

RESOLUTION 15-13

A resolution of the Town Council of the Town of Whitehall, Montana relating to the approval of the FY 2014 mill levies.

BE IT RESOLVED by the Town Council of the Town of Whitehall, Montana, County of Jefferson, State of Montana, that the Town Council hereby fixes the Fiscal Year 2014 General Fund mill levies at 118.42;

BE IT FURTHER RESOLVED by the Town Council of the Town of Whitehall, Montana, County of Jefferson, State of Montana, that the Town Council hereby fixes the voter established mill levy for debt service purposes on the Town of Whitehall fire engine at 19.12 mills.

THEREFORE BE IT RSOLVED that the Town Council of the Town of Whitehall hereby fixes the total Town levies for Fiscal Year 2014 at 137.54 mills.

PASSED AND APPROVED THIS 12th **DAY OF AUGUST, 2013.**

AYES: 06 NAYES: 0 ABSENT: 0

M. J. Hensleigh, 8-13-13
Mayor Mary Janacaro Hensleigh Date

Darcy Perrenoud, 8-13-2013
Clerk/Treasurer Darcy Perrenoud Date

RESOLUTION 14-13

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WHITEHALL,
MONTANA ADOPTING THE FINAL BUDGET FOR THE FISCAL YEAR
BEGINNING JULY 1, 2013 AND ENDING JUNE 30TH, 2014**

BE IT RESOLVED by the Town Council of the Town of Whitehall, Montana, County of Jefferson, State of Montana, that the Town Council approves the FY 2014 final general fund budget in the amount of \$503,791.00 (Five Hundred Three Thousand, Seven Hundred Ninety One dollars and no cents).

BE IT FURTHER RESOLVED by the Town Council of the Town of Whitehall, Montana, County of Jefferson, State of Montana, that the Town Council approves the FY 2014 final budget of \$15,471 (Fifteen Thousand, Four Hundred Seventy One Dollars), for the voter established mill levy for debt service purposes on the fire engine.

BE IT FURTHER RESOLVED that the Whitehall Town Council hereby approves the FY 2013 fee based budgets for the Water, Sewer, Solid Waste, Ambulance and Pool Funds in the amount of \$683,779 (Six Hundred Eighty Three Thousand, Seven Hundred Seventy Nine dollars and no cents) and, under MCA 7-6-4012, hereby authorizes adjustments to the appropriations of the fee based budgets as determined by the Council throughout the year.

BE IT FURTHER RESOLVED that the Whitehall Town Council hereby approves the following budget appropriates for the fiscal year beginning July 1, 2013 and ending June 30, 2014

1000	General	\$513,791
2210	Pool Gate Account	\$22,259
2211	Pool Assessments	\$22,520
2250	Community Development Board	\$2,376
2701	Tree Trust	\$5,369
2702	Facility Use Trust	\$9,357
2820	Gas Tax	\$90,442
3000	Fire Truck Levy	\$15,471
3200	Uncompensated Absences	\$13,500
5210	Water Utility	\$155,218

5310	Sewer Utility	\$279,606
5311	Sewer Project	\$3,415,893
5410	Solid Waste	\$74,710
5510	Ambulance Enterprise	\$129,466
7050	Ambulance Trust	\$38,891
8010	Cemetery Perpetual Care	\$5,600

PASSED AND APPROVED THIS 9th DAY OF SEPTEMBER, 2013.

AYES: 05 NAYES: 0 ABSENT: 01

M. J. Hensleigh , 09-10-13
 Mayor Mafy Janacaro Hensleigh Date

Darcy Perrenoud , 09-10-2013
 Clerk/Treasurer Darcy Perrenoud Date

RESOLUTION NO. 13-13

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WHITEHALL,
MT ADOPTING AND APPROVING A COST-OF-LIVING INCREASE FOR
CERTAIN EMPLOYEES OF THE TOWN OF WHITEHALL.**

WHEREAS certain members of the Whitehall Town Council researched the Consumer Price Index; and

WHEREAS the Consumer Price Index indicated a 1.7% cost-of-living increase for the coming year; and

WHEREAS the Whitehall Town Council reviewed and approved the increase during the July 8th, 2013 Council meeting; and

WHEREAS the Council voted in favor, by a 5:0 vote, to approve a 1.7% cost-of-living increase during the July 8th, 2013 Council meeting; and

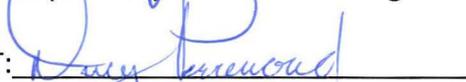
WHEREAS this wage increase shall be retroactive to July 1, 2013,

NOW, THEREFORE BE IT HEREBY RESOLVED by the Town Council of the Town of Whitehall, Montana, that the 5 Town employees (Clerk/Treasurer, Deputy Clerk, Public Works Director, Assistant Public Works, Permanent Part-Time Laborer), as well as the seasonal laborers, shall receive a cost-of-living increase of 1.7%, retroactive to July 1st, 2013.

APPROVED by the Whitehall Town Council this 12th day of August 2013.

AYES: 05 NAYES: 01 ABSENT: 0

SIGNED: 
Mayor Mary Janacaro Hensleigh

ATTEST: 
Clerk Darcy Perrenoud

RESOLUTION 12-13

Resolution of the Whitehall Recreational Complex Board

Whereas the Town of Whitehall, known as 'The Town', has entered into an agreement with the Whitehall Recreation Complex, known as 'The Complex', formerly known as the Whitehall Rodeo Grounds;

Whereas it is the Town's desire to promote and provide the use of this recreation area for benefit of the youth, as well as the adults, of the Town and the surrounding community;

Whereas it is the Town's desire to reorganize the Facility Use Board into the Whitehall Recreation Complex Board, known as 'The Board' to include representatives from the following organizations:

1. (i.) Each member organization of the Recreational Complex Board will forward names of proposed Board members to the Mayor. The Mayor may nominate the individual recommended by the member organization to the Town Council for approval, or the Mayor may nominate another individual from the member organizations for the Council approval.
 - (ii.) One (1) Member each from the following user organizations;
 - a. The Saddle Club
 - b. The Whitehall Women's Softball League
 - c. The Whitehall Baseball League
2. One (1) Member 'at large' from the Town
3. One (1) Member 'at large' from the surrounding area (out of town limits)
4. One (1) Member non-voting from the Town Council to act as liaison between the Town and the Board.

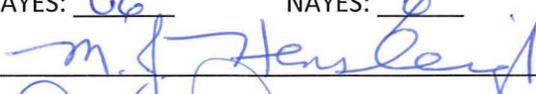
Whereas this will cause to effect a 6, or more as new activities are added, member board that will oversee the management of The Complex as defined in the bylaws/rules presented below;

1. The Board shall consist of the six members listed above with each member having the choice to appoint or not to appoint an alternate to act in their stead.
2. The Board shall work together in an impartial manner in all facets of The Complex management
3. In the event another activity is added to the complex, that activity will select a member for the board to be appointed by the Council
4. The members of the Board will have the responsibility of managing The Complex with the following, but not limited to, responsibilities:
 - a. Scheduling of all activities at the Complex
 - b. Concessions area maintenance
 - c. Grounds maintenance including, but not limited to, the ball fields, the rodeo grounds, the entrances and exit
 - d. Traffic control and parking during events is the responsibility of the user
5. The Town will process security/maintenance/cleaning deposits

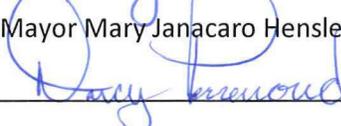
6. All fees, security and cleaning deposit amounts will be set by the Board with final approval by the Town
7. At-Large members may be appointed by the Mayor with the advice and consent of the Council for a period of two years on an alternating basis starting with even number appointees serving a two year and the odd number appointees serving a one year term. Members may re-apply when their term expires. If there is more than one applicant, the Town Council will recommend, with advice from the Board, the appointment of the new member.
8. All users of the Complex will be required to provide proof of insurance in an amount to be determined by the Council before any event.
9. Users of the Facilities will be responsible to provide security and traffic control in the Complex during the event.
10. The Town will assume no responsibility for, but not limited to, fire, theft, personal injuries, during the events
11. All events above and beyond the events listed will need prior approval of the Town.
12. Listed events:
 - a. Baseball events pertaining to Whitehall Baseball League
 - b. Softball events pertaining to Whitehall Women's Softball League
 - c. Rodeo events pertaining to the Whitehall Saddle Club
13. All major constructions, renovations, alterations, etc., to the Complex will be brought before the Board for tentative approval with final approval to be given by the Town Council.
14. The Board shall meet the last Monday of every month, February through September, then as needed.
15. At the first (1st) meeting of each year, the Board shall elect a chairperson and a vice-chairperson. The chairperson will preside over all meetings. In the event the chairperson is not available, the vice-chair will assume the chairs' position for that meeting.
16. A master schedule of events shall be kept at the Town Hall and shall be updated as needed by the chair or a duly appointed representative.
17. The Board or a duly appointed representative will inspect the facilities before and after each use to verify compliance with the use agreement. Inspection shall include, inventories of the condition of the grounds, buildings etc. Any abnormalities, damages or other anomalies shall be reported to the Board and the Town before and after each use.

PASSED AND APPROVED THIS 12th DAY OF AUGUST, 2013.

AYES: 06 NAYES: 0 ABSENT: 0


09-30-2013

 Mayor Mary Janacaro Hensleigh Date


08/13/2013

 Clerk Darcy Perrenoud Date

amended by Resolution
02-14 on April 4, 2014

RESOLUTION NO. 11-13

A RESOLUTION OF THE TOWN OF WHITEHALL, MONTANA PROVIDING FOR THE AMENDMENT OF THE FISCAL YEAR 2013 BUDGET.

WHEREAS, the Town of Whitehall, Montana adopted the budget for Fiscal Year 2013 by Resolution No. 16-12 and;

WHEREAS, the Town of Whitehall Water Utility Fund (5210) and the Ambulance Trust Fund (7050) need to be amended to cover unanticipated revenues and expenditures and;

WHEREAS, the Town of Whitehall is empowered under Montana Code Annotated 7-6-4006, 7-6-4012 and 7-6-4031 to amend the fiscal year budget and;

WHEREAS, each of the aforementioned funds have the necessary funds available in operating cash and reserves to cover the amended budget expenditures;

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Whitehall, MT hereby appropriates and redistributes the following accounts and directs the Town Clerk to make the following budget amendments:

Pool Fund	2210-346030	Increase user fee revenue by \$2,481.00 to account for daily gate revenue
	2210-365000	Increase Miscellaneous/Donation Revenue by \$1,344 to account for unanticipated donations and revenue.
	2210-521000-110	Increase transfer out of \$5,808 to the pool assessments fund to cover payroll expenses - Covered by cash on hand
Pool Assessments	2211-383000	Increase transfer in of \$3,614 from pool operating fund
	2211-460445-110	Increase pool payroll expense by \$3,614
Sewer Utility	5310-430630-350	Increase professional services by \$14,369 to cover the Council approved expense to

complete a CDBG grant application – covered by cash on hand, UNTIL the draw down on the InterCap Loan is completed

5310-490200-610 Add expenditure of \$18,327 for principal payments on new wastewater system – covered by cash on hand

5310-490200-620 Add expenditure of \$31,174 for interest payments on new wastewater system – covered by cash on hand

Sewer Project

5311-381000 Increase by \$3,018,749.07 for previously unbudgeted amount for the interim financing on the wastewater project

5311-490500-600 Increase debt service expense by \$3,018,749.07 to account for pay-off of the interim financing on the wastewater project

Passed and approved by the Whitehall Town Council this 8th day of July, 2013.

AYES: 05 NAYES: 0 ABSENT: 01

Mary Janacaro Hensleigh 07-09-2013

Mayor, Mary Janacaro Hensleigh Date

Darcy Perrenoud 07/09/2013

Attest: Clerk Darcy Perrenoud Date

RESOLUTION #10-13
RESOLUTION TO ADOPT THE 2013 CAPITAL IMPROVEMENTS PLAN UPDATE

WHEREAS, the Town of Whitehall has completed a 2013 Capital Improvements Plan (CIP) Update;

WHEREAS, the CIP has identified needs for the Town's public facilities;

WHEREAS, the CIP provides recommendations and priorities for improvements to remedy the Town's public facility needs;

WHEREAS, the CIP provides recommendations for financing the identified improvements;

WHERE AS, the Town of Whitehall has the legal jurisdiction and authority to construct, finance, operate and maintain the public facilities;

That the Town of Whitehall adopts the 2013 Capital Improvements Plan Update.

PASSED AND APPROVED on this 10th day of June, 2013.

Signed: Stephen B. Antonio

Name: Stephen B. Antonio

Title: Council Chairman & Acting Mayor

Date: 6-10-13

Attested: Darryl Leonard

RESOLUTION # 09-13
TO ADOPT THE FINAL PRELIMINARY ENGINEERING REPORT AND ACCEPT
THE RECOMMENDED FUNDING SCENARIO FOR WATER SYSTEM
IMPROVEMENTS

WHEREAS, the Town of Whitehall has completed a Preliminary Engineering Report to identify needs of the Town's wastewater system;

WHEREAS, the PER has identified needs for the Town's wastewater facilities;

WHEREAS, the PER provides recommendations for improvements to remedy the Town's wastewater system needs;

WHEREAS, the PER provides recommendations for financing the recommended wastewater system improvements;

WHEREAS, the Town of Whitehall has the legal jurisdiction and authority to construct, finance, operate and maintain the wastewater system;

WHEREAS, the Town of Whitehall, held a public meeting to review the PER, recommended funding alternative, chosen funding scenario and its impact to user rates, and solicit public comment;

That the Town of Whitehall adopts the final PER and the PER funding recommendation for completion of the Sugar Beet Row wastewater improvements.

PASSED AND APPROVED on this 13 day of May, 2013.

Signed: M J Hensleigh
Name: Mary JANACARO Hensleigh
Title: Mayor
Date: 05-14-2013
Attested: Darcy Lawrence

Resolution 08-13
Authorizing the Submission of CDBG Application

WHEREAS, the *Town of Whitehall* is applying to the Montana Department of Commerce for financial assistance from the Community Development Block Grant Program (CDBG) to fund, in part, rehabilitation of the Sugar Beet Row sewer main and construction of a new transmission main to connect Sugar Beet Row to the municipal wastewater system;

WHEREAS, the *Town of Whitehall* has the legal jurisdiction and authority to construct, finance, operate, and maintain the sewer improvements;

That the *Town of Whitehall* agrees to comply with all applicable part of Title 1 of the Housing and Community Development Act of 1974, as amended which have not been cited herein, as well as with other applicable federal laws and regulations, and all State laws and regulations and the requirements described in the CDBG Application Guidelines and those that will be described in the CDBG Project Administration Manual;

That the *Town of Whitehall* commits to provide the amount of matching funds as proposed in the CDBG application; and

That Mary Janacaro Hensleigh, Mayor, is authorized to submit this application to the Montana Department of Commerce, on behalf of the *Town of Whitehall*, to act on its behalf and to provide such additional information as may be required.

Signed:



Name:

Mary Janacaro Hensleigh

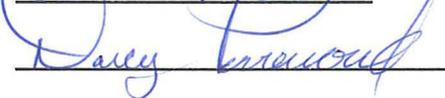
Title:

Mayor

Date:

05-14-2013

Attested:



Tax ID Number: 81-6001326

DUNS Number:

RESOLUTION AUTHORIZING PARTICIPATION IN THE INTERCAP PROGRAM

CERTIFICATE OF MINUTES RELATING TO
RESOLUTION NO. 07-13

Issuer: Town of Whitehall

Kind, date, time and place of meeting: A Council meeting held on April 8, 2013 at 7:30 o'clock p.m. in Whitehall, Montana.

Members present: Steve Antonidi, Mae Smith, Gerry Keogh, Myron Belgarde & Todd Breitenfeldt

Members absent: Dave Torgerson

RESOLUTION NO. 07-13

RESOLUTION AUTHORIZING PARTICIPATION IN THE BOARD OF INVESTMENTS OF THE STATE OF MONTANA ANNUAL ADJUSTABLE RATE TENDER OPTION MUNICIPAL FINANCE CONSOLIDATION ACT BONDS (INTERCAP REVOLVING PROGRAM), APPROVING THE FORM AND TERMS OF THE LOAN AGREEMENT AND AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS RELATED THERETO

I, the undersigned, being the fully qualified and acting recording officer of the public body issuing the obligations referred to in the title of this certificate, certify that the documents attached hereto, as described above, have been carefully compared with the original records of the public body in my legal custody, from which they have been transcribed; that the documents are a correct and complete transcript of the minutes of a meeting of the governing body at the meeting, insofar as they relate to the obligations; and that the meeting was duly held by the governing body at the time and place and was attended throughout by the members indicated above, pursuant to call and notice of such meeting given as required by law.

WITNESS my hand officially as such recording officer this 9th day of April, 2013.

By Davey Brencard
Its Clerk-Treasurer

RESOLUTION NO. 07-13

RESOLUTION AUTHORIZING PARTICIPATION IN THE BOARD OF INVESTMENTS OF THE STATE OF MONTANA ANNUAL ADJUSTABLE RATE TENDER OPTION MUNICIPAL FINANCE CONSOLIDATION ACT BONDS (INTERCAP REVOLVING PROGRAM), APPROVING THE FORM AND TERMS OF THE LOAN AGREEMENT AND AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS RELATED THERETO

BE IT RESOLVED BY THE Town Council (the Governing Body) OF THE TOWN OF WHITEHALL (the Borrower) AS FOLLOWS:

ARTICLE I

DETERMINATIONS AND DEFINITIONS

Section 1.01. Definitions. The following terms will have the meanings indicated below for all purposes of this Resolution unless the context clearly requires otherwise. Capitalized terms used in this Resolution and not defined herein shall have the meanings set forth in the Loan Agreement.

Adjusted Interest Rate means the rate of interest on the Bonds determined in accordance with the provisions of Section 3.03 of the Indenture.

Authorized Representative shall mean the officers of the Borrower designated and duly empowered by the Governing Body and set forth in the application.

Board shall mean the Board of Investments of the State of Montana, a public body corporate organized and existing under the laws of the State and its successors and assigns.

Board Act shall mean Section 2-15-1808, Title 17, Chapter 5, Part 16, MCA, as amended.

Bonds shall mean the Bonds issued by the Board pursuant to the Indenture to finance the Program.

Borrower shall mean the Borrower above named.

Indenture shall mean that certain Indenture of Trust dated March 1, 1991 by and between the Board and the Trustee pursuant to which the Bonds are to be issued and all supplemental indentures thereto.

Loan means the loan of money by the Board to the Borrower under the terms of the Loan Agreement pursuant to the Act and the Borrower Act and evidenced by the Note.

Loan Agreement means the Loan Agreement between the Borrower and the Board, including any amendment thereof or supplement thereto entered into in accordance with the provisions thereof and hereof.

Loan Agreement Resolution means this Resolution or such other form of resolution that the Board may approve and all amendments and supplements thereto.

Loan Date means the date of closing a Loan.

Loan Rate means the rate of interest on the Loan which is initially 1.00% per annum through February 15, 2014 and thereafter a rate equal to the Adjusted Interest Rate on the Bonds and up to 1.5% per annum as necessary to pay Program Expenses.

Note means the promissory note to be executed by the Borrower pursuant to the Loan Agreement, in accordance with the provisions hereof and thereof, in substantially the form set forth in the Promissory Note, or in such form that may be approved by the Board.

Program shall mean the INTERCAP Program of the Board pursuant to which the Board will issue and sell Bonds and use the proceeds to make loans to participating Eligible Government Units.

Project shall mean those items of equipment, personal or real property improvements to be acquired, installed, financed or refinanced under the Program as set forth in the Description of the Project/Summary of Draws.

Trustee shall mean U.S. Bank National Association (formerly known as First Trust Company of Montana National Association) and its successors.

Section 1.02. Authority. The Borrower is authorized to undertake the Project and is further authorized by the Borrower Act to enter into the Loan Agreement for the purpose of obtaining a loan to finance or refinance the acquisition and installation costs of the Project.

Section 1.03. Execution of Agreement and Delivery of Note. Pursuant to the Indenture and the Board Act, the Board has issued and sold the Bonds and deposited a part of proceeds thereof in the Loan Fund held by the Trustee. The Board has, pursuant to the Term Sheet, agreed to make a Loan to the Borrower in the principal amount of \$15,000.00 and upon the further terms and conditions set forth herein, and as set forth in the Term Sheet and the Loan Agreement.

ARTICLE II

THE LOAN AGREEMENT

Section 2.01. Terms. (a) The Loan Agreement shall be dated as of the Loan Date, in the principal amount of \$15,000.00 and shall constitute a valid and legally binding obligation of the Borrower. The obligation to repay the Loan shall be evidenced by a Promissory Note. The Loan shall bear interest at the initial rate of 1.00% per annum through February 15, 2014 and thereafter at the Adjusted Interest Rate, plus up to 1.5% per annum as necessary to pay the cost of administering the Program (the Program Expenses). All payments may be made by check or wire transfer to the Trustee at its principal corporate trust office.

(b) The Loan Repayment Dates shall be February 15 and August 15 of each year.

(c) The principal amount of the Loan may be prepaid in whole or in part provided that the Borrower has given written notice of its intention to prepay the Loan in whole or in part to the Board no later than 30 days prior to the designated prepayment date.

(d) The Prepayment Amount shall be equal to the principal amount of the Loan outstanding, plus accrued interest thereon to the date of prepayment.

(e) Within fifteen days following an Adjustment Date, the Trustee shall calculate the respective amounts of principal and interest payable by each Borrower on and with respect to its Loan Agreement and Note for the subsequent August 15 and February 15 payments, and prepare and mail by first class mail a statement therefor to the Borrower.

Section 2.02. Use and Disbursement of the Proceeds. The proceeds of the Loan will be expended solely for the purposes set forth in the Description of the Project/Summary of Draws. The proceeds from the sale of the Note to the Board shall remain in the Borrower's Account pending disbursement at the request of the Borrower to pay the budgeted expenditures in anticipation of which the Note was issued. Requests for disbursement of the Loan shall be made to the Board. Prior to the closing of the Loan and the first disbursement, the Borrower shall have delivered to the Trustee a certified copy of this Resolution, the executed Loan Agreement and Note in a form satisfactory to the Borrower's Counsel and the Board's Bond Counsel and such other certificates, documents and opinions as set forth in the Loan Agreement or as the Board or Trustee may require. The Borrower will pay the loan proceeds to a third party within five business days after the date they are advanced (except for proceeds to reimburse the Borrower for previously paid expenditures, which are deemed allocated on the date advanced).

Section 2.03. Payment and Security for the Note. In consideration of the making of the Loan to the Borrower by the Board, the provisions of this Resolution shall be a part of the Agreement of the Borrower with the Board. The provisions, covenants and Agreements herein set forth to be performed by or on behalf of the Borrower shall be for the benefit of the Board. The Loan Agreement and Note shall constitute a valid and legally binding obligation of the Borrower and the principal of and interest on the Loan shall be payable from the general fund of the Borrower, and any other money and funds of the Borrower otherwise legally available therefor. The Borrower shall enforce its rights to receive and collect all such taxes and revenues to insure the prompt payment of the Borrower obligations hereunder.

Section 2.04. Representation Regarding the Property Tax Limitation Act. The Borrower recognizes and acknowledges that the amount of taxes it may levy is limited by the state pursuant to Section 15-10-402, et. seq. (the Property Tax Limitation Act). The Borrower is familiar with the Property Tax Limitation Act and acknowledges that the obligation to repay the Loan under the Agreement and Note are not exceptions to the provisions of the Property Tax Limitation Act. The Borrower represents and covenants that the payment of principal of and interest on the Loan can and will be made from revenues available to the Borrower in the years as they become due, notwithstanding the provisions of the Property Tax Limitation Act.

Section 2.05. Levy and Appropriate Funds to Repay Loan. The Borrower agrees that in order to meet its obligation to repay the Loan and all other payments hereunder that it will budget, levy taxes for and appropriate in each fiscal year during the term of the Loan an amount sufficient to pay the principal of and interest hereon within the limitations of the Property Tax Limitation Act, as may be amended, and will reduce other expenditures if necessary to make the payments hereunder when due.

ARTICLE III

CERTIFICATIONS, EXECUTION AND DELIVERY

Section 3.01. Authentication of Transcript. The Authorized Representatives are authorized and directed to prepare and furnish to the Board and to attorneys approving the validity of the Bonds, certified copies of this Resolution and all other resolutions and actions of the Borrower and of said officers relating to the Loan Agreement, the Note, and certificates as to all other proceedings and records of the Borrower which are reasonably required to evidence the validity and marketability of the Note. All such certified copies and certificates shall be deemed the representations and recitals of the Borrower as to the correctness of the statements contained therein.

Section 3.02. Legal Opinion. The attorney to the Borrower is hereby authorized and directed to deliver to the Board at the time of Closing of the Loan his or her opinion regarding the Loan, the Loan Agreement, the Note and this Resolution in substantially the form of the opinion set forth in the Attorney's Opinion.

Section 3.03. Execution. The Loan Agreement, Note, and any other document required to close the Loan shall be executed in the name of the Borrower and shall be executed on behalf of the Borrower by the signatures of the Authorized Representatives of the Borrower.

PASSED AND APPROVED by the Whitehall Town Council this 8th day of April, 2013.

By *m J Henshall*
Its Mayor

Attest:
By *Doreen Lawrence*
Its Clerk/Treasurer

TOWN OF WHITEHALL, MONTANA

RESOLUTION # 06-13

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WHITEHALL, COUNTY OF JEFFERSON APPROVING EXTENSION OF THE BOUNDARIES OF THE TOWN OF WHITEHALL TO INCLUDE THE MOUNTAIN HORIZONS MAJOR SUBDIVISION.

Whereas, the Town Council of the Town of Whitehall believes that it is in the best interest of the town to extend its boundaries and embrace the Mountain Horizons Major Subdivision; and

Whereas, Section 7-2-4312, MCA, grants authority to local governments to extend its boundaries to include contiguous platted tracts or parcels of land for which a certificate of survey has been filed; and

Whereas, the property to be annexed is legally described as a parcel of land located in the southwest $\frac{1}{4}$ of Section 33, T 02 N., R 04 W., and in the Northwest $\frac{1}{4}$ of Section 4, T 01 N., R 04 W. Principal Meridian, Jefferson County, Montana, and described as Tract 2B of Certificate of Survey No. 121743; Folio 188-D, Recorded in Jefferson County, and being more particularly described as follows:

Commencing at the North $\frac{1}{4}$ corner of said Section 4 as marked by a 3.5 inch brass cap monument. Said point also being the true point-of-beginning for this described parcel of land;

Thence South $03^{\circ} 56' 08''$ East, 150.29 Feet to a $\frac{5}{8}$ " rebar and cap stamped "ATS PLS 13770", Hereinafter referred to as an "ATS MONUMENT",

Thence South $02^{\circ} 57' 11''$ East, 317.84 Feet to an 1" Drill Steel;

Thence North $82^{\circ} 33' 45''$ West, 696.54 Feet to an ATS Monument;

Thence North $07^{\circ} 50' 00''$ East, 9.92 feet to a $\frac{5}{8}$ " rebar and cap marked "STENSATTER, 2001 ES";

Thence North $00^{\circ} 09' 32''$ West, 664.87 feet to a $\frac{5}{8}$ " rebar and cap marked "STENSATTER, 2001 ES";

Thence North $89^{\circ} 47' 11''$ East, 663.65 feet to a $\frac{5}{8}$ " rebar and 1.5" aluminum cap marked "VRANISH, 1825 S";

Thence South $00^{\circ} 09' 34''$ East, 299.98 feet, returning to the point-of-beginning and containing 11.106 acres, more or less.

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Whitehall, Montana, that:

1. The boundaries of the Town of Whitehall be extended to include the southwest ¼ of Section 33, T 02 N., R 04 W., and in the Northwest ¼ of Section 4, T 01 N., R 04 W. P.M., Jefferson County, Montana, now known as the Mountain Horizons Major Subdivision, as shown in Exhibit "A", attached hereto and by reference made a part hereof.

APPROVED by the Whitehall Town Council this 9th day of December, 2013.

AYES: 5 NAYES 0 ABSENT 0

SIGNED: 
Mayor Mary Janacaro Hensleigh

ATTEST: 
Rose Ann Palakovich, Town Clerk

TOWN OF WHITEHALL, MONTANA

RESOLUTION # 06-13

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WHITEHALL , COUNTY OF JEFFERSON APPROVING EXTENSION OF THE BOUNDARIES OF THE TOWN OF WHITEHALL TO INCLUDE THE MOUNTAIN HORIZONS MAJOR SUBDIVISION.

Whereas, the Town Council of the Town of Whitehall believes that it is in the best interest of the town to extend its boundaries and embrace the Mountain Horizons Major Subdivision; and

Whereas, Section 7-2-4312, MCA, grants authority to local governments to extend its boundaries to include contiguous platted tracts or parcels of land for which a certificate of survey has been filed; and

Whereas, the property to be annexed is legally described as a parcel of land located in the southwest ¼ of Section 33, T 02 N., R 04 W., and in the Northwest ¼ of Section 4, T 01 N., R 04 W. Principal Meridian, Jefferson County, Montana, and described as Tract 2B of Certificate of Survey No. 121743; Folio 188-D, Recorded in Jefferson County, and being more particularly described as follows:

Commencing at the North ¼ corner of said Section 4 as marked by a 3.5 inch brass cap monument. Said point also being the true point-of-beginning for this described parcel of land;

Thence South 03° 56' 08" East, 150.29 Feet to a 5/8" rebar and cap stamped "ATS PLS 13770", Hereinafter referred to as an "ATS MONUMENT",

Thence South 02° 57' 11" East, 317.84 Feet to an 1" Drill Steel;

Thence North 82° 33' 45" West, 696.54 Feet to an ATS Monument;

Thence North 07° 50' 00" East, 9.92 feet to a 5/8" rebar and cap marked "STENSATTER, 2001 ES";

Thence North 00° 09' 32" West, 664.87 feet to a 5/8" rebar and cap marked "STENSATTER, 2001 ES";

Thence North 89° 47' 11" East, 663.65 feet to a 5/8" rebar and 1.5" aluminum cap marked "VRANISH, 1825 S";

Thence South 00° 09' 34" East, 299.98 feet, returning to the point-of-beginning and containing 11.106 acres, more or less.



NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Whitehall, Montana, that:

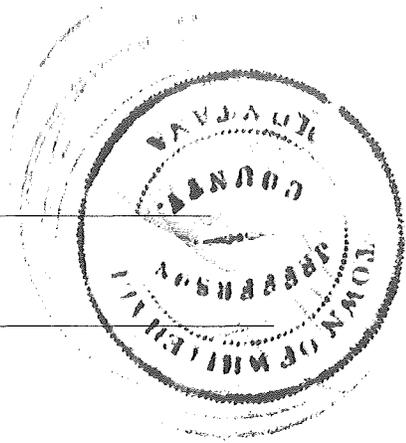
1. The boundaries of the Town of Whitehall be extended to include the southwest ¼ of Section 33, T 02 N., R 04 W., and in the Northwest ¼ of Section 4, T 01 N., R 04 W. P.M., Jefferson County, Montana, now known as the Mountain Horizons Major Subdivision, as shown in Exhibit "A", attached hereto and by reference made a part hereof.

APPROVED by the Whitehall Town Council this 9th day of December, 2013.

AYES: 5 NAYES 0 ABSENT 0

SIGNED: M. J. Hensleigh
Mayor Mary Janacaro Hensleigh

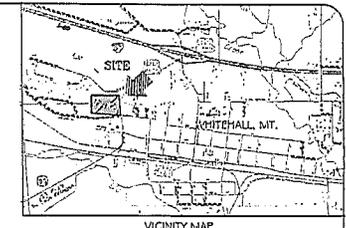
ATTEST: Rose Ann Palakovich
Rose Ann Palakovich, Town Clerk



FINAL PLAT OF

MOUNTAIN HORIZONS SUBDIVISION

A SUBDIVISION WITHIN A PORTION OF THE NE 1/4 OF THE NW 1/4 OF SECTION 4, T 01 N, R 04 W,
AND A PORTION OF THE SE 1/4 OF THE SW 1/4 OF SECTION 33, T 02 N, R 04 W OF THE P.M.,
JEFFERSON COUNTY, MONTANA



BASIS OF BEARING

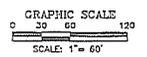
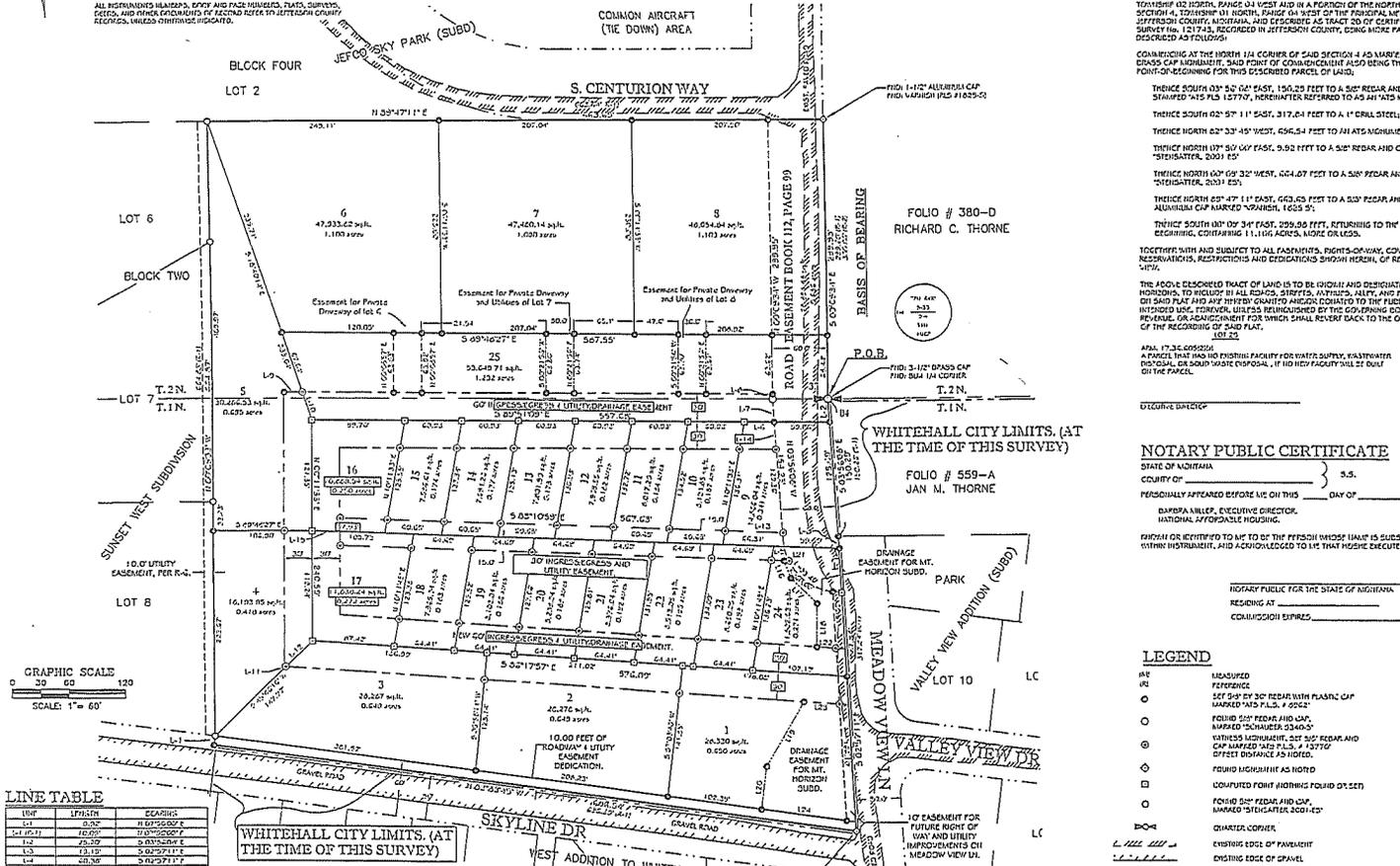
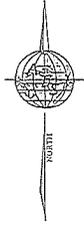
BASES OF BEARING FOR THIS MAP IS THE EAST LINE OF THE SOUTHWEST 1/4 OF SECTION 23, T 1 N, R 04 W, TRACT 25 NORTH 60° 54' WEST AND IS BEARING TO THE EAST.

REFERENCES

1. CERTIFICATE OF SURVEY #121745, FOUR 185-A.
2. RECORD OF MAP ENCLOSURE, BOOK 111 OF OFFERS PAGE 35, DATED 21 MAY, 1950.
3. CERTIFICATE OF SURVEY #121745, FOUR 125-A.
4. CERTIFICATE OF SURVEY #121745, FOUR 125-A.
5. PLAN OF VALLEY VIEW ADDITION, FOLIO 33.
6. PLAN OF SUNSET WEST SUBDIVISION, FOLIO 227 E.
7. ALLEGED PLAT OF THE WEST ADDITION TO WHITEHALL, #175533, FOLIO 456-A-6C.

NOTES

1. THESE PLATS ARE INTENT MADE TO SHOW ALL PHYSICAL FEATURES OF THIS PROPERTY, AS SHOWN BY ANY SURVEYED ENCLOSURES, RECORDS TO RECORDS AND RECORDS WHICH HAVE BEEN SURVEYED, ARE FOR INFORMATION PURPOSES ONLY.
2. LOT 25 SHALL BE DEDICATED FOR PARK/PLEASURE RIGHTS.
3. A VIEW BY EASEMENT WILL BE GRANTED FOR IMPROVED CORNERS AND UTILITIES. THIS EASEMENT SHALL BE ON EACH END OF CENTERLINE.
4. A VIEW BY ALLEY EASEMENT WILL BE GRANTED PER ENDS 5 THRU 21.



LINE TABLE

LINE	LENGTH	BEARING
L1	6.00	S 89° 50' 00" E
L2	25.00	S 89° 50' 00" E
L3	13.10	S 89° 50' 00" E
L4	40.00	S 89° 50' 00" E
L5	11.22	S 89° 50' 00" E
L6	51.11	S 89° 50' 00" E
L7	44.60	S 89° 50' 00" E
L8	13.75	S 89° 50' 00" E
L9	31.00	S 89° 50' 00" E
L10	11.14	S 89° 50' 00" E
L11	40.41	S 89° 50' 00" E
L12	7.91	S 89° 50' 00" E
L13	30.00	S 89° 50' 00" E
L14	30.01	S 89° 50' 00" E
L15	30.01	S 89° 50' 00" E

WHITEHALL CITY LIMITS, (AT THE TIME OF THIS SURVEY)

FOLIO # 380-D
RICHARD C. THORNE

FOLIO # 559-A
JAN M. THORNE

CERTIFICATE OF DEDICATION

I, THE UNDERSIGNED PROPERTY OWNER, DOES HEREBY CERTIFY THAT I HAVE CAUSED TO BE SURVEYED, SUBDIVIDED AND PLATTED INTO LOTS, BLOCKS, AND STREETS AND HIGHWAYS, AS SHOWN ON THE PLAT HEREIN, THE FOLLOWING DESCRIBED LAND IN JEFFERSON COUNTY, MONTANA, TO-WIT:

A PARCEL OF LAND LOCATED IN A PORTION OF THE SOUTHWEST 1/4 OF SECTION 33, TOWNSHIP 02 NORTH, RANGE 04 WEST AND A PORTION OF THE NORTHWEST 1/4 OF SECTION 4, TOWNSHIP 01 NORTH, RANGE 04 WEST OF THE PRINCIPAL MERIDIAN, JEFFERSON COUNTY, MONTANA, AND DESCRIBED AS TRACT 25 OF CERTIFICATE OF SURVEY No. 121745, RECORDED IN JEFFERSON COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 4 AS MARKED BY A 3.5 IN BRASS CAP MONUMENT, SAID POINT OF COMMENCEMENT ALSO BEING THE TRUE POINT OF BEGINNING FOR THIS DESCRIBED PARCEL OF LAND;

THENCE SOUTH 03° 50' 00" EAST, 150.20 FEET TO A 5/8" IRON AND CAP MARKED "M5 PLS 173", HEREINAFTER REFERRED TO AS "M5 MONUMENT";

THENCE SOUTH 02° 57' 11" EAST, 317.64 FEET TO A 1" IRON STEEL; THENCE NORTH 02° 33' 45" WEST, 636.54 FEET TO AN IRON ANGLE; THENCE NORTH 07° 00' 00" EAST, 3.50 FEET TO A 5/8" IRON AND CAP MARKED "STEINBARTER, 2001 E5"; THENCE NORTH 02° 57' 32" WEST, 264.07 FEET TO A 5/8" IRON AND CAP MARKED "STEINBARTER, 2001 E5"; THENCE NORTH 85° 49' 11" EAST, 643.05 FEET TO A 5/8" IRON AND 1.5" ALUMINUM CAP MARKED "YOSHIDA, 1955 S2"; THENCE SOUTH 00° 00' 34" EAST, 229.50 FEET, RETURNING TO THE POINT OF BEGINNING, CONTAINING 1.1164 ACRES, MORE OR LESS.

TOGETHER WITH AND SUBJECT TO ALL EASEMENTS, RIGHTS-OF-WAY, COVENANTS, RESTRICTIONS, RESERVATIONS AND EXCEPTIONS SHOWN HEREON, OF RECORD OR IN WRIT.

THE ABOVE DESCRIBED TRACT OF LAND IS TO BE ORIGINAL AND DESIGNATED AS MOUNTAIN HORIZONS, TO INCLUDE IN PART, STREETS, ALLEYS, AND PARKS, AS SHOWN ON SAID PLAT AND ARE HEREBY GRANTED AND CONVEYED TO THE PUBLIC FOR ITS IMPROVED USE, FOREVER, UNLESS OTHERWISE PROVIDED BY THE GOVERNING BODY OF SAID TOWNSHIP, OR OTHERWISE FOR WHICH SMALL REVENUE GOES TO THE OWNER AT THE TIME OF THE RECORDING OF SAID PLAT.

APRIL 17, 2011

A PARCEL THAT HAS NO OTHER EASEMENTS OR RIGHTS SURVIVOR, RESTRICTIONS, RESERVATIONS, OR EXCEPTIONS, IF IT HAS ANY FACILITY SHALL BE DEDICATED TO THE PUBLIC.

DEEDING DIRECTOR

NOTARY PUBLIC CERTIFICATE

STATE OF MONTANA } S.S.
COUNTY OF }
PERSONALLY APPEARED BEFORE ME ON THIS _____ DAY OF _____, 2011,
BARRISTER, EXECUTIVE DIRECTOR,
NATIONAL AFFORDABLE HOUSING.

WHEN ASKED TO MEET TO ALL PERSONS WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THESE EXECUTED THE SAME.

NOTARY PUBLIC FOR THE STATE OF MONTANA
RESIDING AT _____
COMMISSION EXPIRES _____

LEGEND

- MEASURED PERMANENT
- SET BY 3/4" IRON AND CAP MARKED "M5 PLS. # 2952"
- FOUNDED 5/8" IRON AND CAP MARKED "STEINBARTER, 2001 E5"
- WITNESS MONUMENT, SET 3/4" IRON AND CAP MARKED "M5 PLS. # 13770" OFFSET DISTANCE AS NOTED.
- FOUNDED HIGHWAY AS NOTED
- COMPUTED POINT (SHOWING FOUND ON SET)
- FOUNDED 5/8" IRON AND CAP MARKED "STEINBARTER, 2001 E5"
- QUARTER CORNER
- EXISTING EDGE OF PAVEMENT
- PROPERTY BOUNDARY
- PROPOSED LOT LINES
- EXISTING RIGHT OF WAY
- PROPOSED RIGHT OF WAY
- SECTION LINE
- EASEMENT
- ONLY USE LINE AT THE RULE OF THIS SURVEY

CERTIFICATE OF COUNTY CLERK & RECORDER

THIS MAP WAS RECORDED IN THE OFFICE OF THE JEFFERSON COUNTY CLERK AND RECORDER AT THE PRESENT OF THE ADVANCED TECHNOLOGY SURVEYING & ENGINEERING

THIS _____ DAY OF _____, 2011, AT _____, MONTANA

AS WITNESSED BY ME,

JEFFERSON COUNTY CLERK & RECORDER

BY _____

CERTIFICATE OF COUNTY COMMISSIONERS

THE COUNTY COMMISSIONERS OF JEFFERSON COUNTY, MONTANA, DOES HEREBY CERTIFY THAT IT HAS REVIEWED THIS MAP OF THE "MOUNTAIN HORIZONS SUBDIVISION" AND HAS FOUND THE SAME TO CONFORM TO THE LAWS, STATUTES, AND ORDINANCES OF THE COUNTY AND THE TOWNSHIP AND HAS NOTED THAT THE REPRESENTATION ON THIS MAP IS ACCURATE AND CORRECT AND THAT THE REPRESENTATION ON THIS MAP DOES NOT EXCEED THE ADDITIONAL TO FOOT RECORDING & UTILITY EASEMENT FOR SOME DRIVE IN THE NAME OF THE PUBLIC.

DATED THIS _____ DAY OF _____, 2011

COMMISSIONER CHAIRMAN _____ COMMISSIONER MEMBER _____

COMMISSIONER MEMBER _____ CLERK AND RECORDER _____

CERTIFICATE OF COUNTY TREASURER

I DO HEREBY CERTIFY, PURSUANT TO SECTION 7-2-3(1)(2) M.C.A. THAT THIS SURVEY HAS BEEN FULLY PAID AND THAT ALL REAL PROPERTY TAXES ASSESSED AND LEVIED ON THE LAND HAVE BEEN PAID.

PARCEL ID# 000 60 0341

DATED THIS _____ DAY OF _____, 2011.

JEFFERSON COUNTY TREASURER _____

EXAMINING LAND SURVEYOR

I HEREBY CERTIFY THAT I AM THE EXAMINING SURVEYOR AND THE SURVEY SHOWN HEREON CONFORMS TO THE MONTANA SUBDIVISION AND PLATTING ACT PURSUANT TO 7-2-3(1) M.C.A.

DATED THIS _____ DAY OF _____, 2011.

EXAMINING LAND SURVEYOR _____

SURVEYOR'S CERTIFICATE

I, MATTHEW B. HARTBERG, P.L.S., #13770, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF MONTANA, DO HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL SURVEY AS SUBMITTED WITHIN THE LAWS OF THE STATE OF MONTANA.

AT THE PRESENT OF, BARRISTER, MONTANA, FOR THE NATIONAL AFFORDABLE HOUSING, OF MONTANA.



1/4	SECT. 33	TWP. 2 N.	RANGE 4 W.
DIV.	4	1 N.	4 W.
TR.	4	1 N.	4 W.

COUNTY: JEFFERSON
COMMUNITY: WHITEHALL

ADVANCED TECHNOLOGY SURVEYING & ENGINEERING
610 E. PLATINUM AVENUE, BUTTE, MONTANA, 59701
PH: (406) 223-2225 FAX: (406) 223-1155

SCALE: 1" = 60'
CHECKED BY: JAH
DATE: 11/02/2011
DRAWN BY: VED
DATE: 11/02/2011
DWG: HRS-001_G
PLOT: 06-01-3 LHM

TOWN OF WHITEHALL, MONTANA

RESOLUTION # 05-13

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WHITEHALL, COUNTY OF JEFFERSON, STATE OF MONTANA, STATING ITS INTENT TO EXTEND THE BOUNDARIES OF THE TOWN OF WHITEHALL TO INCLUDE CERTAIN LOTS OF THE AMALGAMATED SUGAR COMPANY SUBDIVISION.

Whereas, residents of the Amalgamated Sugar Company Subdivision have identified failing septic services to the homes within the Amalgamated Sugar Company Subdivision; and

Whereas, certain residents of the Amalgamated Sugar Company Subdivision have approached the Town of Whitehall about annexing into the Town and connecting to the town's sewer utility; and

Whereas, a majority of the property owners of the Amalgamated Sugar Company Subdivision have signed waivers of annexation; and

Whereas, the Town Council of the Town of Whitehall believes that it is in the best interest of the Town and the residents of the Amalgamated Sugar Company Subdivision to extend its boundaries and embrace the Sugar Beet Row Subdivision; and

Whereas, Section 7-2-4312, MCA, grants authority to local governments to extend its boundaries to include contiguous platted tracts or parcels of land for which a certificate of survey has been filed; and

Whereas, the property to be annexed is described as lots 1-15 and lot 18 of the Amalgamated Sugar Company Subdivision within a parcel of land located in the N ½ of the SW ¼ of Section 3, T1N, R4W, PMM, Jefferson County, Montana, book of deeds No. 90, Page 478.

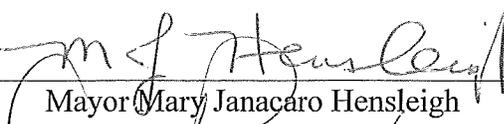
NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Whitehall, Montana, that:

1. That it is in the best interest of the inhabitants of the Town of Whitehall, as well as the residents of the Amalgamated Sugar Company Subdivision, that the boundaries of the Town of Whitehall be extended to include Lots 1-15 and Lot 18 in the N ½ of the SW ¼ of Section 3, T1N, R4W, PMM, Jefferson County, Montana, known as the Amalgamated Sugar Company Subdivision, as shown in Exhibit "A", attached hereto and by reference made a part hereof.

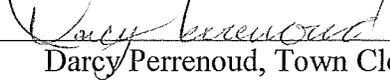
2. That the Town Clerk immediately notify, in writing, all registered voters in the territory to be embraced; and
3. That the Town Clerk publish notice as provided in MCA 7-1-4127.

APPROVED by the Whitehall Town Council this 11 day of March, 2013.

AYES: 05 NAYES 0 ABSENT 01

SIGNED: 

Mayor Mary Janacaro Hensleigh

ATTEST: 

Darcy Perrenoud, Town Clerk

RESOLUTION NO. 04-13

**A RESOLUTION OF THE TOWN OF WHITEHALL,
MONTANA TO AMEND AND SUPERSEDE THE BASIS ON WHICH SEWER
CHARGES ARE IMPOSED FOR THE USERS OF THE MUNICIPAL SEWER SYSTEM**

WHEREAS, pursuant to Resolution No. 01-11, adopted by the Town Council (the "Council") on January 10, 2011, the Town modified the basis on which sewer charges were imposed on users of the municipal sewer System (the "System") effective as of the March 2011 billing; and

WHEREAS, pursuant to Resolution No. 08-12, adopted by the Town Council on April 9th, 2012, the Town further modified the rates and charges for the use and availability of the System to pay for the operation and maintenance of the System, to fund the anticipated debt service on bonds of the Town payable from revenues of the System, to pay for the improvements to the System and to establish necessary and appropriate reserves; and

WHEREAS, a certain provision was inadvertently omitted from Resolution No. 08-12 which had previously been included in Resolution 01-11; and

WHEREAS, the Town Council has determined that it is in the best interests of the Town to reinstate the provision; and

WHEREAS, the Town Council has also determined that it is in the best interests of the Town and the rate-payers to take into consideration the number of business/commercial units of a business or commercial unit; and

WHEREAS, under Section 69-7-101, Montana Code Annotated, the Town has the power and authority to regulate, establish and change, as it considers proper, rates, charges and classifications imposed for utility services to its inhabitants and other persons served by the municipal systems. Rates, charges and classifications must be reasonable and just; and

WHEREAS, pursuant to Section 69-7-111, Montana Code Annotated, the Council shall order a public hearing prior to the passage or enactment of an ordinance or resolution imposing, establishing, changing or increasing rates, fees or charges for services or facilities.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town as follows:

Section 1. Current Rate. The Town currently charges users of the System as follows:

For residential and business/commercial services serving one (1) individual unit: each service to an individual residential living unit or individual business/commercial unit will be charged \$9.05 per 1,000 gallons of water used with a minimum monthly charge of \$18.10. Gallons used in excess of a 2,000-gallon increment will be charged incrementally.

For residential services serving more than 1 individual unit (apartment, mobile home unit, etc.) and for business/commercial services serving more than 1 individual unit (office or business): each residential individual living unit and business/commercial unit will be charged \$9.05 per 1,000 gallons of water used with a minimum monthly charge of \$18.10. Gallons used in excess of 2,000 gallons per month per unit will be apportioned equally among the residential individual living units or business/commercial units connected to the service. Gallons used in excess of 2,000 gallons per unit will be charged incrementally and apportioned to each unit equally based on \$9.05 per 1,000 gallons of water used.

Water usage for each fiscal year beginning July 1 will be based on the average amount of water used in the 5-month period between November and March of each year.

Section 2. New Rate Structure. The Town Council proposes to amend and supersede the basis on which sewer charges are imposed for the users of the System, effective as of the April 2013 sewer billing, by implementing and reinstating the bolded provisions below:

For residential and business/commercial services serving one (1) individual unit: each service to an individual residential living unit or individual business/commercial unit will be charged \$9.05 per 1,000 gallons of water used with a minimum monthly charge of \$18.10. Gallons used in excess of a 2,000-gallon increment will be charged incrementally.

For residential services serving more than 1 individual unit (apartment, mobile home unit, etc.) and for business/commercial services serving more than 1 individual unit (office or business): each residential individual living unit and business/commercial unit will be charged \$9.05 per 1,000 gallons of water used with a minimum monthly charge of \$18.10. Gallons used in excess of 2,000 gallons per month per unit will be apportioned equally among the residential individual living units or business/commercial units connected to the service. Gallons used in excess of 2,000 gallons per unit will be charged incrementally and apportioned to each unit equally based on \$9.05 per 1,000 gallons of water used.

The Town Council may adjust the number of business/commercial units based on the particular circumstances of the business or commercial unit.

Water usage for each fiscal year beginning July 1 will be based on the average amount of water used in the 5-month period between November and March of each year.

The sewer rate for any commercial user with average monthly metered flows (on an annual basis) of 9,000 gallons or more, as determined by the previous 12 month period of April through March, shall be calculated on the actual metered water flows on a month by month basis.

Section 3. Determination of Annual Budget for the System. At least once each year, the Council of the Town shall determine the amount of money needed to pay the costs of the System, including but not limited to: (a) the payment of the reasonable expense of operation and maintenance of the System; (b) administration of the System; (c) the payment of principal and interest on any bonded or other indebtedness of the System; and (d) the establishment or maintenance of any required reserves, including reserves needed for expenditures for depreciation and replacement of facilities, as may be determined necessary from time to time by the Council or as covenanted in the ordinance or resolution authorizing any outstanding bonds of the System. Based on the annual needs of the System, the Council will establish monthly charges for the use and availability of the System.

Section 4. Further Rate Increases. Subsequent adjustment to the rates and charges for the use of the System will be made by a resolution of the Council duly adopted after a public hearing with notice thereof given as provided by law.

Section 5. Public Hearing. A public hearing on the rate structure modification for the System was held on February 11th, 2013, commencing at 7:10 p.m. at Town Hall, 2 North Whitehall Street, Whitehall, Montana.

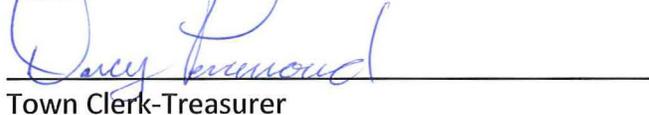
AYES: 06 NAYES: 00 ABSENT: 00

Passed and approved this 11th day of February, 2013.



Mayor Mary Janacaro Hensleigh

Attest:



Town Clerk-Treasurer

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the Town of Whitehall, Montana (the "Town"), hereby certify that the attached resolution is a true copy of Resolution No. 03-13, entitled: "RESOLUTION RELATING TO \$3,000,000 SEWER SYSTEM REVENUE BOND, SERIES 2013, CONFIRMING THE ISSUANCE THEREOF AND THE SECURITY THEREFOR AND MAKING CERTAIN DESIGNATIONS AND COVENANTS IN RESPECT OF THE BOND" (the "Resolution"), on file in the original records of the Town in my legal custody; that the Resolution was duly adopted by the Town Council of the Town at a meeting on January 14, 2013, and that the meeting was duly held by the Town Council and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, pursuant to Council meeting minutes, upon vote being taken on the Resolution at said meeting, the following Council Members voted in favor

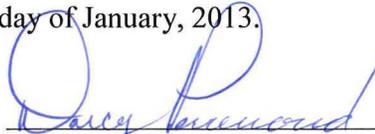
thereof: Steve Antoniolli, Mae Smith, Dave Torgerson, Gerry Keogh, Todd Breitenfeldt

voted against the same: None; abstained from

voting thereon: None; or were

absent: Myron Belgarde.

WITNESS my hand officially this 14th day of January, 2013.



Town Clerk-Treasurer

RESOLUTION NO. 03-13

RESOLUTION RELATING TO \$3,000,000 SEWER SYSTEM
REVENUE BOND, SERIES 2013, CONFIRMING THE
ISSUANCE THEREOF AND THE SECURITY THEREFOR
AND MAKING CERTAIN DESIGNATIONS AND
COVENANTS IN RESPECT OF THE BOND

BE IT RESOLVED by the Town Council (the "Council") of the Town of Whitehall, Montana (the "Town"), as follows:

Section 1. Authorization and Recitals.

1.01. Authorization. Under Montana Code Annotated, Title 7, Chapter 7, Parts 44 and 45, as amended (the "Act"), the Town is authorized to issue and sell its revenue bonds payable during a term not exceeding forty years from their date of issue, to provide funds for the reconstruction, improvement, betterment and extension of a municipal sewer system and to issue refunding bonds to refund bonds issued for such purposes, provided that the bonds and the interest thereon are to be payable solely out of the income and revenues to be derived from rates, fees and charges for the services, facilities and commodities furnished by such sewer system, and are not to create any obligation for the payment of which taxes may be levied except to pay for services provided by the sewer system to the Town.

1.02. Outstanding Bonds and Bond Anticipation Note. In accordance with the authorization described in Section 1.01 and pursuant to Resolution No. 11-12, duly adopted by the Town Council of the Town on April 9, 2012 (the "Original Resolution"), the Town issued and sold its \$3,000,000 Sewer System Revenue Bond Anticipation Note, Series 2012 (the "Series 2012 Note"), issued in anticipation of the issuance of up to \$3,300,000 Sewer System Revenue Bonds to finance a portion of the costs of additional improvements to the sewer system (the "2012 Project"). Apart from the Series 2012 Note, there are no other Bonds or indebtedness of the Town outstanding that are payable in whole or in part from or secured by revenues of the sewer system of the Town (the "System"). Terms used with initial capital letters but not defined herein shall have the meanings given them in the Resolution. The Town initially proposed to issue two series of bonds to pay a portion of the costs of the Series 2012 Project, a Series A Bond in the maximum principal amount of \$3,000,000, and a Series B Bond in the maximum principal amount of \$300,000. The Town has determined, with the assistance of its Consulting Engineer, that, due to favorable construction bids, it will not need to issue the Series B Bond. The Town proposes to issue its Definitive Bond in the amount of \$3,000,000. The Definitive Bond identified in the Resolution is the Series 2013 Bond described herein.

1.03. The 2012 Project. Work on the 2012 Project is anticipated to be substantially complete by May 31, 2013. The Town estimates, with the assistance of its Consulting Engineer, that the costs of the 2012 Project are as follows:

Steering Committee	\$6,000.00
ARRA Review	9,957.25
Administrative Order Services	2,600.00
Clean & Video Inspection of Sewer Mains	15,000.00
Land Acquisition	687,480.00
Land Acquisition Professional Services	32,472.26
Right-of-way & Permit Services	15,244.35
Environmental Services	14,973.16
Geotech Investigation	6,164.50
Agricultural Study	23,780.23
Basic Services – Preliminary & Final Design, Construction Management, Inspection, Close Out Services	525,694.67
Construction – Wastewater Collection	412,658.41
Construction – Wastewater System	2,861,946.13
Construction – Sludge Disposal	43,000.00
NorthWestern Energy Service Contract	208,426.06
Project Contingency	314,853.39
Personnel Costs	4,000.00
Office Costs	5,000.00
Grant Administration	58,352.98
WRDA Funding Services	4,000.00
Training	1,000.00
Legal Fees	8,250.00
Interim Interest	18,646.61
Bond Costs	16,500.00
Audit Fees	4,000.00
TOTAL	\$5,300,000.00

The total project costs were initially estimated to be \$5,300,000. It now appears that project costs will be \$5,000,000. Costs of the 2012 Project in excess of \$3,000,000 are expected to be paid from a Water Resources Development Act grant in the amount of \$230,000, a Treasure State Endowment Program grant in the amount of \$750,000, a USDA Rural Development grant in the amount of \$750,000, a Department of Natural Resources and Conservation Grant in the amount of \$100,000, and funds the Town has on hand and available therefor in the amount of approximately \$170,000. If the final costs of the 2012 Project exceed \$5,000,000, there is an authorized by unissued loan amount of \$300,000 available to the Town.

Section 2. Issuance of the Series 2013 Bond. Pursuant to the Original Resolution, this Council determined, declared and found that the Town is authorized to issue the Definitive Bond in the aggregate principal amount of \$3,000,000 for the purpose of paying and redeeming the Series 2012 Note. The principal and interest outstanding on the Series 2012 Note as of January 24, 2013 is expected to be \$3,018,646.61.

The Town is authorized to charge just and equitable rates, charges and rentals for all services directly or indirectly furnished by the System, and to pledge and appropriate to its \$3,000,000 Sewer System Revenue Bond, Series 2013 (the “Series 2013 Bond”) the Net

Revenues to be derived from the operation of the System, including improvements, betterments or extensions thereof hereafter constructed or acquired. The Net Revenues to be produced by such rates, charges and rentals, during the term of the Series 2013 Bond are estimated to be more than sufficient to pay the principal and interest when due on the Series 2013 Bond, to create and maintain reasonable reserves therefor, and to provide an allowance for replacement and depreciation, as prescribed by the Original Resolution.

Pursuant to the authority recited in Section 1.01 of this Supplemental Resolution and for the purpose of paying and redeeming the Series 2012 Note, this Council hereby ratifies and confirms its authorization to issue the Series 2013 Bond (known then as the Definitive Bond) as provided in the Original Resolution. The USDA has agreed, subject to the terms and conditions of the Commitment Letter, to lend the Town up to \$3,000,000 to pay and redeem a short-term note and to finance a portion of the cost of the 2012 Project. The terms and conditions of the Loan evidenced by the Series 2013 Bond, as set forth in the Commitment Letter, are reasonable and advantageous to the Town and are accepted. The Town has adopted Loan Resolutions, dated July 13, 2009 and February 13, 2012, and executed a Letter of Intent To Meet Conditions pursuant to which the Town has agreed to issue the Definitive Bond, in the aggregate principal amount of \$3,000,000, in accordance with the provisions of the Original Resolution, this Supplemental Resolution, and the Commitment Letter.

The Council hereby ratifies and confirms its finding and determination contained in the Original Resolution that it is necessary and expedient for the Town to issue and sell to the USDA, pursuant to Montana Code Annotated, Section 7-7-4433(1), the Series 2013 Bond, in the aggregate principal amount of \$3,000,000, at a price equal to its principal amount, upon satisfaction of the conditions precedent to the Loan.

The conditions precedent to the purchase of the Series 2013 Bond by the United States of America acting through the United States Department of Agriculture (the "USDA") have been or shortly will be satisfied.

The Town hereby determines the Series 2013 Bond shall be issued as "Sewer System Revenue Bond, Series 2013" in the maximum authorized principal amount of \$3,000,000.

As stated in the Commitment Letter, the Series 2013 Bond bears interest at the rate of three and three-quarters percent (3.75%) per annum on principal amounts advanced and will be payable in monthly installments of principal and interest over 40 years, commencing on the date of issuance of the Bond. The USDA has informed the Council that the rate of interest on the Series 2013 Bond as set forth in Commitment Letter has recently decreased from 3.75% per annum to 2.50% per annum. The new monthly principal and interest payment due on the Series 2013 Bond will be \$9,900, amortized over 40 years, or such lesser amount as may be necessary to amortize fully in equal monthly installments over 40 years the total principal amount of the Series 2013 Bond advanced with interest thereon. The Town will make a monthly deposit to the Reserve Account equal to 10% of the monthly principal and interest payments (or \$990) until the balance in the Reserve Account equals the Reserve Requirement for the Series 2013 Bond (\$118,800). Amortization of principal of and interest on the Loan will commence from the date of issuance of the Series 2013 Bond. This Council hereby authorizes the issuance of the Series 2013 Bond in the principal amount of \$3,000,000 in substantially the form of the

Series 2013 Bond attached as Exhibit A, which form of the Series 2013 Bond supersedes the form of the Series 20__A Bond attached to the Original Resolution.

Pursuant to the Original Resolution, the Town shall deposit from funds it has on hand and available therefor the amount of \$22,750 in the Short-Lived Asset Replacement Reserve Subaccount. Money in the Short-Lived Asset Replacement Reserve Subaccount is to be used for the replacement of Short-Lived Assets, but may be applied to pay and discharge the Series 2013 Bond, together with other available funds of the Town, if the amount therein together with other available funds is then sufficient to pay and discharge the Series 2013 Bond in full. The Town shall maintain the balance in the Short-Lived Asset Replacement Reserve Subaccount at \$22,750.

This Council hereby ratifies and confirms the issuance of the Series 2013 Bond, in the principal amount of \$3,000,000, and the sale thereof to the USDA, on the terms and conditions, substantially in the form and otherwise as authorized and provided in the Original Resolution, as modified as provided above. The proceeds of the principal amount of the Series 2013 Bond shall be applied, with other funds of the Town to the extent required, to pay the Series 2012 Note. The conditions precedent to the issuance of the Series 2013 Bond are hereby found and determined to have been satisfied. On or about January 24, 2013, the proceeds of the Series 2013 Bond will be used to pay the principal of and interest on the outstanding Series 2012 Note. The Original Resolution shall be read liberally to conform to the provisions of this Supplemental Resolution. If there is a conflict between the provisions of this Supplemental Resolution and Original Resolution, the provisions of this Supplemental Resolution shall control.

Section 3. Designation as “Qualified Tax-Exempt Obligations.” Pursuant to Section 265(b)(3)(D)(ii) of the Code, the Town hereby designates the Series 2013 Bond as a “qualified tax-exempt obligation” for purposes of Section 265(b)(3) of the Code, and this Council hereby confirms such designation. The Town hereby represents that the Town and all “subordinate entities” thereof do not reasonably anticipate issuing in 2013 obligations bearing interest exempt from federal income taxation under Section 103 of the Code (including “qualified 501(c)(3) bonds” but excluding other “private activity bonds,” as defined in Sections 141(a) and 145(a) of the Code) in an amount greater than \$10,000,000.

Section 4. Tax Covenants.

4.01. Use of 2012 Project. The 2012 Project as part of the System will be owned and operated by the Town and available for use by members of the general public on a substantially equal basis. The Town shall not enter into any lease, use or other agreement with any non-governmental person relating to the use of the 2012 Project or the System or security for the payment of the Series 2013 Bond which might cause the Series 2013 Bond to be considered a “private activity bond” or a “private loan bond” within the meaning of Section 141 of the Code.

4.02. General Covenant. The Town covenants and agrees with the owners from time to time of the Series 2013 Bond that it will not take or permit to be taken by any of its officers, employees or agents any action which would cause the interest on the Series 2013 Bond to become includable in gross income for federal income tax purposes under the Code and

applicable Treasury Regulations thereunder (the "Regulations"), and covenants to take any and all actions within its powers to ensure that the interest on the Series 2013 Bond will not become includable in gross income for federal income tax purposes under the Code and the Regulations.

4.03. Arbitrage Certification. The Mayor and the Town Clerk-Treasurer, being among the officers of the Town charged with the responsibility for issuing the Series 2013 Bond pursuant to this Supplemental Resolution, are authorized and directed to execute and deliver to the Purchaser a certificate in accordance with the provisions of Section 148 of the Code, and Section 1.148-2(b) of the Regulations, stating that on the basis of facts, estimates and circumstances in existence on the date of issue and delivery of the Series 2013 Bond, it is reasonably expected that the proceeds of the Series 2013 Bond will be used in a manner that would not cause the Series 2013 Bond to be an "arbitrage bond" within the meaning of Section 148 of the Code and the Regulations.

4.04. Arbitrage Rebate Exemption.

(a) The Town hereby represents that the Series 2013 Bond qualifies for the exception for small governmental units to the arbitrage rebate provisions contained in Section 148(f) of the Code. Specifically, the Town represents:

- (1) Substantially all (not less than 95%) of the proceeds of the Series 2013 Bond (except for amounts to be applied to the payment of costs of issuance) will be used for local governmental activities of the Town.
- (2) The aggregate face amount of all "tax-exempt bonds" (including warrants, contracts, leases and other indebtedness, but excluding private activity bonds) issued by or on behalf of the Town and all subordinate entities thereof during 2013 is reasonably expected not to exceed \$5,000,000. To date in 2013, the Town has not issued any such tax-exempt bonds, and in the calendar years 2008 through 2012, the Town did not issue any tax-exempt bonds, except the Series 2012 Note.

(b) If notwithstanding the provisions of paragraph (a) of this Section 4.04, the arbitrage rebate provisions of Section 148(f) of the Code apply to the Series 2013 Bond, the Town hereby covenants and agrees to make the determinations, retain records and rebate to the United States the amounts at the times and in the manner required by said Section 148(f).

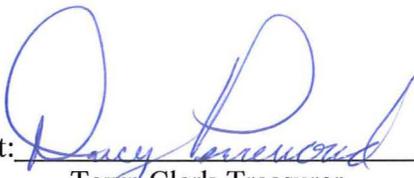
Section 5. Information Reporting. The Town shall file with the Secretary of the Treasury, not later than May 15, 2013, a statement concerning the Series 2013 Bond containing the information required by Section 149(e) of the Code.

Section 6. Authentication of Transcript. The officers of the Town are hereby authorized and directed to furnish to the USDA and to bond counsel certified copies of all proceedings relating to the issuance of the Series 2013 Bond and such other certificates and

affidavits as may be required to show the right, power and authority of the Town to issue the Series 2013 Bond, and all statements contained in and shown by such instruments, including any heretofore furnished, shall constitute representations of the Town as to the truth of the statements of fact purported to be shown thereby.

Section 7. Effective Date. This Supplemental Resolution shall be in full force and effect from and after its passage.

Passed and adopted by the Town Council of the Town of Whitehall, Montana, this 14th day of January, 2013.

Attest: 
Town Clerk-Treasurer


Mayor

EXHIBIT A

UNITED STATES OF AMERICA
STATE OF MONTANA
COUNTY OF JEFFERSON

TOWN OF WHITEHALL

SEWER SYSTEM REVENUE BOND
SERIES 2013

[the series designation to be completed with the calendar year
in which the Bond is issued]

No. R-1

\$3,000,000.00

FOR VALUE RECEIVED, THE TOWN OF WHITEHALL (the "Town"), a duly organized municipal corporation of the State of Montana, acknowledges itself to be specially indebted and hereby promises to pay, solely from the Debt Service Account of its Sewer System Fund, to the United States of America acting through Rural Utilities Service, United States Department of Agriculture, or any successor agency under Public Law 103-354 (the "USDA"), or registered assigns (the "Holder"), the principal sum of THREE MILLION AND NO/100 DOLLARS (\$3,000,000.00), in installments as set forth below, and to pay interest thereon, solely from the Debt Service Account, at the rate of two and one-half percent (2.50%) per annum. Interest shall be computed on the basis of a 365-day year based on the actual number of days elapsed from and after each advance. Principal of and interest on this Bond shall be payable in equal monthly installments in the amount of \$9,900 beginning February 24, 2013, and the 24th day of each month thereafter, with the final installment being due and payable not later than forty (40) years from the date of issuance of the Series 2013 Bond. The final payment will be in such lesser or greater amount as is necessary to pay the balance of principal and interest then remaining due. The installments of principal and interest are payable at State Office of the USDA Rural Development, at 2229 Boot Hill Court, Bozeman Montana 59715, or such other place as the USDA shall designate in writing, except that in the event that the United States of America has assigned this Bond, the installments of principal and interest are payable to the registered Holder at his address as it appears on the Bond Register of the Town. Principal and interest are payable in any coin or currency of the United States of America which on the respective dates of payment is legal tender for public and private debts.

This Bond is one of an issue of Sewer System Revenue Bonds, issuable in one or more series from time to time (the "Bonds"), pursuant to Montana Code Annotated, Title 7, Chapter 7, Parts 44 and 45, as amended (the "Act"), and Resolution No. 11-12 duly adopted by the Town Council of the Town on April 9, 2012, as amended and supplemented by Resolution No. 03-13, adopted by the Town Council of the Town on January 14, 2013 (as so amended and supplemented, the "Resolution"). This Bond (the "Series 2013 Bond") is being issued for the purpose of financing or refinancing a portion of the costs the construction, improvement, extension and rehabilitation of certain improvements (the "Improvements") to the municipal sewer system of the Town (the "System"), through the refunding of a valid outstanding Sewer System Revenue Bond Anticipation Note, Series 2012, issued by the Town in the original

principal amount of \$3,000,000, all pursuant to and in full conformity with the Constitution and laws of the State of Montana and resolutions of the Town thereunto enabling, including the Act and the Resolution, to which Resolution reference is made for the terms and conditions, other than those herein stated, upon which this Bond is issued and secured. The Series 2013 Bond and any Additional Bonds issued on a parity therewith under the Resolution are referred to as the "Bonds." The Bonds, including the interest thereon, are payable solely from the revenues pledged to the payment thereof and do not constitute a debt of the Town within the meaning of any constitutional or statutory limitation or provision.

The Town may redeem on any installment payment date, in whole or part and if in part, in multiples of \$1,000, any unpaid principal of this Series 2013 Bond at a price equal to the principal amount to be redeemed plus interest accrued to the date of redemption without premium; provided that while this Series 2013 Bond is registered in the name of the United States of America, the Town may redeem any unpaid principal on any date and in any amount. Notice of any such prepayment will be mailed by the Town not less than 30 days prior to the date specified for payment, to the registered holder of this Series 2013 Bond at his address as it appears on the Bond Register.

The Town has designated this Series 2013 Bond as a "qualified tax-exempt obligation" within the meaning of Section 265(b) of the Internal Revenue Code of 1986, as amended.

This Series 2013 Bond shall be registered in the name of the Holder on the bond register of the Town kept by the Town Clerk-Treasurer as Bond Registrar. This Series 2013 Bond is transferable by the registered Holder or its attorney duly authorized in writing, upon presentation hereof with a written instrument of transfer satisfactory to the Town and duly executed by the registered holder or its attorney. Such transfer shall be noted on the bond register and on the reverse hereof. The Town will, upon request, issue to the registered Holder or transferee, upon surrender of this Series 2013 Bond, one or more other bonds, in an aggregate principal amount (and, if more than one bond is to be issued, in denominations that are multiples of \$1,000, to the extent practicable) equal to the principal amount of the Series 2013 Bond that then remains unpaid and maturing at the same time or times as the then unpaid principal installments hereof, subject to reimbursement for any tax, fee or governmental charge or other expense incurred by the Town with respect to such exchange. The Town may treat the person in whose name this Series 2013 Bond is registered as the absolute owner hereof, whether this Series 2013 Bond is overdue or not, for the purpose of receiving payment of principal and interest and all other purposes, and shall not be affected by any notice to the contrary.

IT IS HEREBY CERTIFIED, RECITED, COVENANTED AND AGREED that the Town will prescribe and collect reasonable rates and charges for all services and facilities afforded by the System, including all additions thereto and replacements and improvements thereof, and has created a special Sewer System Fund into which the Revenues (as defined in the Resolution) of the System will be paid, and a separate and special Debt Service Account in that fund, into which will be credited periodically, at least once in each calendar month, Net Revenues of the System then on hand (the Revenues remaining after the payment of Operating Expenses of the System) an amount not less than the installment next payable on this Series 2013 Bond and any Additional Bonds payable on a monthly basis and, if Additional Bonds are issued that are payable on a semi-annual basis, not less than one-sixth of the interest due on such

Outstanding Bonds within the next six months and one-twelfth of the principal on such Outstanding Bonds due within the next twelve months; that it will transfer to the Reserve Account in the Sewer System Fund monthly out of the remaining Net Revenues a minimum of \$990 per month and such additional amounts as may be necessary to accumulate therein over a period concluding on the tenth anniversary hereof, a reserve equal to 100% of the maximum Principal and Interest Requirements on the Bonds then Outstanding in the current or any future Fiscal Year (the initial Reserve Requirement (as defined in the Resolution)), and such additional amounts as may be necessary thereafter to maintain therein a balance equal to the Reserve Requirement; that the Debt Service Account and the Reserve Account will be used only to pay the principal of, premium, if any, and interest on the Bonds; that the rates and charges for the System will, from time to time be made and kept sufficient to provide Net Revenues during each Fiscal Year that Bonds are outstanding equal to at least 110% of the maximum Total Principal and Interest Requirements on the Bonds in the current or any future Fiscal Year; that sufficient Surplus Net Revenues shall be available to fund the Short-Lived Asset Replacement Reserve Subaccount as described in the Resolution; that Additional Bonds may be issued and made payable from the Sewer System Fund on a parity with the Series 2013 Bond upon certain conditions set forth in the Resolution, but no obligation will be otherwise incurred and made payable from the Net Revenues, unless the lien thereof shall be expressly made subordinate to the lien of the Series 2013 Bond on such Net Revenues; that all provisions for the security of the Holder of this Bond set forth in the Resolution will be punctually and faithfully performed as therein stipulated; that all acts, conditions and things required by the Constitution and laws of the State of Montana and the ordinances and resolutions of the Town to be done, to exist, to happen and to be performed in order to make this Bond a valid and binding special obligation of the Town according to its terms have been done, do exist, have happened and have been performed as so required; and that this Bond and the interest and premium, if any, hereon are payable solely from the Net Revenues of the System pledged and appropriated to the Debt Service Account and do not constitute a debt of the Town within the meaning of any constitutional or statutory limitation or provision and the issuance of this Series 2013 Bond does not cause either the general or the special indebtedness of the Town to exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF the Town of Whitehall, Jefferson County, State of Montana, by its Town Council, has caused this Bond to be executed on its behalf by the signature of the Mayor, countersigned by the Town Clerk-Treasurer, sealed with the official corporate seal of the Town, and has caused this Bond to be dated as of January 24, 2013.

TOWN OF WHITEHALL, MONTANA



Mayor

Attest:



Town Clerk-Treasurer

(SEAL)

PROVISIONS FOR REGISTRATION OF TRANSFER AND EXCHANGE

The ownership of this Series 2013 Bond and of the interest payable hereon may be transferred to a bona fide purchaser only by delivery hereof with an assignment duly executed by the registered owner or his attorney or legal representative, and the Town may treat the registered owner as the person exclusively entitled to receive payments of principal of and interest on this Series 2013 Bond and to exercise all the rights and powers of an owner until this Series 2013 Bond is presented to the Town Clerk-Treasurer of the Town of Whitehall, Montana, as Bond Registrar, accompanied by said assignment and by assurance of the nature provided by law that the same is genuine and effective, and until such transfer is duly registered on the books of the Town and noted hereon by the Bond Registrar.

REGISTER

The ownership of the unpaid Principal Balance of this Series 2013 Bond and the interest accruing thereon is registered on the books of the Town of Whitehall, Montana, in the name of the registered holder as last noted below:

<u>Date of Registration</u>	<u>Name and Address of Registered Holder</u>	<u>Signature of Town Clerk-Treasurer</u>
January 24, 2013	United States of America, United States Department of Agriculture Office of the Deputy Chief Financial Officer 4300 Goodfellow Boulevard St. Louis, Missouri 63120	_____

**NO WRITING HEREON EXCEPT BY TOWN CLERK-TREASURER
AS BOND REGISTRAR**

The Bond Registrar has transferred on the books of the Town of Whitehall, Jefferson County, Montana, on the date last noted below, to the registered assign noted opposite said date, ownership of the principal amount of and interest on this Bond, except the amounts of principal and interest theretofore paid:

<u>Date of Transfer</u>	<u>Registered Assign</u>	<u>Signature of Bond Registrar</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

RESOLUTION NO. 02-13

**A RESOLUTION OF INTENTION OF THE TOWN OF WHITEHALL,
MONTANA TO AMEND AND SUPERSEDE THE BASIS ON WHICH SEWER
CHARGES ARE IMPOSED FOR THE USERS OF THE MUNICIPAL SEWER SYSTEM**

WHEREAS, pursuant to Resolution No. 01-11, adopted by the Town Council (the "Council") on January 10, 2011, the Town modified the basis on which sewer charges were imposed on users of the municipal sewer System (the "System") effective as of the March 2011 billing; and

WHEREAS, pursuant to Resolution No. 08-12, adopted by the Town Council on April 9th, 2012, the Town further modified the rates and charges for the use and availability of the System to pay for the operation and maintenance of the System , to fund the anticipated debt service on bonds of the Town payable from revenues of the System, to pay for the improvements to the System and to establish necessary and appropriate reserves; and

WHEREAS, a certain provision was inadvertently omitted from Resolution No. 08-12 which had previously been included in Resolution 01-11; and

WHEREAS, the Town Council has determined that it is in the best interests of the Town to reinstate the provision; and

WHEREAS, the Town Council has also determined that it is in the best interests of the Town and the rate-payers to take into consideration the number of business/commercial units of a business or commercial unit; and

WHEREAS, under Section 69-7-101, Montana Code Annotated, the Town has the power and authority to regulate, establish and change, as it considers proper, rates, charges and classifications imposed for utility services to its inhabitants and other persons served by the municipal systems. Rates, charges and classifications must be reasonable and just; and

WHEREAS, pursuant to Section 69-7-111, Montana Code Annotated, the Council shall order a public hearing prior to the passage or enactment of an ordinance or resolution imposing, establishing, changing or increasing rates, fees or charges for services or facilities.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town as follows:

Section 1. Current Rate. The Town currently charges users of the System as follows:

For residential and business/commercial services serving one (1) individual unit: each service to an individual residential living unit or individual business/commercial unit will be charged \$9.05 per 1,000 gallons of water used with a minimum monthly charge of \$18.10. Gallons used in excess of a 2,000-gallon increment will be charged incrementally.

For residential services serving more than 1 individual unit (apartment, mobile home unit, etc.) and for business/commercial services serving more than 1 individual unit (office or business): each residential individual living unit and business/commercial unit will be charged \$9.05 per 1,000 gallons of water used with a minimum monthly charge of \$18.10. Gallons used in excess of 2,000 gallons per month per unit will be apportioned equally among the residential individual living units or business/commercial units connected to the service. Gallons used in excess of 2,000 gallons per unit will be charged incrementally and apportioned to each unit equally based on \$9.05 per 1,000 gallons of water used.

Water usage for each fiscal year beginning July 1 will be based on the average amount of water used in the 5-month period between November and March of each year.

Section 2. Proposed Rate Structure. The Town Council proposes to amend and supersede the basis on which sewer charges are imposed for the users of the System, effective as of the April 2013 sewer billing, by implementing and reinstating the bolded provisions below:

For residential and business/commercial services serving one (1) individual unit: each service to an individual residential living unit or individual business/commercial unit will be charged \$9.05 per 1,000 gallons of water used with a minimum monthly charge of \$18.10. Gallons used in excess of a 2,000-gallon increment will be charged incrementally.

For residential services serving more than 1 individual unit (apartment, mobile home unit, etc.) and for business/commercial services serving more than 1 individual unit (office or business): each residential individual living unit and business/commercial unit will be charged \$9.05 per 1,000 gallons of water used with a minimum monthly charge of \$18.10. Gallons used in excess of 2,000 gallons per month per unit will be apportioned equally among the residential individual living units or business/commercial units connected to the service. Gallons used in excess of 2,000 gallons per unit will be charged incrementally and apportioned to each unit equally based on \$9.05 per 1,000 gallons of water used.

The Town Council may adjust the number of business/commercial units based on the particular circumstances of the business or commercial unit.

Water usage for each fiscal year beginning July 1 will be based on the average amount of water used in the 5-month period between November and March of each year.

The sewer rate for any commercial user with average monthly metered flows (on an annual basis) of 9,000 gallons or more, as determined by the previous 12 month period of April through March, shall be calculated on the actual metered water flows on a month by month basis.

Section 3. Determination of Annual Budget for the System. At least once each year, the Council of the Town shall determine the amount of money needed to pay the costs of the System, including but not limited to: (a) the payment of the reasonable expense of operation and maintenance of the System; (b) administration of the System; (c) the payment of principal and interest on any bonded or other indebtedness of the System; and (d) the establishment or maintenance of any required reserves, including reserves needed for expenditures for depreciation and replacement of facilities, as may be determined necessary from time to time by the Council or as covenanted in the ordinance or resolution authorizing any outstanding bonds of the System. Based on the annual needs of the System, the Council will establish monthly charges for the use and availability of the System.

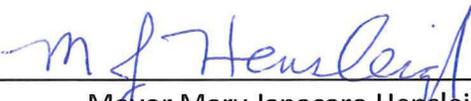
Section 4. Further Rate Increases. Subsequent adjustment to the rates and charges for the use of the System will be made by a resolution of the Council duly adopted after a public hearing with notice thereof given as provided by law.

Section 5. Public Hearing. A public hearing on the rate structure modification for the System will be held on February 11th, 2013, commencing at 7:10 p.m. at Town Hall, 2 North Whitehall Street, Whitehall, Montana.

Section 6. Notice. The Town Clerk-Treasurer is hereby authorized and directed to publish or cause to be published a copy of a notice of the passage of this resolution in the Whitehall Ledger, a newspaper of general circulation in the Town, on January 23rd, January 30th and February 6th, 2013, and to mail or cause to be mailed a copy of said notice to all persons who own property in the Town and to all customers of the System at least 7 days and not more than 30 days prior to the public hearing. The Town Clerk is also authorized and directed to mail first class, postage prepaid, notice of all hearings to the Montana Consumer Counsel.

AYES: 05 NAYES: 00 ABSENT: 01

Passed and approved this 14th, day of January, 2013.



Mayor Mary Janacaro Hensleigh

Attest:


Town Clerk-Treasurer

TOWN OF WHITEHALL, MONTANA

RESOLUTION # 01-13

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WHITEHALL, COUNTY OF JEFFERSON STATING ITS INTENT TO EXTEND THE BOUNDARIES OF THE TOWN OF WHITEHALL TO INCLUDE THE MOUNTAIN HORIZONS MAJOR SUBDIVISION.

Whereas, the Town Council of the Town of Whitehall believes that it is in the best interest of the town to extend its boundaries and embrace the Mountain Horizons Major Subdivision; and

Whereas, Section 7-2-4312, MCA, grants authority to local governments to extend its boundaries to include contiguous platted tracts or parcels of land for which a certificate of survey has been filed; and

Whereas, the property to be annexed is legally described as a parcel of land located in the southwest $\frac{1}{4}$ of Section 33, T 02 N., R 04 W., and in the Northwest $\frac{1}{4}$ of Section 4, T 01 N., R 04 W. Principal Meridian, Jefferson County, Montana, and described as Tract 2B of Certificate of Survey No. 121743; Folio 188-D, Recorded in Jefferson County, and being more particularly described as follows:

Commencing at the North $\frac{1}{4}$ corner of said Section 4 as marked by a 3.5 inch brass cap monument. Said point also being the true point-of-beginning for this described parcel of land;

Thence South $03^{\circ} 56' 08''$ East, 150.29 Feet to a $\frac{5}{8}$ " rebar and cap stamped "ATS PLS 13770", Hereinafter referred to as an "ATS MONUMENT";

Thence South $02^{\circ} 57' 11''$ East, 317.84 Feet to an 1" Drill Steel;

Thence North $82^{\circ} 33' 45''$ West, 696.54 Feet to an ATS Monument;

Thence North $07^{\circ} 50' 00''$ East, 9.92 feet to a $\frac{5}{8}$ " rebar and cap marked "STENSATTER, 2001 ES";

Thence North $00^{\circ} 09' 32''$ West, 664.87 feet to a $\frac{5}{8}$ " rebar and cap marked "STENSATTER, 2001 ES";

Thence North $89^{\circ} 47' 11''$ East, 663.65 feet to a $\frac{5}{8}$ " rebar and 1.5" aluminum cap marked "VRANISH, 1825 S";

Thence South $00^{\circ} 09' 34''$ East, 299.98 feet, returning to the point-of-beginning and containing 11.106 acres, more or less.

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Whitehall, Montana, that:

1. That it is in the best interest of the inhabitants of the Town of Whitehall that the boundaries of the Town of Whitehall be extended to include the southwest ¼ of Section 33, T 02 N., R 04 W., and in the Northwest ¼ of Section 4, T 01 N., R 04 W. P.M., Jefferson County, Montana, now known as the Mountain Horizons Major Subdivision, as shown in Exhibit "A", attached hereto and by reference made a part hereof.
2. That the Town Clerk immediately notify, in writing, all registered voters in the territory to be embraced; and
3. That the Town Clerk publish notice as provided in MCA 7-1-4127.

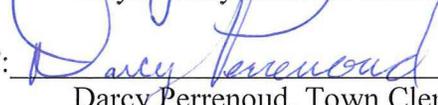
APPROVED by the Whitehall Town Council this 14th day of January, 2013.

AYES: 05 NAYES 0 ABSENT 01

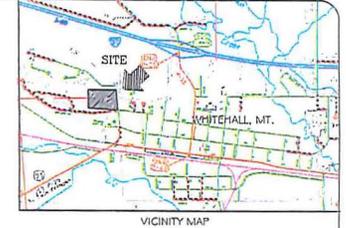
SIGNED: _____


Mayor Mary Janacaro Hensleigh

ATTEST: _____


Darcy Perrenoud, Town Clerk

FINAL PLAT OF
MOUNTAIN HORIZONS SUBDIVISION
 A SUBDIVISION WITHIN A PORTION OF THE NE 1/4 OF THE NW 1/4 OF SECTION 4, T 01 N, R 04 W,
 AND A PORTION OF THE SE 1/4 OF THE SW 1/4 OF SECTION 33, T 02 N, R 04 W OF THE P.M.,
 JEFFERSON COUNTY, MONTANA



BASIS OF BEARING
 BASIS OF BEARING FOR THIS MAP IS THE WEST LINE OF THE SOUTHWEST 1/4 OF SECTION 33, T 2 N, R 4 W, TIED TO NORTH 60° 24' 54" WEST AND IS IDENTICAL TO P-1, THIS SURVEY.

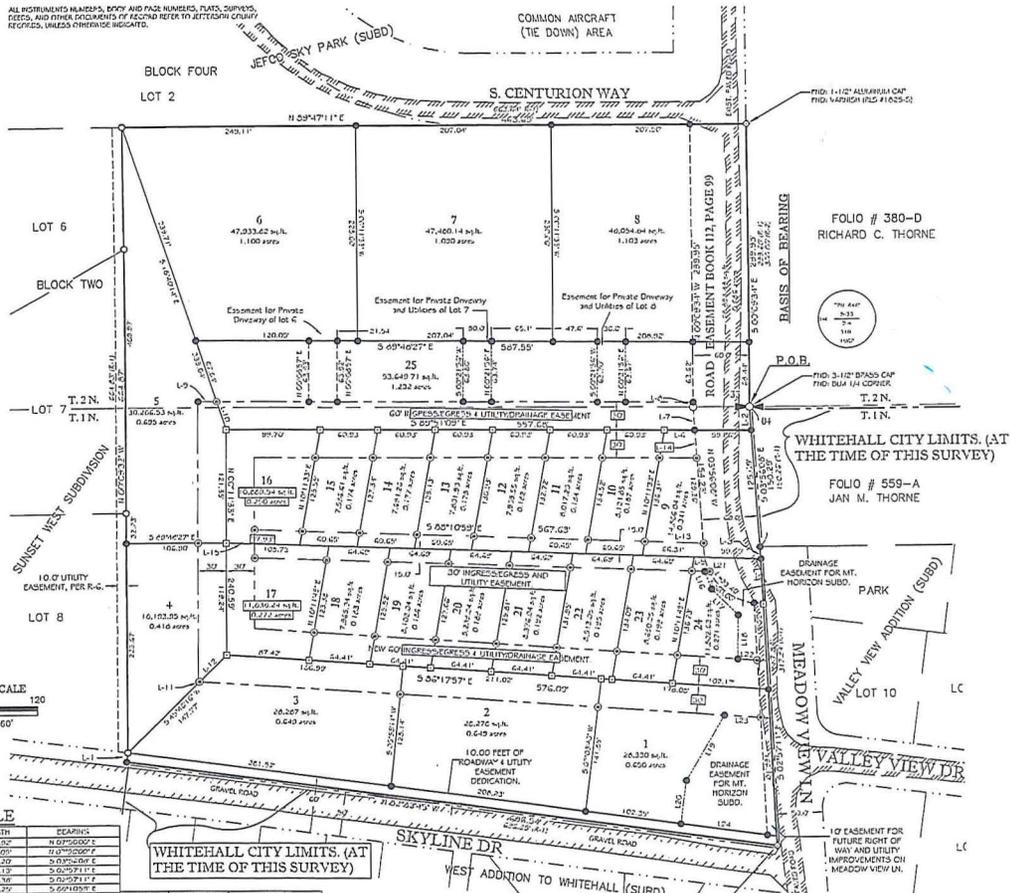
REFERENCES

- R-1 CERTIFICATE OF SURVEY #121743, FOLIO 185-D.
- R-2 RIGHT OF WAY EASEMENT, 200'-0" WIDE OFFSET PAVER ASP. DATED 21 MAY, 1958.
- R-3 CERTIFICATE OF SURVEY #121249, FOLIO 185-A.
- R-4 CERTIFICATE OF SURVEY #121749, FOLIO 185-A.
- R-5 PLAT OF VALLEY VIEW SUBDIVISION, FOLIO 227 E.
- R-6 PLAT OF SUNSET WEST SUBDIVISION, FOLIO 227 E.
- R-7 ALLEGEY MAP OF THE WEST ADDITION TO WHITEHALL #175535, FOLIO 425-A-E.

NOTES

1. THESE RIGHTS ARE ATTACHED HERE TO SHOW ALL PHYSICAL FEATURES OF THIS PROPERTY, INCLUDING ANY NON-ADJACENT EASEMENTS, RIGHTS SUCH AS EASEMENTS AND EASES WHICH MAY BE SHOWN, ARE FOR INFORMATIONAL PURPOSES ONLY.
2. LOT 25 WILL BE DESIGNATED FOR PARK/PEDAL RECREATION.
3. A NEW 60' EASEMENT WILL BE SPANDED FOR INTER-CROSSING AND UTILITY EASEMENT WITHIN EACH LOT SHOWN BE 30' ON EACH SIDE OF COURSELINE.
4. A 100' ALLEY EASEMENT WILL BE GRANTED FROM LOTS 8 THROUGH 24.

ALL INSTRUMENTS, MAPS, DEEDS AND PAGE NUMBERS, PLATS, SURVEYS, RECORDS, AND OTHER DOCUMENTS IF REFERRED TO BY ANY INSTRUMENT OR REFERENCE, UNLESS OTHERWISE INDICATED.



CERTIFICATE OF DEDICATION

I, THE UNDERSIGNED PROPERTY OWNER, DOES HEREBY CERTIFY THAT I HAVE CAUSED TO BE SURVEYED, SUBDIVIDED AND PLATTED THE LOTS, BLOCKS, AND STREETS AND RIGHTS-OF-WAY, AS SHOWN BY THE PLAT HEREIN REFERRED TO, THE FOLLOWING DESCRIBED LAND IN JEFFERSON COUNTY, MONTANA, TO WIT:

A PARCEL OF LAND LOCATED IN A PORTION OF THE SOUTHWEST 1/4 OF SECTION 33, TOWNSHIP 02 NORTH, RANGE 04 WEST AND IN A PORTION OF THE NORTHEAST 1/4 OF SECTION 4, TOWNSHIP 01 NORTH, RANGE 04 WEST OF THE PRINCIPAL MERIDIAN, JEFFERSON COUNTY, MONTANA, AND DESCRIBED AS TRACT 20 OF CERTIFICATE OF SURVEY No. 121743, RECORDED IN JEFFERSON COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 4 AS MARKED BY A 3.5 INCH DIAMOND CAP MONUMENT, SAID POINT OF COMMENCEMENT ALSO BEING THE TRUE POINT OF BEGINNING FOR THIS DESCRIBED PARCEL OF LAND,

- THENCE SOUTH 33° 52' 02" EAST, 150.29 FEET TO A 5/8" IRON AND CAP STAMPED "ATS PLS 13777", HEREINAFTER REFERRED TO AS AN "ATS MONUMENT";
- THENCE SOUTH 62° 57' 11" EAST, 317.64 FEET TO A 1" IRON STEEL;
- THENCE NORTH 23° 45' WEST, 426.54 FEET TO AN "ATS MONUMENT";
- THENCE NORTH 07° 50' 04" EAST, 9.52 FEET TO A 5/8" IRON AND CAP MARKED "STENGLATER, 2001 E2";
- THENCE NORTH 09° 05' 30" WEST, 654.07 FEET TO A 5/8" IRON AND CAP MARKED "STENGLATER, 2001 E2";
- THENCE NORTH 09° 47' 11" EAST, 663.05 FEET TO A 5/8" IRON AND 1.5" ALUMINUM CAP MARKED "VAPINAH, 1825 S1";
- THENCE SOUTH 60° 34' 34" EAST, 299.98 FEET, REFERRING TO THE POINT-OF-BEGINNING, CONTAINING 1.1168 ACRES, MORE OR LESS.

TOGETHER WITH AND SUBJECT TO ALL EASEMENTS, RIGHTS-OF-WAY, COVENANTS, RESERVATIONS, RESTRICTIONS AND DEDICATIONS SHOWN HEREIN, OF RECORD OR IN VIVO,

THE ABOVE DESCRIBED TRACT OF LAND IS TO BE KNOWN AND DESIGNATED AS MOUNTAIN HORIZONS, TO INCLUDE ALL HOMES, STREETS, ALLEYS, AND PARKS, AS SHOWN ON SAID PLAT AND ARE HEREBY GRANTED AND CONVEYED TO THE PUBLIC FOR ITS IMPROVED USE, FOREVER, UNLESS REINVESTED BY THE COOPERING BODY OF SALE FOR REVENUE, OR AS OTHERWISE PROVIDED FOR WHICH SHALL REVERT BACK TO THE GANER AT THE TIME OF THE RECORDING OF SAID PLAT.

IN WITNESS WHEREOF, I HAVE HEREBY SET MY HAND AND SEAL OF OFFICE, AT BUTTE, MONTANA, THIS 23rd DAY OF APRIL, 2011.

A PARCEL THAT HAS NO FEDERAL FACILITY FOR WATER SUPPLY, WASTEWATER DISPOSAL, OR SOLID WASTE DISPOSAL, IF A FEDERAL FACILITY SHALL BE BUILT ON THE PARCEL.

DEPUTY DIRECTOR

NOTARY PUBLIC CERTIFICATE

STATE OF MONTANA)
 COUNTY OF _____) S.S.
 PERSONALLY APPEARED BEFORE ME ON THIS _____ DAY OF _____, 2011.

BARBARA WALKER, EXECUTIVE DIRECTOR,
 NATIONAL AFFORDABLE HOUSING.

KNOW ALL THINGS TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE/SHE OCCUPIED THE SAID:

NOTARY PUBLIC FOR THE STATE OF MONTANA
 RESIDING AT _____
 COMM. EXPIRES _____

LEGEND

- MEASURED
- REFERENCE
- SET 5/8" BY 3/8" BEARING WITH PLASTIC CAP MARKED "ATS PLS. # 13752"
- ROUND CAP IRON AND CAP MARKED "DAUGHER 3340-5"
- IRON STEEL MONUMENT, SET 5/8" IRON AND CAP MARKED "ATS PLS. # 13777" OFFSET DISTANCE AS NOTED
- FOURTH MONUMENT AS NOTED
- COMPUTED POINT AND BEARING (PERIOD OF SET)
- ROUND 5/8" IRON AND CAP MARKED "STENGLATER, 2001-E2"
- QUARTER CORNER
- EXISTING EDGE OF PAVEMENT
- EXISTING EDGE OF GRAVEL
- PROPERTY BOUNDARY
- PROPOSED LOT LINES
- EXISTING LOT LINES
- EXISTING RIGHT OF WAY
- PROPOSED RIGHT OF WAY
- SECTION LINE
- EASEMENT
- CITY LIMIT LINE (AT THE TIME OF THIS SURVEY)

CERTIFICATE OF COUNTY CLERK & RECORDER

THIS MAP WAS RECEIVED IN THE OFFICE OF THE JEFFERSON COUNTY CLERK AND RECORDER AT THE OFFICE OF THE RECORDER OF DEEDS AND RECORDS, JEFFERSON COUNTY, MONTANA.

THIS _____ DAY OF _____, 2011, AT _____ O'CLOCK, A.M./P.M.
 AS INSTRUMENT NUMBER _____
 JEFFERSON COUNTY CLERK & RECORDER
 DEPUTY _____

CERTIFICATE OF COUNTY COMMISSIONERS

THE COUNTY COMMISSIONERS OF JEFFERSON COUNTY, MONTANA DOES HEREBY CERTIFY THAT IT HAS EXAMINED THIS PLAT OF THE MOUNTAIN HORIZONS SUBDIVISION AND HAS FOUND THE SAME TO CONFORM TO THE LAWS AND ORDINANCES OF THE COUNTY AND HAS NO FURTHER REPRESENTATION OR RECOMMENDATION AND DOES NOT HAVE AUTHORITY TO RECOMMEND AND HEREBY EXCEPTS THE ADDITIONAL 10 FOOT ROADWAY & UTILITY EASEMENT FOR SAID TRACT, IN THE NAME OF THE PUBLIC.

DATED THIS _____ DAY OF _____, 2011

COUNTY CLERK _____ COUNTY COMMISSIONER _____
 COUNTY COMMISSIONER _____ COUNTY CLERK AND RECORDER _____

CERTIFICATE OF COUNTY TREASURER

I DO HEREBY CERTIFY, PURSUANT TO SECTION 72-3-207(3) M.C.A. THAT THIS SURVEY HAS BEEN CAREFULLY EXAMINED AND THAT ALL POLYMER TAPE ACCESSORS AND LOCKS ON THE LAND HAVE BEEN TIED.

PARCEL ID# 000 60 0341
 DATED THIS _____ DAY OF _____, 2011.

JEFFERSON COUNTY TREASURER _____

EXAMINING LAND SURVEYOR

I HEREBY CERTIFY THAT I AM THE EXAMINING SURVEYOR AND THE SURVEYOR'S CERTIFICATE IS CONFORMING TO THE MONTANA SUBDIVISION AND PLATTING ACT PURSUANT TO 72-3-211 M.C.A.

DATED THIS _____ DAY OF _____, 2011.
 EXAMINING LAND SURVEYOR _____

SURVEYOR'S CERTIFICATE

I, MATTHEW B. HANBERGER, P.L.S. #13720, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF MONTANA, DO HEREBY CERTIFY THAT THIS IS A TRUE COPY MADE BY ME OF THE ORIGINAL SURVEY IN COMPLIANCE WITH THE LAWS OF THE STATE OF MONTANA.

AT THE OFFICE OF BARBARA WALKER, FOR THE NATIONAL AFFORDABLE HOUSING, OF MONTANA.



LINE TABLE

LINE	LENGTH	BEARING
L-1	63.82	S 21° 00' 00" E
L-2	29.29	S 91° 00' 00" E
L-3	11.12	S 60° 24' 54" W
L-4	49.36	S 76° 21' 1" E
L-5	11.29	S 60° 24' 54" W
L-6	32.41	S 60° 24' 54" W
L-7	44.87	S 60° 24' 54" W
L-8	18.29	S 60° 24' 54" W
L-9	31.88	S 44° 41' 6" E
L-10	11.41	S 62° 17' 52" E
L-11	48.84	S 60° 24' 54" W
L-12	7.81	N 00° 12' 27" E
L-13	30.09	N 03° 02' 00" E
L-14	30.01	S 60° 24' 54" W
L-15	30.01	S 60° 24' 54" W

WHITEHALL CITY LIMITS (AT THE TIME OF THIS SURVEY)

LINE	LENGTH	BEARING
L-16	20.66	S 21° 00' 00" E
L-17	23.26	S 45° 16' 32" E
L-18	46.79	S 01° 01' 04" W
L-19	60.74	S 30° 07' 20" W
L-20	46.30	S 07° 28' 1" W
L-21	5.80	S 60° 24' 54" W
L-22	20.40	S 60° 24' 54" W
L-23	38.29	S 60° 24' 54" W
L-24	36.37	S 60° 24' 54" W

SCALE: 1" = 60'

ADVANCED TECHNOLOGY SURVEYING & ENGINEERING, PLLC.
 609 E. PLATYNUM STREET, BUTTE, MONTANA, 59708
 P.O. BOX 221-2728 FAX (406) 723-8853

COUNTY: JEFFERSON
 COMMUNITY: WHITEHALL

SCALE: 1" = 60'
 CHECKED BY: MMB
 DATE: 11-03-2011
 DRAWN BY: WED
 DATE: 11-02-2011
 DWG: HrdJctry_C
 PLOT: 05-01-11.dwg