

RESOLUTION NUMBER _____

A resolution of the Missoula City Council creating Water Special Facility Buy-In Fees

WHEREAS, the City acquired a number of Water Main Extension Contracts when it took over the water utility from Mountain Water Company in 2017;

WHEREAS, Water Main Extension Contract #3107A006 involved the installation of water mains in 3rd Street and 7th Street west of Reserve Street and obligated the water utility to collect a “Special Facility Buy-in” from the first 330 connections to those water mains. Such Special Facility buy-ins were to be collected on behalf of the City’s Sewer Development Fund which financed a large portion of the cost of those water mains;

WHEREAS, said 3rd/7th Street Special Facility Buy-In fees were set at \$3,916.43 per lot in 2008, decreasing by 2.5% per year for 40 years;

WHEREAS, said 3rd/7th Street Special Facility Buy-ins have been collected from 119 lots since the inception of those fees;

WHEREAS, Water Main Extension Contract #3107A018 involved the installation of a water main in Dickinson Street and obligated the water utility to collect a “Special Facility Buy-in” from the first 14 connections to that water main. The applicant’s 4 lots are included in the total 14 connections. Such Special Facility buy-ins were to be collected on behalf of Tragically Hip, LLC which financed the cost of that water mains and are referred to as Tragically Hip Special Facility Buy-Ins;

WHEREAS, said Tragically Hip Special Facility Buy-In fees were set at \$6,897.04 per lot in 2008, decreasing by 2.5% per year for 40 years;

WHEREAS, said Tragically Hip Special Facility Buy-ins have been collected from 1 lot, plus the 4 lots connected by the applicant since the inception of those fees;

WHEREAS, Water Main Extension Contract #3111A002 involved the installation of a water main S. 9th Street West and obligated the water utility to collect a “Special Facility Buy-in” from the first 3 lots to that water main. The applicant’s lot is included in the total of 3 connections. Such Special Facility buy-ins were to be collected on behalf of Dr. Joseph Hylton, who financed the cost of that water main and are referred to as Hylton Special Facility Buy-Ins;

WHEREAS, said Hylton Special Facility Buy-In fees were set at \$26,730.10 per lot in 2011, decreasing by 2.5% per year for 40 years;

WHEREAS, said Hylton Special Facility Buy-ins have not been collected from any lots since the inception of those fees;

WHEREAS, the City Council conducted a public hearing on the ____ day of ____, 2023 concerning the adoption of the Water Special Facility Buy-In fees;

WHEREAS, the City Clerk published notice of the public hearing in the Missoulian in accordance with state law;

NOW THEREFORE, BE IT RESOLVED that the Missoula City Council adopts the 3rd/7th Street Water Special Facility Buy-In fee from those parcels identified in Exhibit A. The fee shall be charged at \$2,447.77 per lot through 6/30/24. The fee shall decrease by 2.5% each year on July 1. The fee shall continue to be collected until it has been collected from an additional 211 lots; and

BE IT FURTHER RESOLVED THAT, the revenue generated by the 3rd/7th Street Water Special Facility Buy-In fee shall be placed in the Sewer Development Fund;

BE IT FURTHER RESOLVED THAT the Missoula City Council adopts the Tragically Hip Special Facility Buy-In fee from those parcels identified in Exhibit B. The fee shall be charged at \$4,310.65 per lot through 6/30/24. The fee shall decrease by 2.5% each year on July 1. The fee shall continue to be collected until it has been collected from an additional 9 lots;

BE IT FURTHER RESOLVED THAT, the revenue generated by the Tragically Hip Special Facility Buy-In fee shall be refunded to Tragically Hip, LLC;

BE IT RESOLVED THAT the Missoula City Council adopts the Hylton Special Facility Buy-In fee from those parcels identified in Exhibit C. The fee shall be charged at \$18,711.13 per lot through 6/30/24. The fee shall decrease by 2.5% each year on July 1. The fee shall continue to be collected until it has been collected from an additional 2 lots;

BE IT FURTHER RESOLVED THAT, the revenue generated by the Hylton Special Facility Buy-In fee shall be refunded to Dr. Joseph Hylton;

BE IT FURTHER RESOLVED THAT, the all of the Special Facility Buy-In fee are to be paid in addition to any other applicable development fee, special utility development fee, connection fee, impact fee, or other fee or charge associated with new development adopted by the City Council;

BE IT FURTHER RESOLVED THAT, the Special Facility Buy-In Fees will be added to the City's Public Works Fee Schedule when it is adopted.

PASSED AND ADOPTED this ___ day of _____, 2023.

ATTEST:

APPROVED:

Martha L. Rehbein,
CMC City Clerk

Jordan Hess
Mayor

(SEAL)