

## RESOLUTION NUMBER 8488

**A resolution of the Missoula City Council establishing Mullan BUILD Water and Sewer Special Development Fees to be applicable to new development within the Mullan BUILD Project Area outlined in Exhibit 1 (Water) and 2 (Sewer) to this Resolution.**

**WHEREAS**, the City, in partnership with Missoula County, intends to construct transportation improvements and public utility improvements with a \$13 million federal BUILD Grant and other local funding sources in the Mullan Road area (the “Mullan BUILD Project”); and

**WHEREAS**, the local funding sources will include County funds, special transportation impact fees and special utility development fees; and

**WHEREAS**, the Missoula City Council adopted the Sxwtpqyen Area Transportation Special Impact Fee Ordinance on March 1, 2021 (Ordinance 3677) and Fee Schedule (Resolution 8502) effective March 31, 2021 to fund the construction of roadway and storm drainage infrastructure; and

**WHEREAS**, the City intends to finance the water and sewer infrastructure necessary for the Mullan BUILD Project (“BUILD Utility Infrastructure”) through a combination of borrowing, issuing bonds, or directing funds earmarked for water and sewer capital projects into the Mullan BUILD Project; and

**WHEREAS**, the BUILD Utility Infrastructure costs are expenses that would normally be incurred by developers prior to receiving permits to construct structures that connect to the City’s water and sewer service, or prior to receiving final plat approval of a subdivision; and

**WHEREAS**, the City believes that by including the BUILD Utility Infrastructure as part of the Mullan BUILD Project, the City will reduce the cost of development in the Mullan Road area, and therefore reduce the cost of constructing housing; and

**WHEREAS**, the City believes that existing utility customers should not be required to fund this new water and sewer infrastructure which does not benefit them, and therefore the City desires to recoup the BUILD Utility Infrastructure costs through enacting water and sewer special development fees (“Mullan BUILD Water and Sewer Special Development Fees”) to be imposed on specific properties identified in Exhibit 3 that will directly benefit from this new water and sewer infrastructure; and

**WHEREAS**, the fees attributable to each parcel include an estimated number of water and/or sewer services as shown in Exhibit 3, and the developer/owner may request a different number of services to be installed during construction; and

**WHEREAS**, the cost per water or sewer service line stubout and per lineal foot of water or sewer service line are shown in Exhibit 3 and the final cost will be determined based on the actual number of service stubouts and the actual lineal footage of service line installed; and

**WHEREAS**, upon completion of the BUILD utility infrastructure, the final actual costs will be updated in Exhibit 3 based on the actual quantities of service line infrastructure; and

**NOW THEREFORE, BE IT RESOLVED** that the Missoula City Council adopts the Mullan BUILD Water and Sewer Special Development Fees. The Mullan BUILD Water Special Development Fees shall be paid prior to making the first connection to City water service constructed by the Mullan BUILD Project within each parcel identified in Exhibit 3. The Mullan BUILD Sewer Special Development Fees shall be paid prior to making the first connection to City sewer service constructed by the Mullan BUILD Project within each parcel identified in Exhibit 3.

**BE IT FURTHER RESOLVED THAT**, the revenue generated by the Mullan BUILD Water Special Development Fees shall be placed in the Water Development Fund, and the Mullan Area Sewer Special Development Fees shall be placed in the Sewer Development Fund, with such funds to be used to fund capital projects or to repay indebtedness on capital projects of the utility associated with the Outstanding Infrastructure costs and

**BE IT FURTHER RESOLVED THAT**, the Mullan BUILD Water and Sewer Special Development Fees are to be paid in addition to any other applicable development fee, connection fee, impact fee, or other fee or charge associated with new development adopted by the City Council, and

**BE IT FINALLY RESOLVED THAT**, a copy of this Resolution shall be recorded against each parcel included in the areas outlined in Exhibits 1 and 2 and listed in Exhibit 3 which will be updated upon completion of the BUILD utility infrastructure. attached to this Resolution.

**PASSED AND ADOPTED** this \_\_\_ day of \_\_\_\_\_, 2022.

**ATTEST:**

**APPROVED:**

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Martha L. Rehbein,  
CMC City Clerk

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John Engen  
Mayor

(SEAL)