

# ORDINANCES OF THE CITY OF HELENA, MONTANA

## ORDINANCE NO. 3275

AN ORDINANCE AMENDING THE BOUNDARIES OF THE DOWNTOWN URBAN RENEWAL DISTRICT AND THE DOWNTOWN URBAN RENEWAL DISTRICT PLAN, TO AMEND THE COMPOSITION OF THE DOWNTOWN URBAN RENEWAL AREA TAX INCREMENT FINANCING ADVISORY BOARD AND TO INCLUDE THE RODNEY STREET STUDY AREA, INCLUDING A TAX INCREMENT PROVISION PURSUANT TO TITLE 7, CHAPTER 15, PARTS 42 AND 43, MONTANA CODE ANNOTATED

**WHEREAS**, the procedure provided in Title 7, Chapter 15, Parts 42 and 43 of the Montana Code Annotated (MCA) authorizes municipalities to exercise statutory Urban Renewal powers for redevelopment and rehabilitation through urban renewal plans and projects;

**WHEREAS**, §7-15-4221, MCA authorizes modification of an urban renewal plan, and sets forth procedures and requirements for modification;

**WHEREAS**, the Helena City Commission created the Downtown Urban Renewal District ("District") and adopted the Downtown Urban Renewal District Plan ("Plan") on October 29, 2018 pursuant to Ordinance No. 3242;

**WHEREAS**, subsequent to the creation of the District and adoption of the Plan, the Helena City Commission adopted Resolution No. 20554, Resolution of Necessity, on August 26, 2019, that found

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the area within the City of Helena, bounded on the north by 6<sup>th</sup> Avenue, on the south by Pine Street, on the west by Warren Street and on the east by Rodney Street ("Rodney Street Study Area") is a blighted area, that its rehabilitation and/or redevelopment is necessary in the interests of the public health, safety, morals, or welfare of the residents of the City of Helena, and directing that the District and Plan be modified to include the Rodney Street Study Area;

**WHEREAS**, pursuant to §7-15-4212, MCA, the City of Helena caused an amendment to the Plan to be prepared by WGM Group to include the Rodney Street Study Area;

**WHEREAS**, an amendment to the Plan was prepared to include the Rodney Street Study Area in the Plan and to guide the rehabilitation and redevelopment of the blighted area established by Resolution No. 20554 by:

- retaining and building the Rodney Street neighborhood's unique identity and including it in the District's branding and marketing to stimulate investment;
- adding to District vibrancy with a mix of residential,

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commercial, retail, and public services and uses, in the Rodney Street Neighborhood by providing a range of housing types for a range of incomes, attracting new business investment and development, with the central commercial area on Rodney Street as the primary area for retail, commercial, and social gathering spots, revising zoning as needed to realize mixed use and new development consistent with the Rodney Street Area - Future Vision Concepts, and conducting feasibility, market, and other studies prior to projects;

- upgrading underperforming properties by developing vacant lots or underperforming properties, encouraging the update of buildings for 21<sup>st</sup> century needs, encouraging redevelopment of parking facilities, facilitating façade improvements, and inventorying city properties with potential for higher use;
- investing in public infrastructure needed to attract development by improving streets for function and safety for all modes of transportation, improving streetscape

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aesthetics and quality of use by non-motorized transportation, identifying fire flow requirements for higher densities and improving fire engine access for fire suppression; facilitating storm drainage, accommodating private underground utilities in public rights-of-way, managing parking for optimal efficiency and utilization, investing in capital improvements needed to retain parks, green space and recreational facilities, and retaining and addressing needs of existing city-owned cultural and historic facilities;

- improving non-motorized connectivity;
- creating a quality and unique experience through the promotion of historic preservation and context-sensitive design, and encouraging ground-floor use with transparency, capitalizing on the District's historic assets and unique history; and
- authorizing the use of tax increment financing in support of making rehabilitation and redevelopment improvements. As revenues permit, the City of Helena may

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issue tax increment financing bonds in support of these activities.

**WHEREAS**, on September 15, 2019, the Helena/Lewis and Clark County Consolidated Planning Board found that the proposed Rodney Street Study Area Amendment to the Plan is in conformance with the 2011 City of Helena Growth Policy and its 2016 amendment to include the Downtown Neighborhood Plan, and the proposed Rodney Street Study Area is zoned for use in accordance with the 2011 Helena Growth Policy;

**WHEREAS**, the City of Helena is interested in using Tax Increment Financing as a tool to foster rehabilitation and redevelopment in accordance with §7-15-4282, MCA;

**WHEREAS**, the City of Helena also desires to amend the Plan as it relates to the administration of the District; and

**WHEREAS**, the Helena City Commission held a public hearing on this ordinance on November 18, 2019, and staff recommended approval of this request.

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

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**Section 1.** The Helena City Commission hereby amends the Downtown Urban Renewal District ("District") to include the Rodney Street Study Area. The boundaries of the District as amended are as shown on Exhibit "A."

**Section 2.** The Helena City Commission hereby finds, determines, and declares that:

a. Downtown Urban Renewal District Plan ("Plan") as amended to include the Rodney Street Study Area conforms with the 2011 City of Helena growth policy and its 2016 amendment to include the Downtown Neighborhood Plan; and

b. the amended Plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the Rodney Street Study Area by private enterprise.

**Section 3.** The Rodney Street Study Area Plan attached hereto as Exhibit "B," is hereby adopted and incorporated as an amendment to the Plan.

**Section 4.** The "Administration" section of the Plan is further amended to read as follows:

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~~The Advisory Committee shall be appointed by the City Commission and consist of not more than eleven individuals representing the following sectors:~~

- ~~• Businesses~~
- ~~• Landowners~~
- ~~• Residents~~
- ~~• Low Income Non-Profit Sector~~
- ~~• Realtor~~
- ~~• School District~~
- ~~• County Representative~~
- ~~• Helena Business Improvement District~~
- ~~• Two At-Large Representatives~~
- ~~• Board Member from the Heritage Preservation and Tourism Development Council~~

~~The City Commission may appoint an advisory committee to assist in the administration of the District. If the City Commission elects to appoint such a committee, the City Commission shall determine the exact composition of the advisory committee by resolution.~~

**Section 5.** The amended Plan contains a provision for the use of tax increment financing pursuant to §§7-15-4282 through 7-15-4292, MCA, as funds become available.

**Section 6.** For the purpose of calculating the incremental taxable value for the Rodney Street Study Area portion of the District, the base taxable value shall be calculated as the taxable value of all real and personal property within the Rodney Street Study Area portion, as of January 1st.

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**Section 7.** Lewis and Clark County is hereby authorized to segregate, as received, the tax increment derived in the amended District, and use and deposit such increment into the District Fund for use as authorized by the Act and as authorized herein or by the City Commission from time to time.

**Section 8.** The tax increments received from the amended District may be used to directly pay costs of approved urban renewal projects and programs in accordance with §§7-15-4288 and 4292, MCA, to pay debt service on bonds issued to finance urban renewal projects as defined under the Montana Urban Renewal Law as may from time to time be approved by the City Commission, in accordance with §7-15-4289, MCA. The City Commission hereby authorizes the use of tax increment financing in the District to pay debt service on internal and bank financed loans issued to finance all or a portion of the costs of eligible improvements in compliance with the Montana Urban Renewal Law and subject to any limitations imposed by the Montana Constitution.

**FIRST PASSED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA,  
THIS 4<sup>TH</sup> DAY OF NOVEMBER, 2019.**

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ATTEST: /S/ WILMOT COLLINS  
MAYOR

/S/ DANNAI CLAYBORN  
CLERK OF THE COMMISSION

FINALLY PASSED BY THE COMMISSION OF THE CITY OF HELENA,  
MONTANA, THIS 18<sup>th</sup> DAY OF NOVEMBER, 2019.

ATTEST: /S/ WILMOT COLLINS  
MAYOR

/S/ DANNAI CLAYBORN  
CLERK OF THE COMMISSION

