

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. 20455

A RESOLUTION OF INTENTION TO SPECIFY THE ASSESSMENT OPTION FOR THE STORM WATER UTILITY SERVICE AREA FOR FISCAL YEAR 2019 AND LEVY AND ASSESS ALL PROPERTY IN THE SERVICE AREA

WHEREAS, on June 10, 1991 the Helena City Commission, created a Storm Water Utility Service Area ("Service Area") for the purpose of providing storm water drainage operation, maintenance, and capital improvements;

WHEREAS, the Commission has estimated, as near as practical, the cost of operating and maintaining the services in the Service Area, as well as providing for capital improvements necessary for the control of the quantity and quality of storm water;

WHEREAS, the lots or parcels of land in the Service Area must be assessed to defray the cost of maintaining said services, each lot or parcel of land in the Service Area is to be assessed according to the square-footage amount of impervious surface on each lot or parcel of land;

WHEREAS, commercial users generate larger volumes of stormwater with a materially increased demand for water quality treatment and therefore should pay a higher rate for the management of stormwater quantity and quality;

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

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

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

Section 1. It is the intention of the Helena City Commission to establish the assessment option for the Storm Water Utility Service Area for fiscal year 2019 and levy and assess all property within the Service Area.

Section 2. To defray the cost of operating and maintaining the services in the Service Area, as well as providing for capital improvements necessary for the control of the quantity and quality of storm water, it is the intent of the Helena City Commission to consider (1) a base rate increase up to 22.7% for residential or vacant properties and up to 28.5% for commercial properties and mobile home parks for fiscal year 2018; and (2) an impervious area assessment rate increase up to 30% for residential or vacant properties and up to 28.5% for commercial properties and mobile home parks. The base and impervious area assessment rates are proposed as follows:

- a. Residential or vacant properties:
 - i. \$45.62 minimum charge per lot or parcel of land, plus

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- ii. \$0.02175 per square foot of impervious area in excess of 2,222 square feet,
 - ii. 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 and mobile home parks:
- i. \$57.48 minimum charge per lot or parcel of land, plus
 - ii. \$0.02587 per square foot of impervious area in excess of 2,222 square feet.

Section 3. For purposes of this assessment the following terms have the following definitions:

- 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;
 - ii. all privately-owned streets within licensed mobile home parks; and
 - 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:

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(1) does not have structures or fixtures thereon, other than fences, walls 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 4. 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 lots or parcels of land to be assessed are represented by the property tax identification number (ID) assigned by the

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State of Montana, Department of Revenue. One property ID may contain multiple lots or parcels. 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 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 27th day of August, 2018, 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 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 16th DAY OF JULY, 2018.

/S/ WILMOT J. COLLINS
MAYOR

ATTEST:

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/S/ DEBBIE HAVENS
CLERK OF THE COMMISSION