

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. 20267

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 2017

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 is the intention of the Helena City Commission to consider increasing the assessment for all properties within the district for fiscal year 2017 by an amount up to 10.0% for residential, vacant and mobile home properties and up to 18.11% for commercial properties, 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.

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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 2017.

Section 2. The Storm Water Utility District is amended to include all lots or parcels 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:
 - i. all rights-of-way and publicly owned streets, runways, and taxiways, and
 - ii. all privately-owned streets within licensed mobile home parks;
 - iii. City-owned storm water facilities, water storage reservoirs, and public utility sites.
- b. A lot or parcel of land is classified as follows:
 - i. "Vacant" is a lot or parcel of land that:
 - (1) does not have structures or fixtures thereon, other than fences, walls

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- or a surface parking lot;
- (2) is not used for storage of commercial inventory or business equipment or property; or
- (3) is a public recreational facility, such as sport fields, athletic courts, parks, or playgrounds, or public open space.
- ii. “Residential” is a lot or parcel that has one building thereon containing at least one (1) dwelling unit, but no more than four (4) dwelling units, and has no other principal commercial purpose except for rent or lease for residential use.
- iii. “Mobile Home Park” is a lot or parcel of land designed to provide sites for the accommodation of manufactured homes or mobile homes and licensed as such.
- iv. “Commercial” is all other lots or parcels of land not otherwise classified.

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 10.0% for residential, vacant and mobile home properties and up to 18.11% for commercial properties for fiscal year 2017. The resolution provides the following method and proposed maximum rate of assessment for each class of property:

The maximum rates would be:

- a. Residential, vacant or mobile or manufactured home site properties:
 - \$34.75 minimum charge per lot, parcel of land or manufactured home or mobile home site, plus
 - \$0.01564 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.
- b. Commercial properties:
 - \$37.31 minimum charge per lot or parcel of land, plus

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- \$0.01679 per square foot of impervious area in excess of 2,222 square feet.

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 22nd day of August, 2016, 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 11th DAY OF JULY, 2016.

/S/ James E. Smith
MAYOR

ATTEST:

/S/ Debbie Havens
CLERK OF THE COMMISSION