

# RESOLUTIONS OF THE CITY OF HELENA, MONTANA

## RESOLUTION NO. 20235

### A RESOLUTION ESTABLISHING A COST REIMBURSEMENT PROGRAM FOR WASTEWATER INFRASTRUCTURE INSTALLED BY THE CITY OF HELENA IN CHOTEAU STREET, CANNON STREET, AND THE EAST-WEST ALLEY BETWEEN CHOTEAU AND CANNON STREETS

**WHEREAS**, the Helena City Commission passed Resolution of Intention No. 20177, signifying its intent to annex Lots 3-8 and 25-27 in Block 165 of Wallace's Subdivision in the Syndicate Addition and Lots 1-16 in Block 164 in the Syndicate Addition, all in Lewis and Clark County, Montana, generally located west of Laurel Street, east of Linden Street, and south of Cannon Street, with property addresses of 1801, 1811, 1815, 1818, and 1821 Choteau Street, and 1817 and 1821 Cannon Street; and

**WHEREAS**, one condition of annexation was that the property owners of the above mentioned property install a wastewater main extension and appurtenant facilities from either Joslyn Street or Laurel Street, according to the 2002 Helena West Side Infrastructure Study, across the frontage of all the properties; and

**WHEREAS**, the City has entered into a contract with H & H Earthworks, Inc. to install a wastewater main and appurtenant facilities in Choteau Street, Cannon Street, and the east-west

# RESOLUTIONS OF THE CITY OF HELENA, MONTANA

Res. No. 20235

alley between Choteau and Cannon Streets, as shown in engineering plan documents for Project No. 15-15, which area is currently outside the existing city limits; and

**WHEREAS,** wastewater main extensions in Choteau Street, Cannon Street, and the east-west alley between them will benefit properties that have not petitioned to annex into the City of Helena; and

**WHEREAS,** pursuant to Resolution No. 20164, the methodology to determine costs for which each property owner is responsible, the proposed repayment mechanism, and repayment timeframe are to be determined by the City Commission on a project-by-project basis; and

**WHEREAS,** the City desires to establish a program to recoup the costs of the design and installation of the above mentioned wastewater main that benefits the property owners in the area; and

**WHEREAS,** the City desires to establish a mechanism and methodology to calculate the proportional amount property owners adjacent to the abovementioned wastewater main must pay when they petition for annexation and ultimately connect to the wastewater main; and

# RESOLUTIONS OF THE CITY OF HELENA, MONTANA

Res. No. 20235

**WHEREAS,** the City desires the reimbursement program to encourage and provide an incentive for connection to the City installed wastewater main; 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 the wastewater infrastructure that the City has designed and installed pursuant to Project No. 15-15, which is 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 for owners of property shown on Exhibit "A" who connect to the wastewater infrastructure installed by the City in Choteau and Cannon Streets and the east-west alley between Choteau and Cannon Streets, pursuant to Project No. 15-15.

**Section 2.** Each owner of property listed on Exhibit "A" is responsible for said owner's proportional share of the cost of the design and installation of the wastewater infrastructure before connecting to the wastewater main installed by the City.

# RESOLUTIONS OF THE CITY OF HELENA, MONTANA

Res. No. 20235

The reimbursement cost that each property owner adjacent to the wastewater main must pay upon connection is determined by dividing the total private property land area by the total cost of the design and installation of Project No. 15-15 and multiplying that cost per square foot by the square footage of each property proposed to be connected to and served by the wastewater main.

**A.** For property currently developed with an occupied structure that connects to the City-installed wastewater main adjacent to the property within 5 years of the date of this resolution, the reimbursement cost may be paid to the City by the property owners in full at the time of initial connection to the City's wastewater main, or in monthly installments billed through their normal monthly water and wastewater bill, amortized at zero percent interest over a 20-year period.

**B.** For property currently developed with an occupied structure that connects to the City-installed wastewater main adjacent to the property more than 5 years after the date of this resolution, or for property that is not currently developed with an occupied structure, the reimbursement cost must be paid

# RESOLUTIONS OF THE CITY OF HELENA, MONTANA

Res. No. 20235

in full, at the time of initial connection to the City's wastewater main.

**C.** If the reimbursement amount is amortized and repaid through the property owner's normal monthly water and wastewater bill, a delinquency of more than thirty (30) days past due in paying the reimbursement cost is subject to the penalties in Title 6, Chapter 2 and 3 of Helena City Code.

**Section 3.** If a property is sold or transferred, any outstanding balance of the reimbursement amount still owing must be paid in full. Property owners connecting to the City's wastewater main agree to sign required documentation that will be recorded and run with the property that is needed to ensure the payment of the full remaining reimbursement amount.

**Section 4.** Any property owner whose property is not currently connected to the City's water system must connect to a city water main, if one is adjacent to the property, concurrent with connection to the City's wastewater system.

**Section 5.** Prior to connection to the City's wastewater main, each property owner must petition for and waive the right to protest annexation by the City and agree to annexation conditions as set by the Helena City Commission.

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

Res. No. 20235

PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF  
HELENA, MONTANA, THIS 7<sup>th</sup> DAY OF MARCH, 2016.

/S/ James E. Smith

MAYOR

ATTEST:

/S/ Debbie Havens

CLERK OF THE COMMISSION