

**RESOLUTION 23-11131**

**A RESOLUTION LEVYING AND ASSESSING STREET  
MAINTENANCE DISTRICT FEES FOR PROPERTIES WITHIN  
STREET MAINTENANCE DISTRICTS IN THE CITY OF BILLINGS,  
PROVIDING FOR NOTICE, HEARING AND ADOPTION.**

WHEREAS, the City, by Resolution, has defined the boundaries and established street maintenance districts as provided by State Law, and

WHEREAS, Billings Montana City Code and Title 7, Chapter 12, Part 44 of the Montana Code Annotated authorizes the City of Billings to adjust street maintenance district rates and charges to provide for the sufficient collection of revenues adequate for the payment of the reasonable expense of each said district.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

1. **METHOD OF ASSESSMENT.** The City hereby determines that each lot or parcel of land within both Street Maintenance Districts One (1) and Two (2) shall be assessed for that portion of the whole cost which each lot or parcel of land in the respective district bears to the total area of the respective district exclusive of streets, avenues, alleys, and public places.
2. **ASSESSMENT DISTRICT ONE (1).** Each lot or parcel within the boundaries of Street Maintenance District One (1), is hereby assessed \$.063962 per square foot of area for fiscal year 2024.
3. **ASSESSMENT DISTRICT TWO (2).** Each lot or parcel within the boundaries of Street Maintenance District Two (2), is hereby assessed the following for fiscal year 2024:

| <b>Property Type</b>     | <b>Rate per square foot of area</b> |
|--------------------------|-------------------------------------|
| Residential/Governmental | \$.020435                           |
| Commercial               | \$.029354                           |
| Vacant                   | \$.018871                           |

The maximum square footage charged for any tract, parcel or lot is as follows:

| <b>Property Type</b>            | <b>Max Square Feet</b> |
|---------------------------------|------------------------|
| Residential                     | 1 Acre                 |
| Governmental                    | 1,100,000 SF           |
| Vacant Residential/Governmental | 1 Acre                 |
| Vacant Commercial               | 115,000 SF             |

4. **LOTS AND PARCELS ASSESSED.** A list which describes each lot or parcel of land assessed within the respective district, with the name of the owner thereof, and the amount levied thereon set is available in the office of Public Works Fiscal Services Belknap location, 2251 Belknap Avenue, Billings, Montana.
5. **EXEMPTION.** Street Maintenance District assessments shall not be paid by the City General Fund, Public Safety Fund, Library Fund, MET Transit Fund or Airport Fund.
6. **COLLECTION OF ASSESSMENTS.** Said special assessments shall be placed upon the assessment rolls and collected in the same manner as other taxes.
7. **NOTICE OF HEARING.** On Monday, **June 26, 2023**, at 5:30 p.m., or as soon thereafter as the matter may be considered on the agenda in the Council Chambers of the City Hall, Billings, Montana, the City Council heard objections to the adoption of this resolution. The City Clerk published notice twice, at least five (5) days prior to the hearing, in the Yellowstone County News, as provided in Section 7-1-4127, MCA.
8. **EFFECTIVE DATE.** This resolution shall be effective upon adoption.

ADOPTED AND APPROVED by the City Council of the City of Billings, Montana, on the 26th day of June, 2023.



ATTEST:

BY: Denise R. Bohlman  
Denise R. Bohlman, City Clerk

CITY OF BILLINGS

BY: William A. Cole  
William A. Cole, Mayor

**City Council Regular**

**Date:** 06/26/2023  
**Title:** Public Hearing and Resolution Setting Annual Street Maintenance District Assessments for Fiscal Year 2024  
**Presented by:** Jennifer Duray  
**Department:** Public Works  
**Presentation:** Yes  
**Legal Review:** Yes  
**Project Number:** N/A

---

**RECOMMENDATION**

Staff recommends that the City Council conduct a public hearing and approve the proposed resolution setting annual street maintenance district assessments for FY24.

**BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)**

Street Maintenance District (SMD) assessments are set annually by resolution. There are currently two SMDs in Billings. SMD 1 encompasses primarily the downtown area. SMD 2 is the entire City. Properties in SMD 1 are also in SMD 2. The existing rates for road funding are not adequate to provide for the operation and maintenance and capital investment necessary to continue providing service at the current level. The proposed increase is 3% for SMD 1 and 7% for SMD 2 which reflect inflationary levels for the services provided in each SMD. The attached resolution specifies the proposed rates for FY24.

**ALTERNATIVES**

City Council must hold a public hearing and then may:

- Approve the recommended resolution,
- Approve an amended resolution, or:
- Not approve the resolution. If Council does not approve a resolution, an amended resolution to establish street maintenance district assessments will need to be considered at a future City Council meeting to be in accordance with state statutes.

**FISCAL EFFECTS**

The proposed rates will increase an average 9,691 square foot residential lot in SMD2 by \$12.96 from \$185.08 per year to \$198.04 per year and will generate approximately \$1,009,000 of additional revenue in FY24. SMD 1 revenues will increase by \$10,000 or 3%.

---

Attachments

Resolution

COUNCIL ACTION APP 8-3  
Tidwell, Pirinton & Reese  
opposed  
JUN 26 2023  
RES 23-11131  
DR  
CITY CLERK