

# RESOLUTIONS OF THE CITY OF HELENA, MONTANA

## RESOLUTION NO. 20765

### A RESOLUTION SPECIFYING THE ASSESSMENT OPTION FOR THE STORMWATER UTILITY SERVICE AREA FOR FISCAL YEAR 2023 AND LEVYING AN ASSESSMENT ON ALL PROPERTIES WITHIN THE SERVICE AREA

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

**WHEREAS**, the City 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 stormwater;

**WHEREAS**, the City Commission may assess all assessable property within the Service Area to defray the cost of providing and maintaining said services;

**WHEREAS**, properties that contain more square-footage of impervious area generate more stormwater run-off;

**WHEREAS**, commercial users generate larger volumes of storm water 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

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of Helena and the inhabitants thereof that certain public property within the Service Area be excluded from the assessment;

**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

**WHEREAS**, a public hearing on this resolution was held by the City Commission on August 22, 2022, in the Commission Chambers at 316 North Park Avenue in Helena, Montana, at 6:00 P.M. and via Zoom Meeting at webinar ID: <https://zoom.us/j/92797897907>.

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

**Section 1.** 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 stormwater the City Commission is proposing that the following rates and charges be assessed against all assessable property within the Service Area:

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	FY2022	FY2023
<b>Residential or Vacant Properties:</b>		
Base assessment	\$46.16	\$46.16
Additional assessment for lots/parcels containing more than 2,222 sq. ft. of impervious area	\$0.02524/sq. ft.	\$0.02524/sq. ft.
<b>Commercial Properties and Mobile Home Parks:</b>		
Base assessment	\$71.81	\$71.81
Additional assessment for lots/parcels containing more than 2,222 sq. ft. of impervious area	\$0.03926/sq. ft.	\$0.03926/sq. ft.

All assessments are annual.

**Section 2.** A fifty percent (50%) assessment reduction will be applied for residential or vacant lots or parcels of land that qualify for the State of Montana Property Tax Assistance Program under Title 15, Chapter 6, MCA.

**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 stormwater infiltration, excluding:

1. all rights-of-way and publicly owned streets, runways, and taxiways;

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

3. City-owned stormwater facilities, water storage reservoirs, and public utility sites.

B. A lot or parcel of land is classified as follows:

1. "Vacant" is a lot or parcel of land that:

(a) does not have structures or fixtures thereon, other than fences, walls or a surface parking lot;

(b) is not used for storage of commercial inventory or business equipment or property; or

(c) is a public recreational facility, such as sport fields, athletic courts, parks, or playgrounds, or public open space.

2. "Residential" is a lot or parcel that has one (1) 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.

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3. "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.

4. "Commercial" is all other lots or parcels of land not otherwise classified.

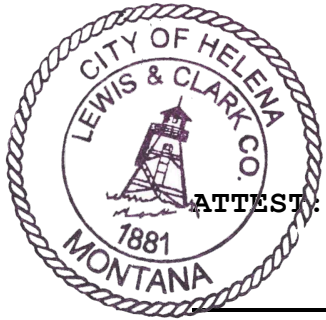
**Section 4.** The lots or parcels of land to be assessed are all assessable lots and parcels within the Service Area as shown on the list of all lots or parcels of land maintained by the Finance Department for the City of Helena. The lots or parcels of land to be assessed are represented by the property tax identification number (ID) assigned by the 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.

**Section 5.** If a property is not chargeable for the assessment described above by reason of state or federal law, said property shall be exempt from the assessment.

**PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 22nd DAY OF AUGUST, 2022.**

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ATTEST:

A handwritten signature in blue ink, appearing to read "Dennis C. [unclear]", is written over a horizontal line.

CLERK OF THE COMMISSION

A handwritten signature in blue ink, appearing to read "D. Amello", is written over a horizontal line.

MAYOR