

AGENDA REPORT

DATE October 4, 2005

ITEM: RESOLUTION 9498 CREATE SPECIAL LIGHTING DISTRICT – CITY OWNED RESIDENTIAL LIGHTING NO. 1302

INITIATED BY: FISCAL SERVICES DEPARTMENT

ACTION REQUESTED: CONDUCT PUBLIC HEARING AND ADOPT RESOLUTION 9498

PREPARED BY: JUDY BURG, ACCOUNTING TECHNICIAN

PRESENTED BY: COLEEN BALZARINI, FISCAL SERVICES DIRECTOR

-R-E-V-I-S-E-D-

RECOMMENDATION:

Staff recommends the City Commission conduct the public hearing and adopt Resolution 9498 creating Special Lighting District City-Owned Residential Lighting “SLD-COR” No. 1302.

MOTION:

To Approve: “I move the City Commission adopt Resolution #9498.”

OR

To Continue: “I move the City Commission continue the public hearing and final action on Resolution #9498 until October 18, 2005.”

SYNOPSIS:

Staff received a signed petition from the developer of Meadowlark Addition No. 3 requesting street lights be installed along Beargrass Drive. The petition is for the installation of nine (9) 100 watt HPS street lighting units on 17 foot fiberglass poles with underground wiring. There are 18 properties within Meadowlark Addition No. 3. The boundary lines of this area are outlined on the attached Exhibit “A”.

Staff mailed letters regarding the City’s intention to create Special Improvement Lighting District City-Owned Residential Lighting 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, the City received **2 valid protests** which represent 2 parcels or 13% of the amount of the assessment to be levied against the parcels within the district on the intent to create Special Lighting District City-Owned Residential Lighting No. 1302. The City also received a protest from the developer of Meadowlark Addition #3, who originally initiated the petition to install street lighting along Beargrass Drive. The developer’s protest represents 8 parcels or 44% of the amount of the assessment to be levied against the parcels within the district. The protest was received timely but is deemed invalid because at the time Meadowlark Addition #3 was annexed into the City, the developer waived the right to protest against

any future installation of street or roadway lighting. It should be noted that the issues presented by the developer appear to be related to cost and the desire for the Public Service Commission to have control over future rates.

The special assessment for the installation cost of the improvements shall be payable over a term not to exceed 15 years. The estimated annual special improvement assessment in the newly created area will be \$74.33 for an average lot of 10,510 square feet as shown on the attached Exhibit "B". The property owners have the right to prepay the assessment as provided by law.

After the street lights are installed there will also be an ongoing estimated annual maintenance assessment of \$50.45 for an average lot of 10,510 square feet for energy, transmission, distribution and other ongoing related costs as shown on the attached Exhibit "C".

BACKGROUND:

MCA 7-12-4301 and MCA 7-12-4333 authorizes the City Commission to create lighting districts and to assess the cost of installing and/or maintaining the district to the owners of the property embraced within the boundaries of such district.

On July 19, 2005 the City Commissioners adopted Resolution No. 9506 creating the City's Street Light Policy, which established a policy that the City own and operate any new street lighting districts that would be requested by property owners or developers as allowed by state.

EXHIBIT "B"

SPECIAL IMPROVEMENT LIGHTING DISTRICT 1302 COSTS

Total Construction Costs: \$ 19,332.00
 Improvements: NINE (9) - 100 WATT HPS ON 17' FIBERGLASS POLES
 WITH UNDERGROUND WIRING RESIDENTIAL STREET LIGHTING
 15 Year Assessment
 Beginning Nov: 2006
 Ending May: 2021
 Variable Interest Rate: 3.80%

Annual Square Footage Cost: 0.102188932

	PARCEL	BLOCK	LOT	SUB-DIVISION	NAME	PROPERTY ADDRESS	SET UP AREA (SQUARE FEET)	TOTAL ASSESSMENT	PRINCIPAL PER YEAR	INTEREST PER YEAR	1st Year TOTAL ANNUAL PYMT
1	1079008	1	1	Meadowlark #3	Meadowlark Partners LLP	1301 Beargrass Dr.	10,237	1,046.11	69.74	2.65	72.39
2	1079010	1	2	Meadowlark #3	Joseph David Macklin, Jr.	1305 Beargrass Dr.	10,454	1,068.28	71.22	2.71	73.93
3	1079012	1	3	Meadowlark #3	Signature Homes, Inc.	1309 Beargrass Dr.	9,278	948.11	63.21	2.40	65.61
4	1079014	1	4	Meadowlark #3	Thomas Clifford & Theresa Kay Walden	1313 Beargrass Dr.	11,631	1,188.56	79.24	3.01	82.25
5	1079016	1	5	Meadowlark #3	Mike & Diana Rydell	1317 Beargrass Dr.	10,454	1,068.28	71.22	2.71	73.93
6	1079018	1	6	Meadowlark #3	Leslie D. & Kristen M. Bruner	1321 Beargrass Dr.	9,278	948.11	63.21	2.40	65.61
7	1079020	1	7	Meadowlark #3	Meadowlark Partners LLP	1325 Beargrass Dr.	11,631	1,188.56	79.24	3.01	82.25
8	1079022	1	8	Meadowlark #3	Meadowlark Partners LLP	1329 Beargrass Dr.	10,454	1,068.28	71.22	2.71	73.93
9	1079024	1	9	Meadowlark #3	Dave & Theresa McCune	1333 Beargrass Dr.	11,500	1,175.17	78.34	2.98	81.32
10	1079026	2	1	Meadowlark #3	Keith & Andrea Hedges	1300 Beargrass Dr.	13,721	1,402.13	93.48	3.55	97.03
11	1079028	2	2	Meadowlark #3	Victor P. Shanks	1304 Beargrass Dr.	9,191	939.22	62.61	2.38	64.99
12	1079030	2	3	Meadowlark #3	Meadowlark Partners LLP	1308 Beargrass Dr.	9,191	939.22	62.61	2.38	64.99
13	1079032	2	4	Meadowlark #3	Meadowlark Partners LLP	1312 Beargrass Dr.	10,367	1,059.39	70.63	2.68	73.31
14	1079034	2	5	Meadowlark #3	Meadowlark Partners LLP	1316 Beargrass Dr.	9,191	939.22	62.61	2.38	64.99
15	1079036	2	6	Meadowlark #3	Dave's Big Sky Builders	1320 Beargrass Dr.	9,191	939.22	62.61	2.38	64.99
16	1079038	2	7	Meadowlark #3	Dave's Big Sky Builders	1324 Beargrass Dr.	11,500	1,175.17	78.34	2.98	81.32
17	1079040	2	8	Meadowlark #3	Meadowlark Partners LLP	1328 Beargrass Dr.	10,367	1,059.39	70.63	2.68	73.31
18	1079042	2	9	Meadowlark #3	Meadowlark Partners LLP	1332 Beargrass Dr.	11,543	1,179.57	78.64	2.99	81.63
TOTAL:							189,179	\$19,332.00	\$1,288.80	\$48.97	\$1,337.77