the Civic Center, 2 Park Drive South, Commission Chambers Room 206, Great Falls, Montana, at 7:00 p.m., prior to the passage of this Resolution of Intention to create a special district in the form of a City-wide park district.

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

Section 1. Proposed Services; Intention to Create District. It is the intention of the Commission to create and establish in the City a special district pursuant to MCA, Title 7, Chapter 11, Part 10, specifically a park district called the City of Great Falls Park District Number 1 (the "District") for the benefit of inhabitants of the District. The City proposes to establish the District for the purpose of providing services including but not limited to: (1) maintenance, repair, replacement, upkeep, installation, improvement, operational enhancement, construction, reconstruction, acquisition of land, and/or (2) implementation of measures required to maintain public health and safety or meet legal or regulatory requirements; and/or (3) purchasing, replacing, and/or maintaining equipment, tools or vehicles used to carry out the functions described herein, and/or (4) any other functions, labor, supplies and/or materials necessary for management and maintenance of City-owned facilities, lands and equipment under the responsibility and care of the City of Great Falls Park and Recreation Department including but not limited to: public parks and park areas (as described in the City of Great Falls Park and Recreation Master Plan), recreation facilities, trails, open space, urban forest, medians, boulevards, pathways, sidewalks, public easements and other facilities which are located in the city limits and/or are owned by the City. The Commission hereby determines that it is necessary to create the District in order to properly accomplish the purposes set forth in this Section 1.

Section 2. Number of District. The District, if created and established, shall be known and designated as the City of Great Falls Park District Number 1.

Section 3. Boundaries of District. It is hereby declared to be the judgment of the City that the boundaries of the District are the current incorporated limits of the City as well as all properties later annexed thereto. In accordance with MCA Section 7-11-1006 (1) and (3), the current boundaries of the City are depicted on a map attached hereto as Exhibit "A" (which is incorporated herein and made a part hereof by reference), which boundaries are designated and confirmed as the boundaries of the District. In accordance with MCA Section 7-11-1006 (2) and (3), the Commission will cause a legal description of the boundaries of the proposed District to be prepared in consultation with a professional land surveyor prior to the approval of the District.

Section 4. Benefited Property. It is hereby declared to be the judgment of the Commission that the territory included within the boundaries of the District described in Section 3 of this Resolution and as shown on Exhibits "A" and "B" is hereby declared to be the territory which will be benefited by the maintenance of the existing improvements and future public area improvements proposed for the District and will be assessed for a portion of the costs of performing such services as described in Section 1 of this Resolution.

Section 5. General Character of the Items to be Maintained/Improved. The general character of the items to be maintained/improved includes but is not limited to: native and turf grasses, trees, shrubs, and other vegetation, lighting, restrooms, irrigation systems, irrigation system water services, drainage ways, groundwater drains, storm water facilities, weed and pest control, equipment, tools, vehicles, fences, recreation facilities and equipment, parking lots, support facilities, signage, trails, pathways, sidewalks, public amenities, public easements and/or other public improvements maintained and/or under the responsibility of the City Park and Recreation Department.

Section 6. Method of Governing the District. The District shall be governed by the City Commission pursuant to the general respective exercise of their duties, responsibilities and powers as respectively set forth in the City Charter, the Official Code of the City of Great Falls, and the Montana Code Annotated.

Section 7. Assessment Methods; Property to be Assessed. All eligible properties located in the District are to be assessed for a portion of the cost of services listed in Section 1. In accordance with MCA Section 7-11-1024, the costs to provide services in the District shall be assessed against each lot or parcel of land, including the improvements on the lot or parcel, for that part of the cost of the District that its taxable valuation bears to the total taxable valuation of the property in the District. Taxable value shall be determined by the Montana Department of Revenue. Such taxable valuation shall be based upon the last-completed assessment roll for state, city, county and school district taxes.

Section 8. Estimated Cost of District and Method of Financing. In fiscal year 2017, the Commission estimates the cost of the services to be performed in the District to total \$2,267,296. On average, the assessment for a \$100,000 property would be \$43.28 per year.

In accordance with MCA Sections 7-11-1021 and 7-11-1025, prior to annually levying assessments necessary to carry out the services to be performed in the District, each year the City Manager shall prepare, or cause to be prepared, for Commission approval, a work plan, budget and estimate of expenses for the services to be performed in the District and the Commission shall specify the method of assessment for the lots and parcels of land located in the District, provide for any methods of financing such services, publish notice and conduct a public hearing on such assessments before finally adopting a resolution levying assessments against the lots and parcels of land in the District. The Commission annually must adopt a resolution establishing the annual assessment for the District.

Section 9. Payment of Assessments. The special assessments for the costs of providing services in the District shall be payable as provided in MCA Sections 7-11-1024 through 7-11-1028.

Section 10. List of Properties Available. In accordance with MCA Section 7-11-1007(3)(b), the Commission hereby declares the official list of those properties subject to potential assessment, fees or taxation under the creation of the District is on file and available for public inspection in the City Clerk's Office, and further that such list is the last completed property tax record maintained by the Department of Revenue for the county, within the boundaries of the District provided in Section 3. The list may not be distributed or sold for use as a mailing list in accordance with MCA Section 2-6-1017.

Section 11. Public Hearing; Protests: MCA Section 7-11-1008 provides for a 60-day period from the date of the first publication of the notice of passage and approval of this Resolution of Intention to make written protest against the proposed program or improvements. At any time prior to 5:00 p.m., Mountain Time, on August 9, 2017, any owner of real property within the District subject to assessment and taxation for the costs of the services proposed hereunder may make and file with the City Clerk written protest against the creation of the District. At its regular meeting on August 15, 2017, at 7:00 p.m., Mountain Time, Civic Center, 2 Park Drive South, Commission Chambers Room 206, Great Falls, Montana, the Commission will proceed to hear and determine all such protests so made and filed.

Section 12. Duration. The District shall exist for a period of 20 years beginning on adoption of the Resolution to Create the District approved by the Commission. The District may be dissolved if it is considered to be in the best interest of the City, and approved by the Commission, as prescribed in MCA Section 7-11-1029.

Section 13. Public Hearing Notifications. As prescribed by MCA Section 7-11-1107, the City is required to hold a public hearing of a proposed special district prior to passage of a resolution of intention to create the special district (Exhibit “C” attached hereto). Further, the governing body shall publish notice of passage of the resolution of intention to create a special district and creation of the special district (Exhibit “D” attached hereto).

The City Clerk is hereby authorized and directed to publish, or cause to be published, a copy of Exhibit “C” in the *Great Falls Tribune*, a newspaper of general circulation in Cascade County on May 21, 2017, and May 28, 2017, as applicable in the form and manner prescribed by MCA Section 7-1-4127.

The City Clerk is also authorized and directed to publish, or cause to be published, a copy of Exhibit “D” in the *Great Falls Tribune*, on June 9, 2017, and June 16, 2017. As required in MCA Section 7-11-1007 (3) (a) and (c), Notice of Passage of the Resolution of Intention shall be mailed to each owner, or purchaser under contract for deed, of the property included in the creation of the proposed special district based on the current property tax record maintained by the Department of Revenue for the county at his or her last-known address, in the form and manner prescribed by MCA Section 7-1-4129.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, this 6th day of June, 2017.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

Sara Sexe, City Attorney

State of Montana)
County of Cascade : ss
City of Great Falls)

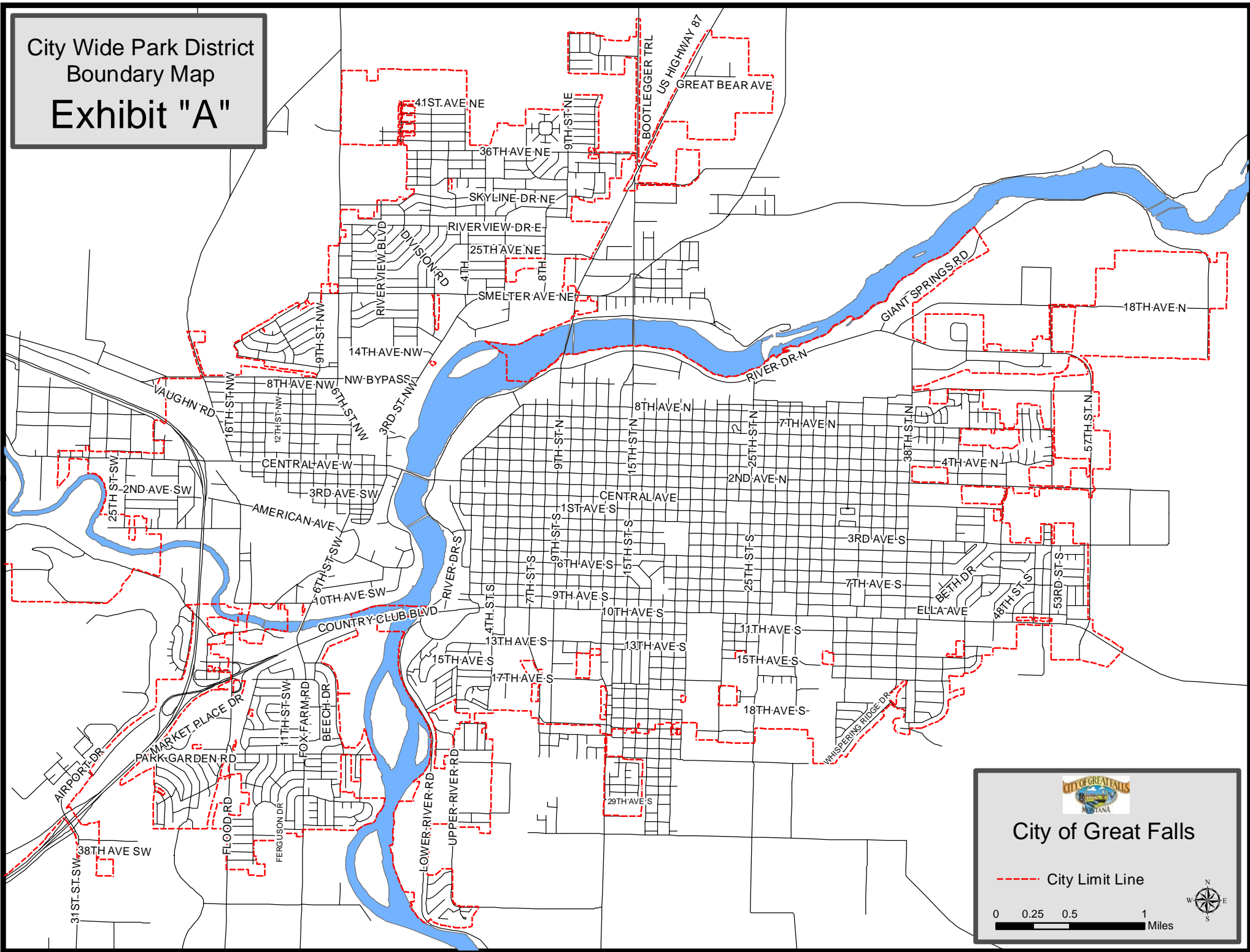
I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Resolution 10191 in three conspicuous places within the limits of said City to-wit:

- On the Bulletin Board, first floor, Civic Center Building;
- On the Bulletin Board, first floor, Cascade County Courthouse;
- On the Bulletin Board, Great Falls Public Library

(CITY SEAL)

Lisa Kunz, City Clerk

City Wide Park District
Boundary Map
Exhibit "A"



City of Great Falls

--- City Limit Line

0 0.25 0.5 1 Miles




EXHIBIT “B”

The District boundary is described as the incorporated boundary of the City of Great Falls in accordance with City Commission municipal annexation resolutions and municipal annexation ordinances filed in the City of Great Falls City Clerk’s public records as well as all properties later annexed thereto. Parcels within the boundary are the current parcels subject to the City of Great Falls property taxes as shown in the tax rolls of the Montana Department of Revenue and inclusive of those parcels that are exempt from property taxes.

EXHIBIT “C”

NOTICE OF PUBLIC HEARING

The City Commission of the City of Great Falls, Montana (the “Commission”) will hold a public hearing and take action on a Resolution of Intent to Create No. 10191 (the “Resolution”) to create a City-Wide Park District designated as the “City of Great Falls Park District Number 1” (the “District”).

The City Commission will hold a public hearing on the Resolution of Intent to Create the District at its regular meeting on June 6, 2017, at 7:00 p.m., Mountain Time, Civic Center, 2 Park Drive South, Commission Chambers Room 206, Great Falls, Montana. Copies of the Resolution and more information are available at <https://greatfallsmt.net/cityclerk>, or in the office of the City Clerk, Lisa Kunz, (406) 455-8451, Civic Center Room 204. The Resolution describes the District’s nature, boundaries, location, the improvements or maintenance that can be funded and other particulars. Additional information may also be obtained from Patty Rearden, Park and Recreation, (406) 771-1265, 1700 River Drive North.

In fiscal year 2017, the Commission estimates the cost of the services to be performed in the District to total \$2,267,296. On average, the assessment for a \$100,000 home would be \$43.28/year.

Any interested person may appear and speak for or against said Resolution or submit in writing any comments to the City Clerk prior to or during the Commission meeting.

Great Falls Tribune

Publish: May 21, 2017
 May 28, 2017

EXHIBIT “D”

NOTICE OF PUBLIC HEARING

The City Commission of the City of Great Falls, Montana (the “Commission”) passed a Resolution of Intent to Create No. 10191, intending to create a City-Wide Park District designated as the “City of Great Falls Park District Number 1” (the “District), and is therefore required to conduct a public hearing on creation of the District, Resolution to Create No. 10192 (the “Resolution”).

The City Commission will hold a public hearing on Resolution to Create No. 10192, creating the City of Great Falls Park District Number 1, at its regularly scheduled meeting on August 15, 2017, at 7:00 p.m., Mountain Time, Civic Center, 2 Park Drive South, Commission Chambers Room 206, Great Falls, Montana. Copies of the Resolution and more information are available at <https://greatfallsmt.net/cityclerk>, or in the office of the City Clerk, Lisa Kunz, (406) 455-8451, Civic Center Room 204. The Resolution describes the District’s nature, boundaries, location, the improvements or maintenance that can be funded and other particulars. Additional information may also be obtained from Patty Rearden, Park and Recreation, (406) 771-1265, 1700 River Drive North.

In fiscal year 2017, the Commission estimates the cost of the services to be performed in the District to total \$2,267,296. On average, the assessment for a \$100,000 home would be \$43.28/year.

Written protests against the District must be signed by majority of the property owners, identified by either its street address or legal description, and delivered to the City Clerk, 2 Park Drive South, Room 204, Great Falls MT 59401 by August 9, 2017, 5:00 p.m., Mountain Time.

Great Falls Tribune

Publish: June 9, 2017
 June 16, 2017