

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. 19751

A RESOLUTION OF INTENTION TO AMEND THE BOUNDARIES AND LEVY AN ASSESSMENT UPON ALL PROPERTY IN THE STORM WATER UTILITY DISTRICT TO DEFRAY THE COST OF MAINTAINING SERVICES IN THE DISTRICT FOR FISCAL YEAR 2011

WHEREAS, the City Commission of the City of Helena, Montana, created a Storm Water Utility District (“District”) for the purpose of providing storm water drainage operation, maintenance, and capital improvements; and

WHEREAS, the property in the District must be assessed to defray the cost of maintaining said services, each lot or parcel in the district to be assessed by the square-foot area of impervious surface; and

WHEREAS, it appears to be in the best interest of the City of Helena and the inhabitants thereof that certain public property within the District be excluded from the assessment; and

WHEREAS, the exclusion of the impervious area for private streets within licensed mobile home parks would be consistent with the City’s policy to promote all types of affordable housing; and

WHEREAS, the District is all real property within the exterior boundaries of the City of Helena, including all properties annexed into the City, up to and including the date of adoption of the assessment resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

Section 1. The Storm Water Utility District is amended to include all properties within the exterior boundaries of the City of Helena and all properties annexed into the City, up to and including the date of adoption of the assessment resolution.

Section 2. That it is the intention of the City of Helena to pass the following resolution levying an assessment upon all property in the Storm Water Utility District to defray the cost of maintaining said services for fiscal year 2011.

Section 3. Assessment Definitions

For purposes of this assessment:

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- a. Impervious Area is the developed part of a lot or parcel that is impermeable to storm water infiltration, excluding:
 - all rights-of-way and publicly owned streets, runways, and taxiways, and
 - all privately-owned streets within licensed mobile home parks;
 - City-owned stormwater facilities, water storage reservoirs, and public utility sites.
- b. Single lots or parcels are those lots or parcels that are combined under common ownership and use and are assigned a State-issued geocode designation.

Section 4. Assessments

That to defray the cost of maintaining the services in the District, it is the intent of the Helena City Commission to consider a rate increase **up to 5.72%** for fiscal year 2011.

The maximum rates would be:

- **\$27.79** minimum charge on all parcels, plus
- **\$0.01251** per square foot of impervious area in excess of 2,222 square feet,
- with a 50% assessment reduction for properties which qualify for the State of Montana Property Tax Assistance Program under Title 15, Chapter 6, MCA.

Section 5. That the Commission of the City of Helena, Montana, will be in session in the Commission Chambers at the City-County Administration Building, 316 N. Park Ave., in Helena, MT, on the 23rd day of August, 2010, at 6:00 p.m. for a public hearing at which time and place the said Commission will hear objections to the final adoption of this resolution.

Section 6. That notice of the passage of this Resolution of Intention shall be given by publishing as required in §7-1-4127 MCA. The City Clerk is authorized and directed to make publication of this Resolution of Intention in the Independent Record, the official newspaper of the City of Helena.

**PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA,
MONTANA, THIS 26th DAY OF JULY, 2010.**

/S/ James E. Smith
MAYOR

ATTEST:

/S/ Debbie Havens
CLERK OF THE COMMISSION