

RESOLUTION 23-11152

A RESOLUTION LEVYING AND ASSESSING PROPERTIES FOR DELINQUENT SEWER AND/OR SOLID WASTE SERVICES

WHEREAS, the City Council has determined by resolution the rates and charges for sewer and solid waste service of the city shall be at the expense of the owners of the premises involved; and

WHEREAS, all such sums for sewer services become delinquent and assessable against the property served under Montana law (§7-13-4309, MCA); and

WHEREAS, all such sums for solid waste services become delinquent and assessable against the property served under Montana law (§7-13-4108, MCA); and

WHEREAS, written notice of the City's intention to levy and assess delinquent amounts was provided to the property owners as was required by law; and

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 delinquent sums for sewer and/or solid waste services, 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 sewer and/or solid waste funds.
4. NOTICE OF HEARING. On Monday, September 11, 2023, at 5:30 p.m., or as soon thereafter as the matter could 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.
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 Levying and Assessing Properties for Delinquent Sewer and Solid Waste Services
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 resolution levying and assessing charges for delinquent sewer and solid waste services.

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

Public Works typically terminates the water service for non-payment of utility accounts. However, sewer-only or sewer/solid waste accounts within the County Water District of Billings Heights (CWDBH) has been an ongoing issue as the CWDBH cannot terminate a customers' water for the city's delinquent accounts. Digging up and plugging sewer services is expensive and only done in extreme cases. MCA 7-13-4109 and MCA 7-13-4108 provide for the City to collect delinquent sewer and solid waste charges by assessing all delinquent amounts, including interest, as a tax against the lot or parcel of real estate to which service was furnished. Customers with delinquent sewer and/or solid waste accounts are provided multiple notices and sufficient opportunity to pay the balance due prior to the delinquent charge being assessed as a tax. Public Works staff reviews all sewer and/or solid waste delinquent accounts regularly and attempts to collect any past due amounts by providing information regarding delinquency on monthly statements and collection notices. If account information includes telephone or email addresses, staff will also attempt communications via these methods. Staff has offered payment arrangements to delinquent accounts which would allow the property owner to avoid levying and assessing property. As required by MCA 7-13-4309 and 7-13-4108, Public Works also sent a notice that the delinquent charges would be assessed as a tax prior to the July 7th deadline. Included in the resolution is the list of properties that are being assessed delinquent sewer and/or solid waste charges.

ALTERNATIVES

City Council may:

- Approve this resolution to levy and assess delinquent sewer and/or solid waste charges; or,
- Not approve this resolution in which case the balance of the arrearages will be placed with a collection agency.

FISCAL EFFECTS

The total amount of delinquent sewer and/or solid waste charges being assessed is \$22,328.53 which will reimburse the sewer and solid waste funds for services.

Attachments

Sewer/Garbage Delinquent Resolution

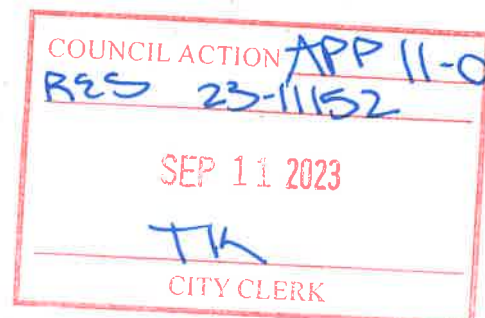


Exhibit "A"

PROPERTY OWNER	TAX CODE	AMOUNT
Raymond & Melody Beaulieu	C00637	3,572.59
Jennifer Galo	A19417	4,825.79
Carey Forget	1002109	304.41
Teresa Murray	C07755	966.56
Annette & Scott Kunn	C07717	553.98
Aide & Sarah Talamantes	A17106	273.26
Elysian Burial Gardens Association	A30946	872.36
Bonnie Craig	A21321	443.86
Shawn & Deanna Duckett	A17400	725.41
Gregg Barrigan	C05572C	435.07
Tim Mullins	A31419B	572.44
Justin Philip	A05513	582.61
Carrie Roberts	C06485	461.21
Tyler & Alannah Tillett	C00594	512.66
Roxanne Bracken	A22499	394.15
Brittany & Logan Polkow	A23053	425.48
Kayla Pietz	A35612	438.73
Amanda & Ryan Connelly	C01352B	382.01
Lyndsay Honaker	C00433	416.99
Christian Eide	C00322	339.50
Robert Eberts	C00580	335.52
Ray & Lana Hubbard	A28960	346.69
Nadine Bittner	A26747	353.93
Kraig Ordahl	A19419	402.79
Sondra & Norm Edlund	C12049	381.24
Gage Graham	A34501	279.08
Lloyd Romero	C00183	425.66
Alena Pauley	A28760	233.64
Derek Turnquist	A23194	251.72
Andrew Leonard	A26256	184.19
Michael Krank & Debbi Carter	A20266	154.36
Kelsey & Justin Weischedel	A30353	261.04
Carol J Stevenson	A23013	1,219.60