

# RESOLUTIONS OF THE CITY OF HELENA, MONTANA

## RESOLUTION NO. 20344

### A RESOLUTION ESTABLISHING A COST REIMBURSEMENT PROGRAM FOR WASTEWATER INFRASTRUCTURE INSTALLED BY THE CITY OF HELENA IN THE 2200 BLOCK OF CANNON STREET

**WHEREAS**, the Helena City Commission passed Resolution of Intention No. 20323 on December 19, 2016, signifying its intent to annex Lots 7-10 in Block 195 of the Ames Addition and the adjacent Cannon Street right-of-way, all in Lewis and Clark County, Montana, generally located south of Cannon Street and west of Hiawatha Street, with a property address of 2215 Cannon Street; and

**WHEREAS**, the Helena City Commission also passed Resolution of Intention No. 20324 on December 19, 2016, signifying its intent to annex certain contiguous government property, specifically the 2200 block of the Cannon Street right-of-way, to accommodate the construction and installation of a city wastewater main in that right-of-way; and

**WHEREAS**, one condition of annexation was that the owners of 2215 Cannon Street install a wastewater main extension and appurtenant facilities in Cannon Street from Hiawatha Street, according to the 2002 Helena West Side Infrastructure Study, across the frontage of their property; and

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**WHEREAS**, the City is installing a wastewater main and appurtenant facilities in Cannon Street, as shown in engineering plan documents for Project No. 16-06, which area is currently outside the existing city limits; and

**WHEREAS**, the wastewater main extension in Cannon Street 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 reimbursement costs for water and wastewater infrastructure installed by the City outside the city limits 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 will benefit 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

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they petition for annexation and ultimately connect to the wastewater main; and

**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 is installing in Cannon Street pursuant to Project No. 16-06, 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 being installed by the City in Cannon Street, pursuant to Project No. 16-06.

**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

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before connecting to the wastewater main being installed by the City. 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. 16-06 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 five (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 by assessment of the property and paid by semi-annual installments on the property owners' property tax 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

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with an occupied structure, the reimbursement cost must be paid in full, at the time of initial connection to the City's wastewater main.

**C.** If the reimbursement amount is amortized, assessed, and repaid through the property owners' property tax bill, the owners are subject to the penalties and interest allowed by §15-16-102, MCA.

**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.

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**Section 6.** The Helena City Commission hereby authorizes the City Manager to allow deviations from the property tax assessment methodology established by this Resolution on a case by case basis. In such cases where the facts warrant deviation from this Resolution, the City Manager may permit a property owner to reimburse the City in monthly installments billed through the owner's normal monthly water and wastewater bill.

**Section 7.** The property owners of 2215 Cannon Street are hereby permitted to reimburse the City in monthly installments billed through their normal monthly water and wastewater bill.

**PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 12<sup>th</sup> DAY OF JUNE, 2017.**

/S/ JAMES E. SMITH  
MAYOR

**ATTEST:**

/S/ DEBBIE HAVENS  
CLERK OF THE COMMISSION