

A G E N D A R E P O R T

DATE October 18, 2005

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

**INITIATED BY:** FISCAL SERVICES DEPARTMENT

**ACTION REQUESTED:** CLOSE PUBLIC HEARING AND ADOPT RESOLUTION 9498

**PREPARED BY:** JUDY BURG, ACCOUNTING TECHNICIAN

**PRESENTED BY:** COLEEN BALZARINI, FISCAL SERVICES DIRECTOR

**- F - I - N - A - L -**

RECOMMENDATION:

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

MOTION:

“I move the City Commission adopt Resolution 9498 to Create Special Lighting District City-Owned Residential Lighting No. 1302.”

SYNOPSIS:

Staff has reviewed and addressed comments received during the public hearing held on October 4, 2005 regarding Special Lighting District – City-Owned Residential Lighting No. 1302. Staff met with the developer, Northwestern Energy and with the property owner whose only objection was to the proposed placement of the street lights along Beargrass Drive. The developer has agreed to withdraw his protest after reviewing with the City the breakdown of costs associated with the installation and maintenance of the proposed street lighting district. Staff also met with the property owner on the proposed placement of the street lights along Beargrass Drive. The property owner and the City have agreed that every effort will be made to accommodate as long as the requirements for street lighting standards are met for the location of the street lights.

BACKGROUND:

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 represents 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 represented 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. This protest has been withdrawn.

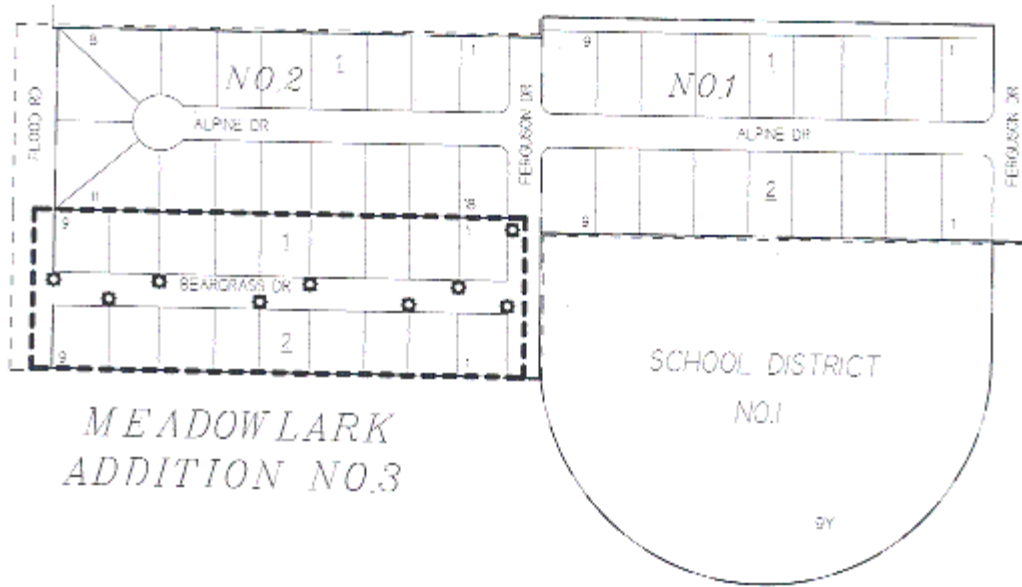
The special assessment for the installation cost of the improvements shall be payable over a term not to exceed 15 years. Initially, the estimated annual special improvement assessment (inclusive of capital, financing, operations and maintenance costs) in the newly created area will be \$124.78 for an average lot of 10,510 square feet. Estimated costs per parcel are shown on the attached Exhibit "B". The property owners have the right to prepay the assessment as provided by law.

After the payment of construction costs are satisfied, there will continue to 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".

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 "A"



MEADOWLARK  
ADDITION NO. 3

SCHOOL DISTRICT  
NO. 1



LIGHTING DISTRICT  
BOUNDARY LINE



POLE WITH POST TOP  
LIGHT FIXTURE (9)

SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 1302