



Commission Memorandum

REPORT TO: Honorable Mayor and City Commission

FROM: Bernie Massey, Assistant Treasurer
Laurae Clark, Treasurer
Kristin Donald, Finance Director

SUBJECT: Resolution 5107 / Modify a Special Improvement Lighting District #736 for The Crossing 2 at Baxter Meadows Phases 4F, 4G & 4H

MEETING DATE: December 2, 2019

AGENDA ITEM TYPE: Action

RECOMMENDATION: Approve Commission Resolution No. 4736/Creation of Special Improvement Lighting District #736 for The Crossing at Baxter Meadows Phase 4F.

BACKGROUND: The Commission did on November 4, 2019 approve Commission Resolution No. 5106/Intent to create Special Improvement Lighting District #736 for The Crossing at Baxter Meadows Phases 4F, 4G & 4H as per MCA 7-12-4301. The property owner has been noticed of the public hearing on this date. Creating a lighting district is a requirement of final plat approval.

FISCAL EFFECTS: As a result of creating this lighting district, the City will pay the associated power bills and schedule system maintenance. We will recover these costs by billing property owners each year on their City Assessment bill. The initial costs of the Improvements per acre shall be \$19.96 or \$0.000469 per square foot annually.

ALTERNATIVES: As suggested by the City Commission.

Attachments: *Resolution No. 5107*
Report compiled on: November 12, 2019



RESOLUTION NO. 5107

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF BOZEMAN, MONTANA, RELATING TO LIGHTING DISTRICT NO. 736 (THE CROSSING 2 AT BAXTER MEADOWS PHASES 4F, 4G & 4H) MODIFYING THE DISTRICT FOR THE PURPOSE OF MAINTAINING LIGHTING IMPROVEMENTS AND ASSESSING THE COSTS OF MAINTENANCE AND ENERGY THEREFOR TO BENEFITTED PROPERTY BY THE LEVY OF SPECIAL ASSESSMENT.

BE IT RESOLVED by the City Commission (the “Commission”) of the City of Bozeman, Montana (the “City”), as follows:

Section 1

Passage of Resolution of Intention. This Commission, on November 4, 2019, adopted Resolution No. **5106** (the “Resolution of Intention”), pursuant to which this Commission declared its intention to Modify a special lighting district, designated as Special Lighting District No. **736** (The Crossing 2 at Baxter Meadows Phases 4F, 4G & 4H) of the City (the “District”), under Montana Code Annotated, Title 7, Chapter 12, Part 43, as amended (the “Act”), for the purpose of financing costs of certain local improvements described generally therein (the “Improvements”) and paying costs incidental thereto, including costs associated with the modification and administration of the District.

Section 2

Notice and Public Hearing. Notice of passage of the Resolution of Intention was duly published,

posted and mailed in all respects in accordance with law, and on November 4, 2019, this Commission conducted a public hearing on the Modification of the District and the making of the Improvements. The meeting of this Commission at which this resolution was adopted is the first regular meeting of the Commission following the expiration of the period ended 15 days after the first date of publication of the notice of passage of the Resolution of Intention (the “Protest Period”).

Section 3

Protests. Within the Protest Period, no protests were filed with the City Clerk.

Section 4

Modification of the District; Insufficiency of Protests. The District is hereby modified on the terms and conditions set forth in and otherwise in accordance with, the Resolution of Intention. The findings and determinations made in the Resolution of Intention are hereby ratified and confirmed.

Section 5

Preparation and Levying of Assessments. It shall be the duty of the City Clerk to prepare all necessary schedules and resolutions for the levying of assessments in the District necessary to finance the Improvements and present such resolution to this Commission for adoption in conformance with Section 7-12-4328, M.C.A., on or before the first Monday in October.

The City Clerk is authorized to provide notice of the resolution of assessment and schedule a public hearing therefore in conformance with Sections 7-12-4329 and 7-12-4330, M.C.A., and upon final passage of such resolution deliver it to the City Treasurer.

Section 6

Lighting District Fund Established. There is hereby created a fund to be known as the Special Lighting District No. 736 Fund (the “Fund”). All money derived from the collection of the assessments as provided in Section 5 herein and the Act shall be deposited in the Fund and used to pay costs of the Improvements.

PASSED, ADOPTED, AND APPROVED by the City Commission of the City of Bozeman, Montana, this 2nd day of December, 2019.

CYNTHIA L. ANDRUS
Mayor

ATTEST:

ROBIN CROUGH
City Clerk

APPROVED AS TO FORM:

GREG SULLIVAN
City Attorney

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Bozeman, Montana (the “City”), hereby certify that the attached resolution is a true copy of Resolution No. 5107. entitled: **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF BOZEMAN, MONTANA, RELATING TO LIGHTING DISTRICT 736 (THE CROSSING 2 AT BAXTER MEADOWS PHASES 4F, 4G & 4H); MODIFYING THE DISTRICT FOR THE PURPOSE OF MAINTAINING LIGHTING IMPROVEMENTS AND ASSESSING THE COSTS FOR MAINTENANCE AND ENERGY THEREFOR TO BENEFITTED PROPERTY BY THE LEVY OF SPECIAL ASSESSMENT. 5107** (the “Resolution”), on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Commission of the City at a meeting on December 2, 2019 and that the meeting was duly held by the City Commission and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

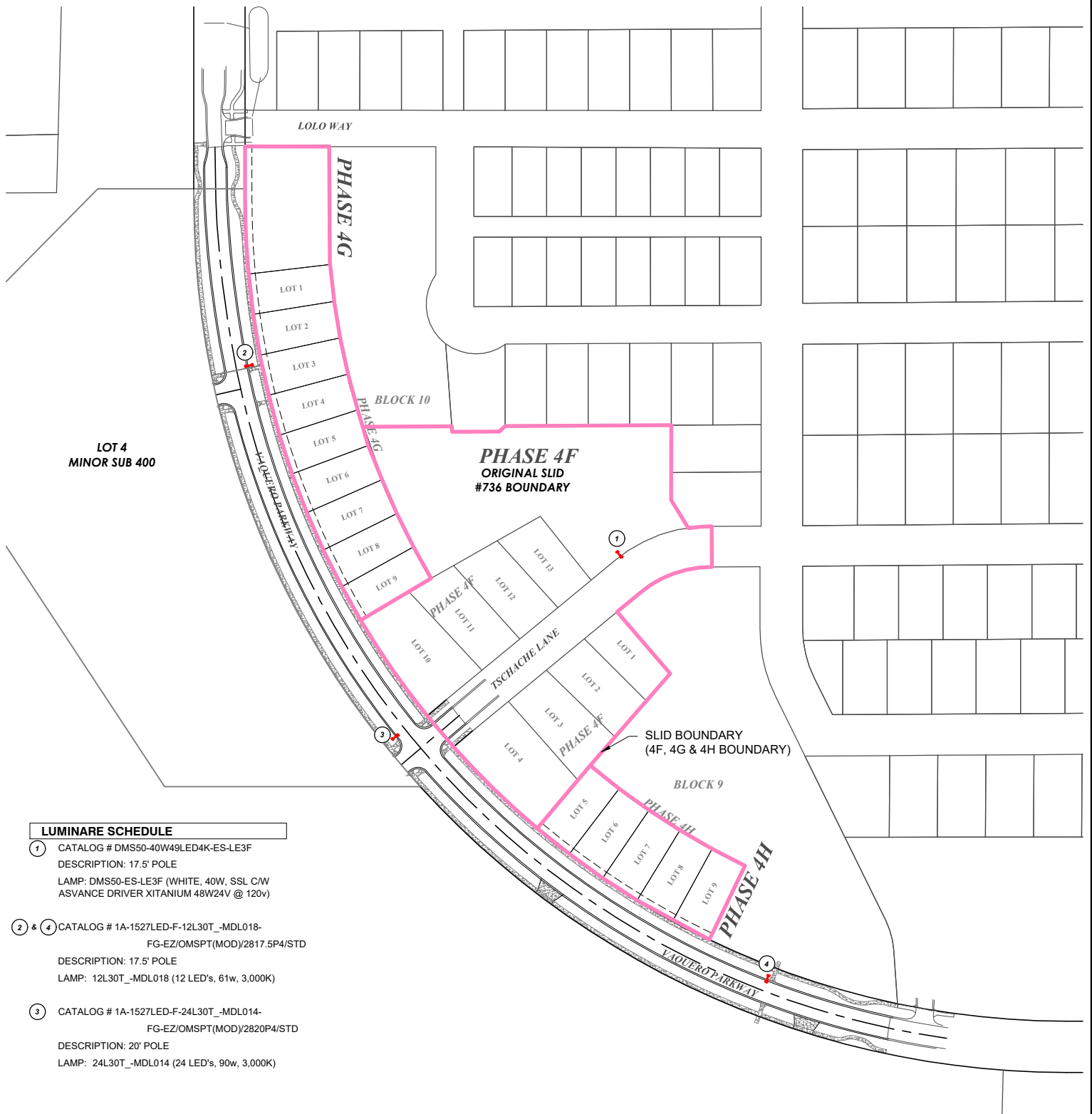
I further certify that, upon vote being taken on the Resolution at said meeting, the following Commissioners voted in favor thereof: _____;
_____;
voted against the same: _____; abstained from voting thereon:
_____; or were absent: _____.

WITNESS my hand officially this 3rd of December, 2019.

ROBIN CROUGH
City Clerk

EXHIBIT "A"

SLID #736 MODIFICATION MAP PHASES 4F, 4G & 4H OF THE CROSSING 2 AT BAXTER MEADOWS



LUMINAIRE SCHEDULE

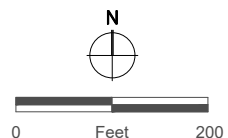
- ① CATALOG # DMS50-40W49LED4K-ES-LE3F
DESCRIPTION: 17.5' POLE
LAMP: DMS50-ES-LE3F (WHITE, 40W, SSL C/W
ASVANCE DRIVER XITANIUM 48W24V @ 120v)
- ② & ④ CATALOG # 1A-1527LED-F-12L30T_-MDL018-
FG-EZ/OMSPT(MOD)/2817.5P4/STD
DESCRIPTION: 17.5' POLE
LAMP: 12L30T_-MDL018 (12 LED's, 61w, 3,000K)
- ③ CATALOG # 1A-1527LED-F-24L30T_-MDL014-
FG-EZ/OMSPT(MOD)/2820P4/STD
DESCRIPTION: 20' POLE
LAMP: 24L30T_-MDL014 (24 LED's, 90w, 3,000K)

HYALITE

2304 NORTH 7TH AVENUE STE. L BOZEMAN, MT 59718
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WEB: www.hyaliteeng.com

SLID #736 MODIFICATION MAP PHASES 4F, 4G & 4H OF THE CROSSING 2 AT BAXTER MEADOWS

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DATE: 10/08/2019

SCALE: AS NOTED

JOB NUMBER: 172708

SHEET: 1 OF 1