



**Item:** Resolution 9786, Intent to Create Special Improvement Lighting District - City-Owned Residential Lighting District 1303, Bootlegger Addition Phase I

**From:** Martha Cappis, Operations Supervisor

**Initiated By:** McIntyre Ent., Inc. & Murphy Real Estate, LLC, Developer and Fiscal Services

**Presented By:** Coleen Balzarini, Fiscal Services Director

**Action Requested:** City Commission Adopt Resolution 9786

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**Suggested Motion:**

1. Commissioner moves:

“I move the City Commission adopt Resolution 9786 and set a public hearing for the creation of Special Improvement Lighting District – City-Owned Residential Lighting District 1303 for November 18, 2008”

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

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**Staff Recommendation:** Staff recommends the City Commission adopt Resolution 9786 and set a public hearing for the creation of Special Improvement Lighting District – City-Owned Residential Lighting District 1303 for November 18, 2008.

**Background:** The City Commission adopted Resolution 9506 creating the City’s Street Light Policy on July 19, 2005. This resolution established the City’s policy to own and operate any new street lighting districts, within City limits, requested by property owners or developers, as allowed by MCA 7-12-4301, 7-12-4329, and 7-12-4333. These authorize the City to create lighting districts and to assess the cost of installing and/or maintaining the district to the property owners within the boundaries of such district.

On September 26, 2008, staff received a signed petition, as shown on Exhibit F of the Resolution, from McIntyre Enterprises, Inc. and Murphy Real Estate, LLC, the owner and developers of Bootlegger Addition Phase I, requesting the installation of street lights in the newly annexed subdivision. The petition requests the installation of eight 100 watt HPS Semi-cut off Street Light units mounted on 20-foot steel poles with underground wiring in accordance with the City’s Street Lighting Policy. There are 25 individual properties anticipated within

Bootlegger Addition Phase I. The boundary lines of this area are outlined on Exhibit A of the Resolution.

The signed petition meets all requirements as set forth in the policy for new street light districts. Property owners have 15 days after the date of the first publication of the Legal Notice or written notification as shown on Exhibits D and E, respectively, of the Resolution, to make a written protest against the proposed creation of the Special Improvement Lighting District.

**Concurrences:** Representatives from the City's Public Works, Fiscal Services, Engineering and Planning Department work with the property owners and developer throughout the review and approval process

**Fiscal Impact:** The special assessment for the installation costs of the improvements shall be payable over a term not to exceed fifteen years. The estimated first year assessment for construction will be \$156.00 for an average sized lot of 9,276 square feet; and as shown on Exhibit B of the Resolution. The property owners have the right to prepay the assessment as provided by law.

The ongoing estimated annual maintenance assessment will be \$55.43 for an average sized lot of 9,276 square feet. The maintenance costs include energy, transmission, distribution, and other ongoing related costs; and as shown on Exhibit C of the Resolution.

**Alternatives:** The City Commission could choose to not set the public hearing and thereby deny the adoption of Resolution 9786 to Create Special Improvement Lighting District 1303.

**Attachments/Exhibits:** Resolution 9786 w/ Exhibits

A- Map of Proposed Lighting District 1303

B – Estimated Installation Costs of the Improvements

C – Estimated Maintenance Costs of the Improvements

D – Letter to Property Owners within Proposed Lighting District 1303

E – Legal Notice for Publication

F – Copy of Customer Petition

Cc: David Dobbs, City Engineering  
Jason Handl, City Engineering  
McIntyre Ent., Inc., Developer  
Murphy Real Estate, LLC, Developer  
Brad Kauffman, GPD Engineering