

# ORDINANCES OF THE CITY OF HELENA, MONTANA

## ORDINANCE NO. 3242

**AN ORDINANCE CREATING THE DOWNTOWN URBAN RENEWAL DISTRICT, ESTABLISHING THE BOUNDARIES THEREOF, AND ADOPTING THE DOWNTOWN URBAN RENEWAL DISTRICT PLAN, 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**, the Helena City Commission adopted Resolution No. 20444, Resolution of Necessity, that found the Downtown Urban Renewal District within the City of Helena 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 an urban renewal plan for the Downtown Urban Renewal District be developed;

**WHEREAS**, pursuant to §7-15-4212, MCA, the City of Helena caused an urban renewal plan to be prepared by WGM Group for the Downtown Urban Renewal District;

**WHEREAS**, a Downtown Urban Renewal District Plan, attached hereto as Exhibit "B," was prepared to guide the rehabilitation

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and

redevelopment of the blighted area established by Resolution No.

20444 by:

- building a cohesive downtown identity by branding and marketing downtown to stimulate investment;
- adding to downtown vibrancy with a mix of uses through the provision of a range of housing types for a range of incomes, attracting new business types to downtown, encouraging business start-ups and incubators, completing the rezoning of the downtown area, and conducting feasibility, market, and other studies prior to projects;
- upgrading underperforming properties by developing vacant lots or under performing properties, encouraging the update of buildings for 21<sup>st</sup> century needs, encouraging redevelopment of parking facilities, facilitating façade improvements, and inventory city properties with potential for higher use;

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- investing in public infrastructure needed to attract development by improving streets for function and safety for all modes of transportation, improving streetscape 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, greens pace 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, encouraging ground-floor use with transparency, capitalizing on downtown's historic assets and unique history, and emphasizing the unique and historic pedestrian mall and making improvements to attract more

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businesses and activities; and

- authorizing the use of tax increment financing in support of making rehabilitation and redevelopment improvements. As revenues permit, the City of Helena may issue tax increment financing bonds in support of these activities.

**WHEREAS**, on May 21, 2018, the Helena/Lewis and Clark County Consolidated Planning Board found that the proposed Downtown Urban Renewal District Plan is in conformance with the 2011 City of Helena growth policy, the 2016 Downtown Helena Master Plan, and the proposed Downtown Urban Renewal District 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; and

**WHEREAS**, the Helena City Commission held a public hearing on this ordinance on September 24, 2018, 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 establishes the Downtown Urban Renewal District ("District"). The boundaries of the District 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") conforms to the 2011 City of Helena Growth Policy and the 2016 Downtown Helena Master Plan; and

b. the Plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise.

**Section 3.** The Plan, attached hereto as Exhibit "B," is hereby adopted.

**Section 4.** The 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 5.** For the purpose of calculating the incremental taxable value for each year of the life of the District, the base taxable value shall be calculated as the taxable value of all real

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and personal property within the District, as of January 1, 2018.

**Section 6.** Lewis and Clark County is hereby authorized to segregate, as received, the tax increment derived in the 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 7.** The tax increments received from the 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.

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FIRST PASSED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA,  
THIS 10<sup>TH</sup> DAY OF SEPTEMBER, 2018.

ATTEST: /S/ WILMOT J. COLLINS  
MAYOR

/S/ DEBBIE HAVENS  
CLERK OF THE COMMISSION

FINALLY PASSED BY THE COMMISSION OF THE CITY OF HELENA,  
MONTANA, THIS 29<sup>TH</sup> DAY OF OCTOBER, 2018.

ATTEST: /S/ WILMOT J. COLLINS  
MAYOR

/S/ DEBBIE HAVENS  
CLERK OF THE COMMISSION

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## EXHIBIT "A"

