

# RESOLUTIONS OF THE CITY OF HELENA, MONTANA

## RESOLUTION NO. 19837

### 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 2012

**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 lots or parcels of land in the District must be assessed to defray the cost of maintaining said services, each lot or parcel of land in the district is 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 lots or parcels of land within the exterior boundaries of the City of Helena, including all lots or parcels of land annexed into the City, up to and including the date of adoption of the assessment resolution; and

**WHEREAS**, a list of all lots or parcels of land assessed, with the name of the owner thereof if known, description of the lots or parcels of land and the amount levied thereon set opposite, is maintained by the Department of Administrative Services for the City of Helena.

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

**Section 1.** It is the intention of the City Commission to finally adopt a resolution levying an assessment upon all lots or parcels of land in the Storm Water Utility District to defray the cost of maintaining said services for fiscal year 2012.

**Section 2.** The Storm Water Utility District is amended to include all lots or parcels

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of land within the exterior boundaries of the City of Helena and all lots or parcels of land annexed into the City, up to and including the date of adoption of the assessment resolution.

**Section 3.** The lots or parcels of land to be assessed are those shown on the list of all lots or parcels of land maintained by the Department of Administrative Services for the City of Helena. The list includes the description of the lots or parcels of land, the name of the owner, if known, and the amount levied thereon. The lots or parcels of land to be assessed do not include cemetery lands owned by associations. The assessable lots or parcels of land are all such other lots or parcels of land inside the City limits.

## **Section 4. Assessment Definitions**

For purposes of this assessment:

- 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 storm water facilities, water storage reservoirs, and public utility sites.
- b. Single lots or parcels of land are those lots or parcels of land that are combined under common ownership and use and are assigned a State-issued geo-code number.

## **Section 5. 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 1.50%** for fiscal year 2012.

The maximum rates would be:

- **\$28.21** minimum charge on all lots or parcels of land, plus
- **\$0.01270** per square foot of impervious area in excess of 2,222 square feet,
- with a 50% assessment reduction for lots or parcels of land which qualify for the State of Montana Property Tax Assistance Program under Title 15, Chapter 6, MCA.

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**Section 6.** 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 22<sup>nd</sup> day of August, 2011, 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 a resolution levying the assessment.

**Section 7.** 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 27<sup>th</sup> DAY OF JUNE, 2011.**

**/S/ James E. Smith**  
**MAYOR**

**ATTEST:**

**/S/ Debbie Havens**  
**CLERK OF THE COMMISSION**