

## RESOLUTION 23-11151

### A RESOLUTION LEVYING AND ASSESSING SIDEWALK REPAIR COSTS UPON PROPERTY WITHIN THE CITY OF BILLINGS, MONTANA, TO PAY THE COST OF REPAIRS ON SIDEWALKS CONSTRUCTED PER THE ON-GOING SIDEWALK CONSTRUCTION PROGRAM

WHEREAS, sidewalks in certain locations in the City have deteriorated, settled and cracked, and the safety and convenience of the public require installation, construction, reconstruction, repair and/or replacement thereof; and

WHEREAS, §7-14-4109, MCA, provides that the City Council is authorized to order the installation, construction, reconstruction and/or replacements of certain sidewalks in certain locations in the City without creation of a special improvement district; and

WHEREAS, Billings, Montana City Code, Article 13-1200, provides that Public Works shall prepare and present a resolution containing a list of properties which have been identified in the on-going Sidewalk Construction Program and construction and/or repair, and including permit costs, have been paid for by the City and the owner of those properties have not paid in full the costs for those repairs.

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

1. LEVYING OF SPECIAL ASSESSMENT. That for the purpose of collecting funds to reimburse for the cost of repairs made to sidewalks, there is hereby levied an assessment upon the owners and parcel described on Exhibit 'A' attached hereto.
2. ASSESSMENT AND COLLECTION. Said assessment shall be placed upon the assessment rolls and collected in the same manner as other assessments.
3. DISPOSITION OF COLLECTIONS. Monies collected from assessment shall be paid to the Sidewalk Hazard Repair Fund of Billings, Montana.
4. NOTICE OF HEARING. On Monday, September 11, 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 will hear objections to the adoption of this resolution. The City Clerk is hereby directed to publish notice thereof twice, at least five (5) days prior to the hearing, in the Yellowstone County News.
5. EFFECTIVE DATE. This resolution shall be effective upon adoption.

ADOPTED AND APPROVED by the City Council of the City of Billings, Montana,  
on the 11th day of September, 2023.



CITY OF BILLINGS

By: William A. Cole  
William A. Cole, Mayor

ATTEST:

By: Denise R. Bohlman Deputy for  
Denise R. Bohlman, City Clerk

**City Council Regular**

Date: 09/11/2023  
Title: Public Hearing and Resolution for Sidewalk Construction and/or Repair Assessments  
Presented by: Jennifer Duray  
Department: Public Works  
Presentation: Yes  
Legal Review: Yes  
Project Number: N/A

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**RECOMMENDATION**

Staff recommends that the City Council conduct a public hearing and approve the attached assessment resolution.

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

Construction and/or repairs were completed by the Public Works Department for properties identified in the ongoing Sidewalk Construction Program and are ready to be assessed per the attached resolution.

Pursuant to ARTICLE 13-1200, BMCC, property owners are invoiced for the total cost of sidewalk construction and/or repairs, including permits, and will have sixty (60) days to pay the assessed amount in whole. If the charges are not paid within the given time, the City may impose the total amount due as a special assessment lien against the property. Interest will accrue at the percentage rate as determined by the most recent bond issue sold for the Annual Miscellaneous Sidewalk, Curb, and Gutter Improvements program and will be assessed from sixty-one (61) days after the original invoice date until the time all assessed costs are received by the City. The Sidewalk Hazard Repair Fund initially pays the costs and collected assessments will reimburse that Fund.

The attached list of properties had sidewalk construction and/or repairs completed in November 2022.

**ALTERNATIVES**

City Council may:

- Approve the resolution; or,
- Not Approve the resolution, in which case the property owners will not be assessed, and the Sidewalk Hazard Repair Fund will be responsible for paying all costs of construction and/or repairs.

**FISCAL EFFECTS**

The assessments total \$3,412.60 and the payments will reimburse the Sidewalk Hazard Repair Fund.

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**Attachments**

Sidewalk Construction/Repair Resolution



PROPERTY OWNER	TAX CODE	AMOUNT
Michael T & Stephanee K Hartford	A06216	561.74
Judy Waterman	A15214	222.59
Ashlee Rangitsch	A15259	392.17
Anthony G & Christine K Ross	A15269	392.17
Edgar Zugg	A15296	392.17
George Letz	A15235	222.59
Carrieri/Fulton Family Living Trust	A15244	392.17
Joshua Kercher	A15249	222.59
Nicole Hanto & Bailey Nickoloff	A12435	614.41