

RESOLUTION NO. 2021-17

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WHITEHALL, MONTANA CANCELLING THE NOVEMBER 2, 2021 ELECTION FOR COUNCIL MEMBER AND DECLARING THE CANDIDATES ELECTED BY ACCLAMATION

WHEREAS, the Town of Whitehall has two full-term Council seats, 1 unexpired Council seat and one Mayor seat up for election with terms beginning January 1, 2022. Three people filed for the Council seats and one person filed for the Mayor seat by the statutory deadline of June 21, 2021; and

WHEREAS, pursuant to §13-1-403(4), MCA, no write-in candidates for the municipality's upcoming general election filed by the August 30, 2021 deadline, and;

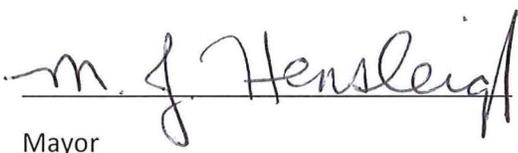
WHEREAS, pursuant to §13-1-403(4), MCA, the number of candidates for the contests of Council member are equal to the number of positions to be filled, and;

WHEREAS, per §13-1-403(4), MCA, the Jefferson County Election Administrator has notified the Whitehall Town Council that the election for these positions is not necessary, and the Council may, by resolution, cancel the election for these contests and declare the candidates elected by acclamation.

NOW THEREFORE BE IT RESOLVED THAT pursuant to §13-1-403(5), MCA, the Town Council of the Town of Whitehall, Montana hereby orders the Jefferson County Election Administrator to cancel the November 2, 2021 election for Council members; and

BE IT ALSO RESOLVED that the Whitehall Town Council declares the candidates for these seats (listed in the attached Exhibit A) elected to the position for which they filed by acclamation.

PASSED AND ADOPTED this 21st day of October, 2021.



Mayor



ATTEST: Clerk/ Treasurer

EXHIBIT A

Town of Whitehall Alderman

Ward 1- Unexpired 2 year term

Bill Lanes

Ward 1- 4 year term

Patricia T. Peterson

Ward 2- 4 year term

Linda Jung

Ward 3- 4 year term

No One Filed for Office

Mayor

4 year term

Mary Janacaro Hensleigh

October 20, 2021

Town of Whitehall,

Pursuant to 13-1-403(4) MCA I hereby declare that it is not necessary to hold an election for Aldermen for the town of Whitehall because the number of candidates who filed is equal to or less than the number of positions to be filled. However, the governing body of the local government may by resolution require that an election be held.

Bill Lanes filed for Alderman-Ward 1- unexpired 2 year term

Patricia T. Peterson filed for Alderman- Ward 1- 4 year term

Linda Jung filed for Alderman- Ward 3- 4 year term

They will be elected by acclamation on November 2, 2021 per a resolution passed by the Town of Whitehall.

If you have any questions please call me at 225-4020.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven Kung". The signature is fluid and cursive, with a large loop at the end of the last name.

Election Administrator

RESOLUTION 2021-16

A RESOLUTION TO FORM A SUB COMMITTEE TO ASSIST IN UPDATED AND REVISING ORDINANCES FOR THE PLANNING BOARD.

WHEREAS, a Resolution of the Town Council of the Town of Whitehall, Montana, County of Jefferson, State of Montana, to form a Sub-Committee to assist in updating and revising Ordinances for the Planning Board.

WHEREAS, by the Town Council of the Town of Whitehall, Montana, County of Jefferson, State of Montana, the sub-committee will consist of 4 members, Linda Jung, Pat Peterson, Jeannie Ferriss and Rebecca Robinson to assist in updating and revising Ordinances for the Planning Board.

WHEREAS, the sub-committee will not have authorization to vote on any matter pertaining to the Town of Whitehall. The members will strictly gather as a sub-committee to assist, review and provide suggestions to the Planning Board.

BE IT RESOLVED, by the Town Council of the Town of Whitehall, Montana, County of Jefferson, State of Montana, as of November 8th, 2021 that the Town hereby approves the formation of a Sub-committee to assist in updating and revising Ordinances for the Planning Board.

THEREFORE BE IT RESOLVED, by the Town Council of the Town of Whitehall, MT adopts the formation of a sub-committee to assist in updating, revising Ordinances and providing suggestions to the Planning Board. The sub-committee shall consist of 4 members, Linda Jung, Pat Peterson, Jeannie Ferriss and Rebecca Robinson and will gather to strictly assist in the updating and revising of Ordinances for the Planning Board effective November 8th, 2021.

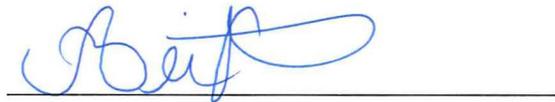
AYES 6

NAYES 0

ABSENT 0



Mayor



Clerk/ Treasurer

RESOLUTION 2021-15

TOWN OF WHITEHALL ADOPTING NEW PERSONNEL MANUAL

WHEREAS, a Resolution of the Town Council of the Town of Whitehall, Montana relating to the approval of the adoption of the new Personnel handbook for the Town of Whitehall. After the passing of this Resolution, all previous Procedures/ Personnel Manuals will be obsolete and no longer valid.

BE IT RESOLVED by the Town Council of the Town of Whitehall, Montana, County of Jefferson, State of Montana, that the Town hereby adopts the Town of Whitehall's Personnel Manual and as of November 8th, 2021, all previous Procedure/Personnel Manuals will be obsolete and no longer valid.

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 adopts the Personnel Manual and all past Procedure/ Personnel Manuals will no longer be valid.

THEREFORE, BE IT RESOLVED that the Town Council of the Town of Whitehall, hereby adopts the Personnel Manual and as of November 8th, 2021, all past Procedure / Personnel Manuals will be obsolete and no longer valid.

PASSED AND APPROVED THIS 8th DAY, of November 2021.

AYES 6 NAYES 0 ABSENT 0



Mayor



Clerk/Treasurer

RESOLUTION# 2021-14
RESOLUTION ADOPTING TOWN OF WHITEHALL SUBDIVISION REGULATIONS

WHEREAS, Section 76-3-501 MCA requires every county, city, and town to adopt and provide for the enforcement of administration of subdivision regulations; and

WHEREAS, in accordance with State law, the Town of Whitehall has adopted subdivision regulations as Chapter 36 of the Municipal Code; and

WHEREAS, The Town of Whitehall now wishes to update its subdivision regulations to be in compliance with current state law;

WHEREAS, the Town of Whitehall Planning Board held a public hearing on August 2, 2021; and

WHEREAS, the Town of Whitehall Planning Board has considered all public comment at said hearing; and

WHEREAS, the Town of Whitehall Planning Board has, after consideration of all public comment, recommended that the Whitehall Town Council adopt the updated Town of Whitehall Subdivision Regulations; and

WHEREAS, the Whitehall Town Council held a public hearing required by Section 76-3-503 MCA on August 9, 2021; and

WHEREAS, the Whitehall Town Council has considered public comment other than from the planner and the Town Attorney of the Town of Whitehall at said hearings; and

WHEREAS, the Whitehall Town Council has reviewed the proposed Town of Whitehall Subdivision Regulations.

NOW, THEREFORE, BE IT RESOLVED that:

The Town of Whitehall Subdivision Regulations Chapter 36 of the Town Municipal Code previously adopted are hereby repealed in their entirety; and

IT IS FURTHER RESOLVED that the Town of Whitehall Subdivision Regulations dated July 27, 2021, are hereby adopted.

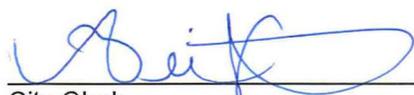
This resolution shall be effective immediately upon adoption.

Adopted this 9th day of August, 2021



Mayor

ATTEST:



City Clerk

RESOLUTION 2021-14

A Resolution of the Town Council of the Town of Whitehall, Montana relating to the approval of the FY 2021/2022 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 2021/2022 General Fund mill levies at 118.47.

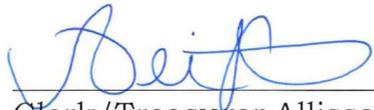
THEREFORE, BE IT RSOLVED that the Town Council of the Town of Whitehall hereby fixes the total Town levies for Fiscal Year 2021/2022 at 118.47 mills.

PASSED AND APPROVED THIS 13th DAY OF SEPTEMBER 2021.

AYES: 5 NAYES: 0 ABSENT: 1

 , 9-13-2021

Mayor Mary Hensleigh Date

 , 9.13.21

Clerk/Treasurer Allissa Christensen Date

RESOLUTION 2021- 13

TOWN OF WHITEHALL RESOLUTION ADOPTING FEES FOR SUBDIVISION REVIEWS

WHEREAS, Montana Law provides for the establishment of reasonable fees to defray the costs associated with development activity and survey review; and

WHEREAS, the Town of Whitehall has contracted for professional planning, subdivision, and survey review services; and

WHEREAS, the services provided are on an On Call basis;

WHEREAS, the Town Council believes that persons submitting development applications and survey's requiring the use of these On Call services should pay all or the majority of the costs associated with the procurement of said services; and

WHEREAS, the Town Council did on August 9, 2021 conduct a public hearing on the proposed fee schedule for development activities and survey review in the Town of Whitehall; and

NOW, THEREFORE, BE IT RESOLVED that:

in order to promote the public health, safety and general welfare of Town of Whitehall as more particularly set forth above in the preamble to this resolution, the Whitehall Town Council hereby adopts the fees for the Town of Whitehall Subdivision Review as set forth in Exhibit A attached hereto and incorporated herein for the purpose of defraying the costs associated with development activities and survey reviews in the Town. This resolution revokes and replaces all previous fees adopted for the subdivision and survey review.

This resolution shall be effective immediately upon adoption.

Adopted this 9th day of August, 2021



Mayor

ATTEST:



Town Treasurer

RESOLUTION 2021-12

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WHITEHALL, MONTANA ADOPTING THE FINAL BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2021 AND ENDING JUNE 30TH, 2022

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 2022 final general fund budget in the amount of \$547,437.00 (Five Hundred and Seven Thousand, Eight Hundred and Eighty-Six dollars and No Cents.).

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 2022 special revenue and capital outlay fund budget in the amount of \$0 (Five Hundred and Seven Thousand, Eight Hundred and Eighty-Six dollars and No Cents.).

BE IT FURTHER RESOLVED that the Whitehall Town Council hereby approves the FY 2021 fee based budgets for the Water, Sewer, and Solid Waste Funds in the amount of \$677,315.00 (Six Hundred and Seventy Seven Thousand, Three Hundred and Fifteen 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, 2021 and ending June 30, 2022

		<u>Revenue</u>	<u>Cash Reapp</u>	<u>Expenditures</u>
Governmental Funds				
1000	General	\$395,210	\$152,227	\$547,437
2393	Pool	\$14,500	\$5,500	\$20,000
2310	T.I.F.F.	\$32,841	\$178,025	\$210,866
2702	Facility Use	\$0	\$5,000	\$5,000
2705	Fire Department	\$0	\$7,500	\$7,500
2706	All Purpose	\$0	\$35,000	\$35,000
2820	Gas Tax	\$24,498	\$40,816	\$ 65,314
2821	BARSSA Gas Tax	\$25,700	\$53,516	\$79,216
2992	AARPA Fed Cares	\$0	\$146,878	\$146,878
4005	Swimming Pool CIP	\$25,000	\$25,000	\$50,000
4006	Fire Department CIP	\$32,541	\$25,000	\$57,541
Enterprise Business Funds				
5210	Water Utility	\$236,840	\$0	\$207,244
5310	Sewer Utility	\$302,000	\$0	\$274,745
5410	Solid Waste	\$170,000	\$0	\$154,684

PASSED AND APPROVED THIS 9th DAY AUGUST 2021.

AYES: 5 NAYES: 0 ABSENT: 1

M. J. Hensleigh, 8-9-2021
Mayor Mary Hensleigh, Date

Allissa Christensen, 8.9.21
Treasurer Allissa Christensen, Date

RESOLUTION No. 2021-11

A Resolution to call elections and set dates for elections in 2021 for the Town of Whitehall, Jefferson County, Montana.

WHEREAS, the Town of Whitehall will conduct elections for the nonpartisan office of council persons in the year 2021;

WHEREAS, the Town of Whitehall may hold a Primary Election as required by Section 13-1- 107(2), MCA;

WHEREAS, the Town of Whitehall will hold a General Election as required by Section 13-1- 104(3), MCA; and

WHEREAS, the Town of Whitehall may hold its elections by mail as provided in Section 13-19- 202, MCA;

BE IT RESOLVED by the Town Council of the Town of Whitehall that,

1. The deadline for candidates to file for office in the Town of Whitehall elections for 2021 shall be August 24th, 2021.

2. The Town of Whitehall may hold a Primary Election on September 14th, 2021 as required by Section 13-1-107(2), MCA.

3. As provided in Section 13-14-115(2), MCA,

(a) The election administrator of a political subdivision may determine that a local nonpartisan portion of a primary election need not be held if:

(i) the number of candidates for an office exceeds three times the number to be elected to that office in no more than one-half of the offices on the ballot; and

(ii) the number of candidates in excess of three times the number to be elected is not more than one for any office on the ballot.

(b) If the election administrator determines that a municipal primary election must be held pursuant to subsection (2)(a) of this section for a local nonpartisan office, the election administrator shall conduct the election only for the local nonpartisan offices that have candidates filed in excess of two times the number to be elected to that office.

(c) If the election administrator determines that a primary election need not be held pursuant to subsection (2)(a) or (2)(b) for a local nonpartisan office, the administrator shall give notice to the governing body that a primary election will not be held for that office.

4. As provided in Section 13-14-115(3), MCA

5. The Town of Whitehall may hold a General Election on November 5, 2021, as required by Section 13-1-104(3), MCA. This election may be cancelled pursuant to 13-1-403, MCA

6. The Primary Election and General Election shall be conducted by mail as provided in Section 13-1-405(3), MCA.

7. All details of schedules and administration of these elections shall be governed by the Montana 2021 Municipal Primary and General Election Calendar established by the Montana Secretary of State, and the requirements set forth by the Election Administrator for Jefferson County, Montana, as provided in Section 13-1-301, MCA.

Approved and passed by action of the Town Council on August 9th, 2021.

AYES 5 NAYES 0 ABSENT 1

Mayor M. J. Hensleigh
ATTEST: [Signature]

RESOLUTION 2021-10

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 step increase of \$.50 for full time employees for the coming year; and cost of living increase.

WHEREAS the Whitehall Town Council reviewed and approved the increase during the July 12th, 2021 Council meeting; and

WHEREAS the Council voted for 1.3% cost-of-living increase and voted step increase of \$.50 for full time employees, at the July 12th, 2021 Council meeting; and

WHEREAS this wage increase shall be retroactive to July 1, 2021

NOW, THEREFORE BE IT HEREBY RESOLVED by the Town Council of the Town of Whitehall, Montana, that the 5 Town employees (Treasurer, Deputy Clerk, Public Works Director, Assistant Public Works and Public Works Laborer), shall receive a cost-of-living increase of 1.3% and voted step increase of \$.50, retroactive to July 1st, 2021.

APPROVED by the Whitehall Town Council this 12th day of July 2021.

AYES: 6 NAYES: 0 ABSENT: 0

SIGNED: M. J. Hensleigh 7-16-2021
Mayor Mary Jenacaro Hensleigh Date

ATTEST: Allissa Christensen 7.16.21
Treasurer Allissa Christensen Date

RESOLUTION 2021-9

**RESOLUTION TO PUT TO PUBLIC VOTE FOR THE TOWN OF WHITEHALL TO JOIN THE
AMBULANCE DISTRICT.**

WHEREAS, on May 16, 2016 the Jefferson County Commission (Commission) received a request from PULSE, Inc., (Partners United for Life Saving Education) to conduct A referendum calling for a vote on the issue of creating the Jefferson Valley Rural Ambulance District (Special District); and,

WHEREAS, on January 17, 2017 and May 16, 2017, the Commission conducted public hearings on the issue of placing the question of creation of the Special District to the qualified

electors of the Special District. At these hearings, public comment was received. In addition, the

Commission invited and received written comment on the referendum question, and mailed to

property owners in the proposed Special District protest forms contemplated by Mont. Code Ann. § 7-11-1 J08; and,

WHEREAS, after considering public and written comment, and taking into consideration protests to, and support for, the creation of the Special District, the Commission determines sufficient public interest has been shown for the

Commission to order a referendum on the creation of the Special District and that the issue should be brought before the registered voters residing within the proposed Special District; and,

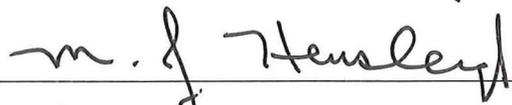
WHEREAS, on May 30, 2017 the Commission passed Resolution No. 14-2017 Resolution Ordering a Referendum on the Creation of the Jefferson Valley Rural Ambulance District and,

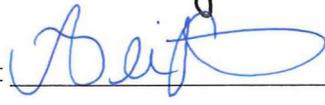
WHEREAS, on June 14th, 2021, the Whitehall Town Council acceded to the decision for the Town of Whitehall to put to vote as to whether to join the Jefferson Valley Rural Ambulance District.

WHEREAS, the Town of Whitehall is currently not included in the Jefferson Valley Rural Ambulance District (please see Exhibit A, map of Jefferson Valley Rural Ambulance District) and a public vote to join in the District will take place on November 2nd, 2021.

NOW THEREFORE IT IS RESOLVED, Funding for the Ambulance District annual budget and improvements will be from an initial assessment of \$29.00 (twenty-nine dollars) per year which will be imposed on each residential lot or parcel within the Ambulance District, and which contains a dwelling unit, and upon developed commercial properties. The Town of Whitehall which is currently not included within the Ambulance District will pay \$100.00 per household, per visit starting July 1st, 2021 if the public so chooses to not join the District.

IT IS FURTHER RESOLVED, by the Town Council of the Town of Whitehall, Montana that the decision for the Town of Whitehall to be included in the Jefferson Valley Rural Ambulance District be put on the ballot for the November 2nd, 2021 election.

Mayor  Date 8-25-2021

Attest  Date 8.25.21

RESOLUTION 2021-7

RESOLUTION TO AUTHORIZE SUBMISSION OF MDT Transportation Alternatives Application

WHEREAS the Town of Whitehall is applying to the Montana Department of Transportation for financial assistance from the Transportation Alternative Program (TA) to implement the 2021 Whitehall TA School-Town Interconnect pedestrian improvements;

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

That the Town of Whitehall agrees to comply with all State laws and regulations and the requirements of the TA Application Guidelines;

That the Town of Whitehall commits to provide the amount of matching funds of 13.54% as proposed in the MT TA Application; and

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

Signed:

M. J. Hensleigh

Name

Mary Janacaro Hensleigh

Title:

Mayor

Date:

June 1, 2021

Attested:

Beit

RESOLUTION 2021-6

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WHITEHALL, MONTANA, COUNTY OF JEFFERSON DESIGNATING THE MONTH'S OF APRIL AND MAY AS OPEN BURNING FOLLOWING THE JEFFERSON COUNTY'S GUIDELINES AS WELL AS THE FIRE CHIEF'S DIRECTIVE.

WHEREAS: The Town Council of the Town of Whitehall has designated open burning to the month of May in addition to April as open burning and;

WHEREAS: April and May are designated as burning month's by the State of Montana, Department of Environmental Quality and;

WHEREAS: Individuals wishing to burn must first obtain a State of Montana, Department of Natural Resources & Conservation Division of Forestry burn permit and;

WHEREAS: Once a burn permit is obtained, the Jefferson County Sherriff's Department and Fire Chief must be contacted, as instructed on the burn permits, to verify permissions;

NOW THEREFORE IT BE RESOLVED: By the Town Council of the Town of Whitehall, Montana, County of Jefferson that the month of April and May shall be designated as the open burning months within the Town of Whitehall to match with Jefferson County's regulations, with the acquisition of a burn permit.

APPROVED by the Town Council this 10th day of May, 2021.

AYES: 6 NAYES: 0 ABSENT: 0

SIGNED: 
Mayor Mary Janacaro-Hensleigh

ATTEST: 
Allissa Christensen, Treasurer

LOAN RESOLUTION
(Public Bodies)

A RESOLUTION OF THE TOWN COUNCIL

OF THE Town of Whitehall

AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS

Provide Municipal Services

FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the Town of Whitehall

(Public Body)

(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of

Nine Hundred Thousand & 00/100 \$900,000.00

pursuant to the provisions of Title 7, Chapter 13, Part 22 of MCA; and

WHEREAS, the Association intends to obtain assistance from the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal ly permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0572-0121. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

This is **EXHIBIT K**, consisting of 2 pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated April 17, 2020.

AMENDMENT TO OWNER-ENGINEER AGREEMENT
Amendment No. 1

The Effective Date of this Amendment is: April 12, 2021.

Background Data

Effective Date of Owner-Engineer Agreement: April 17th, 2020

Owner: Town of Whitehall

Engineer: Triple Tree Engineering, Inc.

Project: Whitehall Treatment Facility

Nature of Amendment:

- Additional Services to be performed by Engineer
- Modifications to services of Engineer
- Modifications to responsibilities of Owner
- Modifications of payment to Engineer
- Modifications to time(s) for rendering services
- Modifications to other terms and conditions of the Agreement

Description of Modifications:

- *Add an additional treated watermain connection between the new treatment facility and the intersection of B Street and 1st Street including collecting the additional survey data, utility locates, existing conditions, design, and plan sheets. The additional connection will provide redundancy in the system allowing the treatment facility two connections to the distribution system and options for repair without shutting down the entire system.*
- *Work with the Town to meet the CDBG Civil Rights Requirements including coordination of the required resolutions, ADA Inventory, and ADA Transition Plan.*
- *Evaluate survey documents and develop the USDA RD ROW map and coordinate USDA RD Form 442-21. Permit the MRL and MDT crossings and easements. Work with MRL and MDT regarding the use of their ROW. Develop the MDT and MRL permits and submit to each.*

- Consider uranium disposal alternatives and options for the Nuclear Regulatory Commission permitting requirements. Develop a memo summarizing the findings and options and discuss with the Town. Provide information and address questions to help the town decide which option to pursue.
- Develop the DEQ Variance request allowing DEQ review without a Pilot Study. We anticipate that to obtain DEQ approval of the variance request we will need to conduct several coordination meetings with them to justify the request. The additional work associated with the variance request also includes 5 months of additional raw water information. Water samples have been or will be collected as follows: December 2020, February, March, July, and September of 2021. The cost from Energy Labs to process the samples is \$604 per month (\$3,020) and Triple Tree Engineering will cover this cost.
- Evaluate options for treating the higher flow rate the Town has experienced over the last few years. Coordinate with the various IX vessel suppliers to establish the requirements to address the additional flow. Evaluate the existing building space to determine what will fit. Develop the Hydraulic Basis memo and present options to the Town including advantages and disadvantages. Evaluate and discuss options considering two-train and three train system with varying vessel diameters (5' and 6').

Agreement Summary:

Original agreement amount:	\$ 466,240
Net change for prior amendments:	\$ 466,240
This amendment amount:	\$ 50,825
Adjusted Agreement amount:	\$ 517,065

Change in time for services (days or date, as applicable): _____

The foregoing Agreement Summary is for reference only and does not alter the terms of the Agreement, including those set forth in Exhibit C.

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect.

OWNER:

ENGINEER:

Town of Whitehall

Triple Tree Engineering, Inc.

By:

Print

name:

M. J. Hensleigh
Mary Annacaro Hensleigh

By:

Print

name:

Jason Crawford

Title:

Mayor

Title:

Vice President

Date Signed:

5-10-2021

Date Signed:

4/15/2021

Exhibit K – Amendment to Owner-Engineer Agreement.

EJCDC® E-500, Agreement Between Owner and Engineer for Professional Services.

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TOWN OF WHITEHALL, MONTANA

RESOLUTION # 2021-4

**A RESOLUTION OF THE WHITEHALL TOWN COUNCIL PROVIDING THE
AMENDMENT OF THE FISCAL YEAR 2020-2021 BUDGET TO
ACKNOWLEDGE UNANTICIPATED REVENUES AND AMEND
EXPENDITURES EXCEEDING THE ORIGINAL APPROPRIATIONS**

WHEREAS, the Town of Whitehall, Montana adopted the Fiscal Year 2020-2021 budget on August 11, 2020, via Resolution #2020-9: and

WHEREAS, the General Fund (Fund #1000), Swimming Pool Capital Improvement Fund (Fund #4005), Fire Control Capital Improvement (Fund #4006), All Purpose Special Revenue Fund (Fund #2706), Gas Tax Apportionment (Fund #2820), and Gas Tax – Special Road/Street Allocation Program (Fund #2821), need to be amended to cover unanticipated revenues, expenditures and transfers (see detail below); and

WHEREAS, the Town of Whitehall is empowered under Sections 7-6-4006, 7-6-4012 and 7-6-4031, MCA to amend the fiscal year budget: and

WHEREAS, pursuant to Section 7-6-4021, MCA, the City Clerk advertised this public hearing to be held on April 12th at 6pm and in the Whitehall Ledger on March 24th and March 31st, 2021, as well as posted the notice on the Town's website and Facebook account, on the Town Hall window, at the Post Office, and at the Whitehall local Rocky Mountain bank: and

WHEREAS, Fund #1000, Fund #2820, Fund #2821, Fund #2706 has the necessary operating cash available to cover the amended budget expenditures (see detail below); and

NOW, THEREFORE BE IT RESOLVED that the Whitehall Town Council hereby appropriates and redistributes the following accounts and directs the City Treasurer to make the following budget amendments in the form of increases to the following funds and accounts for Fiscal Year 2020-2021:

TOWN OF WHITEHALL, MONTANA

<u>FUND</u>	<u>AMOUNT</u>	<u>MAIN ACCOUNT & REASON</u>
<u>Expenditures</u>		
(2820) Gas Tax Apportionment	\$11,000	430630 – Expenditures – Road Repairs and BARSSA match
(2821) Gas Tax-Special BARRSA	\$56,786	430630 – Expenditures – BARSSA approved projects.
(2706) All Purpose Special Revenue	\$26,500	430000 – Public Works Vehicle repairs/Replacement
(4003) Street Capital Improvement	\$692	430000 - Public Works Expenses - Streets
Transfers Out:		
(1000) General Fund	(\$50,000)	521000 – Transfer to Swimming Pool Capital Improvement \$25,000 and Transfer to Fire Control Capital Improvement \$25,000
(1000) General Fund	(\$5,695)	521000 – Transfer to BARSSA Fund 2821 for DOR Penalty/Interest on 2018 tax reports. BARSSA payment garnished by DOR
Transfers In:		
(4005) Swimming Pool Cap Imp	\$25,000	383000 – Transfer in from the General Fund for Capital Improvements to the Swimming Pool.
(4006) Fire Control Cap Imp	\$25,000	383000- Transfer in from the General Fund for Capital Improvements for Fire Control Services.
(2821) Special Gas Tax BARSSA	\$5,695	383000 –Transfer in from the General Fund for BARSSA Dec 2019 payment garnished by DOR

PASSED AND ADOPTED this 12, day of April, 2021.

MAYOR:


 Mary Hensleigh, Mayor

ATTEST:


 Allissa Christensen, City Treasurer

Resolution 2021-3

EQUAL EMPLOYMENT OPPORTUNITY (EEO) POLICY

PURPOSE

To provide equal employment opportunity in direct employment with the Town of Whitehall.

POLICY

It is the policy of the Town of Whitehall to provide equal opportunity to all of its employees and applicants for employment and to assure that there shall be no discrimination against any person on the basis of race, color, religion, creed, national origin, sex, age, physical or mental handicap, marital status or political beliefs unless related to a bona fide occupational requirement.

To this end, the Town of Whitehall will take affirmative actions to equalize opportunity for employment at all levels of operation for those classes of people who have traditionally been denied equal opportunity -- minority group members, women, and the handicapped; and the Town of Whitehall recognizes an obligation to make reasonable accommodations to the known physical or mental limitations of an otherwise qualified handicapped applicant or employee unless the accommodation imposes an undue hardship.

All applicants for employment with the Town of Whitehall will be recruited from the reasonably available labor market and evaluated on each person's individual qualifications and abilities.

All Town of Whitehall employees shall be afforded equal employment opportunity during their terms of employment and are guaranteed protection against retaliation for exercising any legal or administrative procedures to secure rights to equal employment opportunity or testifying on behalf of someone else doing so.

Adoption of this document reaffirms the Town of Whitehall's policy of nondiscrimination in employment, including but not limited to the following:

- recruitment
- selection
- placement
- testing
- training
- promotion
- transfer
- discipline
- demotion
- layoff and termination

All supervisory personnel are responsible for and shall be committed to achieving and promoting equal employment opportunity with the Town of Whitehall and for implementing this equal employment opportunity policy.

ASSIGNMENT OF RESPONSIBILITY

Primary responsibility for the development, implementation and maintenance of procedures in accordance with this equal employment opportunity policy is assigned to the Town Clerk/ Treasurer who will serve as the equal opportunity officer and will conduct periodic reviews of the Town of Whitehall's personnel action to ensure that the policy of equal opportunity is being adhered to and will hold quarterly equal opportunity meetings with the Mayor and Council President and Council members

to apprise them of progress and of any developing problems for which remedial action would be appropriate.

The Mayor and Council hereby directs all employees of the Town of Whitehall engaged in any phase of employment, including but not limited to the following:

- recruitment
- selection
- placement
- testing
- training
- promotion
- transfer
- discipline
- demotion
- layoff and termination

to take appropriate steps to ensure that employment opportunities with the Town of Whitehall are offered on an equal basis to all without regard to race, color, sex, creed, religion, national origin, age, physical or mental handicap, marital status, or political beliefs unless such distinction is a bona fide occupational qualification.

IMPLEMENTATION

The Town of Whitehall will implement this policy and Title VII of the Civil Rights Act of 1964, by means of the Equal Employment Program outlined below. This program is drawn to the specifications and standards established by Presidential Executive Orders 11246 and 11375, which are described in Part 60-2 of the *Code of Federal Regulations* (issued by the Office of Federal Contract Compliance, U.S. Department of Labor) and the *Montana Human Rights Act* (Title 49 MCA).

This policy shall be comprehensive in its range. Town of Whitehall shall make good faith efforts to implement this policy. Procedures adopted will include, at a minimum:

- evaluate all current employment practices for evidence of discriminatory effect. Where such practices are found to be discriminatory in their effect, they shall be modified so as to excise any discriminatory effect;
- remedy any unwarranted instances of under-utilization of women, minorities, and other individuals who have traditionally been the victims of discrimination;
- develop training and upgrading procedures which will ensure full consideration for those classes of people who have traditionally been denied equal opportunity -- minority group members, women, and the handicapped -- in any future employment opportunities with the Town of Whitehall;
- seek out those who have been denied equal opportunity as applicants whenever vacancies occur;
- disseminate the substance of this policy on a continual basis through written notice to all employees, recruitment sources and other interested persons and organizations;
- provide equal pay for equal work;
- apprise all contractors and subcontractors of their affirmative action responsibilities in all contracts awarded by this jurisdiction;

- ensure compliance with all applicable federal and state equal employment requirements;
- include the following clause in all vacancy announcements:

We are an Equal Opportunity Employer.

- provide assistance to members of protected groups in completing applications;
- provide assistance to individuals needing help in meeting training and educational qualifications for job vacancies whenever possible;
- apprise all employment referral agencies of the substance of this policy in order to facilitate referral of qualified minorities, women and handicapped individuals;
- post EEO posters in conspicuous places on the Town of Whitehall premises;
- instruct all supervisory personnel in the required procedures following an EEO complaint;
- inform all supervisory personnel of their duties and responsibilities with respect to equal employment opportunity; and
- inform all employees of the Town of Whitehall's commitment to equal employment opportunity and of their rights and remedies under the law.

EFFECTIVE DATE

This policy shall take effect upon affirmative vote of the Mayor and Council.

Signature M. J. Hensley
 Title Mayor
 Date 3-17-2021

ATTEST: [Signature]

AYES: 6 NAYES: 0 ABSENT: 0

**A JOINT RESOLUTION OF
JEFFERSON COUNTY, MONTANA
COUNTY RESOLUTION 34-2007**

AND

**THE TOWN OF WHITEHALL, MONTANA
TOWN RESOLUTION 10-07**

A Joint Resolution of the Board of County Commissioners of Jefferson County Montana and the Town Council of the Town of Whitehall, Jefferson County, Montana to support the application of the National Affordable Housing Network to Provide Homebuyer assistance funding services for Southwest Montana, including Jefferson County and the Town of Whitehall

WHEREAS, the history of the National Affordable Housing Network and its non-profit partners demonstrates that resources of the program have been provided to those persons in need of such resources, including senior citizens and disabled persons; and

WHEREAS, the Board of County Commissioners of Jefferson County, Montana and the Town Council of the Town of Whitehall, Jefferson County, Montana, recognize the great need within the Town and County for affordable home ownership programs that enhance local economic development and provide greatly needed home ownership options for current and future residents of the Town and County; and

WHEREAS, the National Affordable Housing Network, (NAHN) a qualified Community Housing Development Organization for Jefferson County, has developed successful High Performance housing programs, including housing for low and moderate income households;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Jefferson County and the Town Council of the Town of Whitehall that,

The Town and County shall participate in these programs to the maximum extent possible, including providing available resources such as land for construction, matching funding as possible or other forms of participation to match funding from federal, state and local sources

brought by NAHN. The Town and County also pledge to certify the environmental review records for homes of the participants located in the Town of Whitehall and Jefferson County, as required to secure funding through the Montana Department of Commerce HOME program, Single family Allocation Pilot Program, and USDA's Rural Development's Self Help Opportunity Program as appropriate.

Approved and passed by action of the Town Council of the Town of Whitehall on

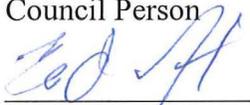
November 13, 2007.



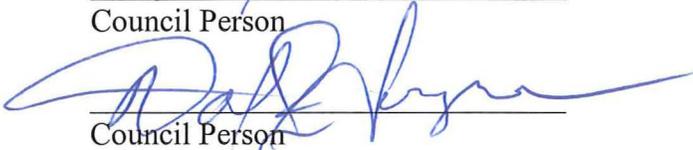
Mayor



Council Person



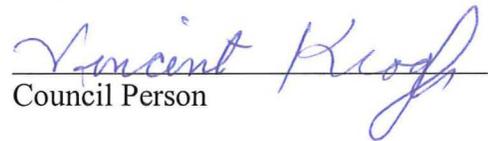
Council Person



Council Person



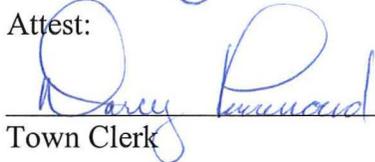
Council Person



Council Person

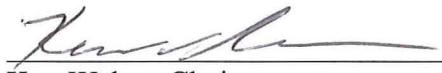
Council Person

Attest:

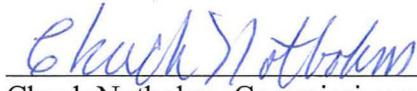


Town Clerk

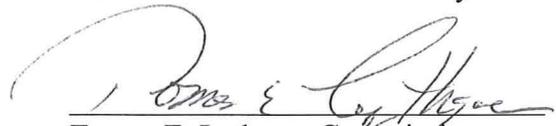
Approved and passed by action of the Board of County Commissioners of Jefferson County on November 27, 2007.



Ken Weber, Chair

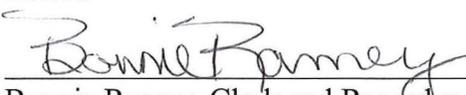


Chuck Notbohm, Commissioner



Tomas E. Lythgoe, Commissioner

Attest:



Bonnie Ramey, Clerk and Recorder

RESOLUTION 2021-02

A RESOLUTION REQUESTING DISTRIBUTION OF BRIDGE AND ROAD SAFETY AND ACCOUNTABILITY PROGRAM FUNDS

WHEREAS, the Bridge and Road Safety and Accountability Account created by HB 473 requires the Montana Department of Transportation to allocate accrued funds to cities, towns, counties, and consolidated city-county governments for construction, reconstruction, maintenance, and repair of rural roads, city or town streets and alleys, bridges, or roads and streets that the city, town, county, or consolidated city-county government has the responsibility to maintain; and,

WHEREAS, a city, town, county, or consolidated city-county government that requests funds under the Bridge and road Safety and Accountability Account must match each \$20 requested with \$1 of local government matching funds; and,

WHEREAS, a city, town, county, or consolidated city-county government requesting distribution of allocated funds may make such a request to the Department of Transportation between March 1 and November 1 of the year the funds were allocated; and,

WHEREAS, a citywide maintenance project will be funded; and,

WHEREAS, the local match for the allocated funds has been budgeted as an expenditure from the General Fund.

THEREFORE, NOW BE IT RESOLVED THAT:

1. The Town of Whitehall requests distribution of its share of the allocated Bridge and Road Safety and Accountability funds to be used for the project identified as millings project for Yellowstone, Paul Gulch Road and new subdivision not yet completed.
2. That Allissa Christensen, the Clerk-Treasurer of the Town of Whitehall is hereby empowered and authorized to execute such further documents as may be necessary to facilitate the distribution of said funds.

Adopted the 8th day of March 2021.

6 AYES 0 NAYES 0 ABSENT



Mayor Mary Janacaro-Hensleigh

ATTEST:



Allissa Christensen: Clerk-Treasurer Town of Whitehall, MT

Agency Motion to Adopt Contract

WHEREAS: The Public Employees' Retirement System Act, in sections 19-3-201 to 19-3-203, MCA, provides for the establishment of a retirement plan for employees of certain public agencies.

WHEREAS: This agency would like to become a covered employer on the same basis as the State of Montana under the Public Employees' Retirement System, as expressed in Montana Code Annotated Title 19, Chapters 2 and 3, and related rules, policies, and plan documents, as the same may be changed in the future.

WHEREAS: This agency, as a governmental entity, believes it meets the criteria to have sections 19-3-201 to 19-3-203, MCA apply.

WHEREAS: A secret ballot election of all eligible employees was held on the 22nd day of January, 2021, between the hours of 8:00 a.m. and 5:00 p.m., in the office of the clerk of this agency, at which election all eligible employees were requested and allowed to vote on the ballot prescribed on page two of this motion to adopt contract.

WHEREAS: The result of the employee election has been canvassed and the number of eligible employees voting for participation in the Public Employees' Retirement System was 4 _____, which constitutes 100 percent of the total number of eligible employees.

THEREFORE IT IS MOVED:

That this agency adopt the Public Employees' Retirement System coverage contract as it appears on page three of this motion to adopt contract; that the appropriate blank on the contract reflect a requested effective date of either the first regular pay period that begins at least one month after PER Board approval or the pay period beginning March 22nd, 2021, whichever is later;¹ that the duplicate originals of the contract be signed and sealed as indicated; and that all necessary documents be sent to the PER Board.

THIS MOTION was duly passed by an affirmative vote of at least two-thirds of the members of the Town of Whitehall on this 11th day of January, 2021.

Officer Signature: M. J. Hensleigh Title: Mayor

Certified as a true and accurate statement and proper signature: (SEAL) (if applicable)

Signature of Clerk: [Signature]
(Agency Motion to Adopt Contract continued on next page)

^{1/} Effective date must be after the PER Board approval and must allow time for proper implementation.

RESOLUTION 2021-02

A RESOLUTION REQUESTING DISTRIBUTION OF BRIDGE AND ROAD SAFETY AND ACCOUNTABILITY PROGRAM FUNDS

WHEREAS, the Bridge and Road Safety and Accountability Account created by HB 473 requires the Montana Department of Transportation to allocate accrued funds to cities, towns, counties, and consolidated city-county governments for construction, reconstruction, maintenance, and repair of rural roads, city or town streets and alleys, bridges, or roads and streets that the city, town, county, or consolidated city-county government has the responsibility to maintain; and,

WHEREAS, a city, town, county, or consolidated city-county government that requests funds under the Bridge and road Safety and Accountability Account must match each \$20 requested with \$1 of local government matching funds; and,

WHEREAS, a city, town, county, or consolidated city-county government requesting distribution of allocated funds may make such a request to the Department of Transportation between March 1 and November 1 of the year the funds were allocated; and,

WHEREAS, a citywide maintenance project will be funded; and,

WHEREAS, the local match for the allocated funds has been budgeted as an expenditure from the General Fund.

THEREFORE, NOW BE IT RESOLVED THAT:

1. The Town of Whitehall requests distribution of its share of the allocated Bridge and Road Safety and Accountability funds to be used for the project identified as millings project for Yellowstone, Paul Gulch Road and new subdivision not yet completed.
2. That Allissa Christensen, the Clerk-Treasurer of the Town of Whitehall is hereby empowered and authorized to execute such further documents as may be necessary to facilitate the distribution of said funds.

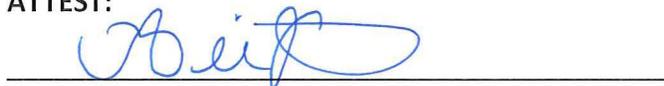
Adopted the 8th day of March 2021.

5 AYES 0 NAYES 1 ABSENT



Mayor Mary Janacaro-Hensleigh

ATTEST:



Allissa Christensen: Clerk-Treasurer Town of Whitehall, MT

Resolution 2021-1
A RESOLUTION REQUESTING DISTRIBUTION OF
BRIDGE AND ROAD SAFETY AND ACCOUNTABILITY PROGRAM FUNDS

WHEREAS, the Bridge and Road Safety and Accountability Account created by HB 473 requires the Montana Department of Transportation to allocate accrued funds to cities, towns, counties, and consolidated city-county governments for construction, reconstruction, maintenance, and repair of rural roads, city or town streets and alleys, bridges, or roads and streets that the city, town, county, or consolidated city-county government has the responsibility to maintain; and,

WHEREAS, a city, town, county, or consolidated city-county government that requests funds under the Bridge and Road Safety and Accountability Account must match each \$20 requested with \$1 of local government matching funds; and,

WHEREAS, a city, town, county, or consolidated city-county government requesting distribution of allocated funds may make such a request to the Department of Transportation between March 1 and November 1 of the year the funds were allocated; and,

WHEREAS, a description of the projects to be funded (or the money used to match federal funds) are detailed in Appendix A; Drainage problems on Division Street and Whitetail Drive; and,

WHEREAS, the local match for the allocated funds has been budgeted from Road Improvement Fund.

THEREFORE, NOW BE IT RESOLVED THAT:

1. The Town of Whitehall of Jefferson County requests distribution of its share of the allocated Bridge and Road Safety and Accountability funds to be used for the projects identified in Appendix A.

2. That the Town of Whitehall, and the Mayor of the Town of Whitehall of Jefferson County is hereby empowered and authorized to execute such further documents as may be necessary to facilitate the distribution of said funds.

Adopted this 8th day of February 2021

6 AYES 0 NAYS 0 ABSENT



Mayor

ATTEST:

Clerk of the Town of Whitehall; 