

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. 20164

A RESOLUTION ESTABLISHING A COST REIMBURSEMENT PROGRAM FOR WATER AND WASTEWATER INFRASTRUCTURE INSTALLED BY THE CITY OF HELENA OUTSIDE THE CITY LIMITS

WHEREAS, there exists territory outside existing city limits that cannot be developed under county and state sanitation rules due to proximity to city wastewater infrastructure; and

WHEREAS, the City has had numerous requests by property owners in these areas to connect to the City's public water supply or wastewater systems; and

WHEREAS, property owners who have been granted permission to connect to those City systems over the years have had to extend infrastructure at their own cost; and

WHEREAS, such a piecemeal approach to extending water and wastewater infrastructure does not achieve a comprehensive system and is not cost effective; and

WHEREAS, the City desires to design and install water and wastewater infrastructure in some of these areas in a comprehensive manner that will reduce the overall costs to individual property owners while providing them with critical City services; and

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WHEREAS, the City desires to establish a program to recoup the costs of such infrastructure design and installation that benefits the properties owners in the area; and

WHEREAS, the City has previously installed water and wastewater infrastructure in areas outside the city limits and no current mechanism exists for the adjacent property owners to pay a proportionate share of the costs of infrastructure when they petition for annexation and ultimately connect to the adjacent services; and

WHEREAS, it appears to be in the best interests of the City of Helena and the inhabitants thereof that the City Commission establish a cost reimbursement program for water and wastewater infrastructure that the City has designed and installed in areas currently outside the corporate limits of the City of Helena.

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

Section 1. The Helena City Commission hereby establishes a cost reimbursement program where properties owners who connect to either city installed water or wastewater infrastructure in territories that are currently outside the corporate limits of the City of Helena must pay for the proportional costs of the

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design and installation of such infrastructure previously installed by the City or subsequent to this resolution.

Section 2. Each property owner is responsible for the cost of the design and installation of water or wastewater infrastructure before a final occupancy permit is granted by the city. ~~The reimbursement cost that each property owner is responsible for is determined by dividing the total private property land area benefitted by the water or wastewater infrastructure by the total cost of the design and installation of the water and wastewater infrastructure and multiplying that cost per square foot by the square footage of the property proposed to be developed and served by water or wastewater and adding any proportional share of interest the city has accrued on any state loan to the city used to construct the infrastructure.~~ The methodology to determine the costs each property owner is responsible for and the proposed repayment mechanism will be determined by the City Commission on a project by project basis. The City Commission will also consider and decide timeframes for required connection to city-installed infrastructure.

~~This reimbursement cost to the city may be paid by the property owner in full, or in monthly installments through their~~

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~~normal water or wastewater bill amortized over a 20 year period. If amortized, the property owner shall be charged interest at the same rate as the State loan to the City used to construct the infrastructure. Any loan may be prepaid, in whole but not in part, with interest accrued through the date the loan is paid in full.~~

~~Any property that is connected to the city water or wastewater systems at the time of the establishment of this cost reimbursement program is not responsible for costs of infrastructure that the property is presently connected to.~~

~~**Section 3.** Any property owner whose property is not currently connected to the city's water system shall not be forced to connect to city water by the city except by specific action of the Helena City Commission after twenty (20) years has passed from the date of this resolution or after five (5) years following the connection to the city's wastewater system.~~

PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 18th DAY OF MAY, 2015.

ATTEST:

/S/ James E. Smith
MAYOR

/S/ Debbie Havens
CLERK OF THE COMMISSION