

RESOLUTION 2022-19

RESOLUTION TO ANNEX THE TOWN OF WHITEHALL INTO THE JEFFERSON VALLEY RURAL AMBULANCE DISTRICT

WHEREAS, in 2017, the Jefferson County Commissioners created the Jefferson Valley Rural Ambulance District to serve the inhabitants of this special district; and

WHEREAS, since its creation, the Jefferson Valley Rural Ambulance District has been serving residents in portions of Jefferson County, excluding the Town of Whitehall; and

WHEREAS, because of its proximity and servicing a majority of Jefferson County, it is much more feasible for the Jefferson Valley Rural Ambulance District to serve the Town of Whitehall rather than excluding services in the Town of Whitehall; and

WHEREAS, the Whitehall Town Council voted and approved Resolution 2021-11 to hold an election in November of 2021 whether to annex the Town of Whitehall into the Jefferson Valley Rural Ambulance District; and

WHEREAS, the election took place on November 2nd, 2021, with the results of 181 FOR joining the Jefferson Valley Rural Ambulance District and 62 AGAINST; and

WHEREAS, the annual assessment for funding the special district would be the same rate for Whitehall residents in the district as it is for Jefferson County residents in the district, currently \$29.00 (twenty-nine dollars) per year, which will be imposed on each residential lot or parcel within the special district which contains a dwelling unit and upon developed commercial properties. There shall be no assessment on agricultural or vacant properties with no dwelling and the district is also funded by fees paid for emergency and non-emergency services provided by the district; and

WHEREAS, the special district is administered by an elected board of five qualified citizens who reside within the boundaries of the special district, one of which will reside in Jefferson County; and

WHEREAS, all elections related to the special district will be run by the Jefferson County Clerk and Recorder and include all registered voters in the Jefferson County portion of the special district; and

WHEREAS, the duration of the special district shall be perpetual or until dissolved under the applicable provisions of Montana law; and

WHEREAS, Section 7-11-1003, MCA, gives the board of county commission authorization to create special districts; and

NOW, THEREFORE BE IT RESOLVED for reasons stated above it is the intent of the Town of Whitehall to request that the Jefferson County Board of Commissioners to annex the Town of Whitehall of Jefferson County into the Jefferson Valley Rural Ambulance District following the boundaries set forth by Jefferson County.

BE IT FURTHER RESOLVED, that the Town of Whitehall will adhere to specifications and conditions of the Jefferson Valley Rural Ambulance District as listed above.

PASSED and ADOPTED by the Town of Whitehall Town Council this 26th day of October 2022.

ATTEST:



Mayor



Clerk/Treasurer

RESOLUTION 2022-18

A RESOLUTION OF THE WHITEHALL TOWN COUNCIL PROVIDING THE AMENDMENT OF THE FISCAL YEAR 2021-2022 BUDGET TO ACKNOWLEDGE UNANTICIPATED REVENUES AND AMEND EXPENDITURES EXCEEDING THE ORIGINAL APPROPRIATIONS

WHEREAS, the Town of Whitehall, Montana adopted the Fiscal Year 2021-2022 budget on August 9, 2021, via Resolution 2021-12: and

WHEREAS, the 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 Town Clerk advertised this public hearing in the Whitehall Ledger on September 28th and October 5th, 2022, as well as posted the notice on the Town Hall window, at the Post Office, and at Rocky Mountain Bank: and

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

WHEREAS, Fund #4010 and Fund #2706 received unanticipated grant revenue; and

NOW, THEREFORE BE IT RESOLVED that the Whitehall Town Council hereby appropriates and redistributes the following accounts and directs the Town Treasurer to make the following budget amendments in the form of increases to the following funds and accounts for Fiscal Year 2021-2022:

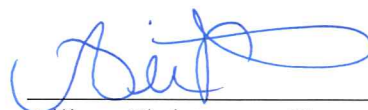
<u>FUND</u>	<u>AMOUNT</u>	<u>MAIN ACCOUNT & REASON</u>
(2706) All Purpose Fund	\$7,000.00	430890 940→ 430890 900 – Expenditure reclassified
(2706) All Purpose Fund	\$1,000.00	365000 – Revenue – donation received from Expedition Church
(4010) Playground CIP	\$20,000.00	365020 – Revenue - Grant received playground equipment

PASSED AND ADOPTED this 11th, day of October, 2022.

MAYOR:

ATTEST:


Mary Janacaro Hensleigh, Mayor


Allissa Christensen, Town Clerk

RESOLUTION 2022-17

A RESOLUTION TO VACATE THE FULL WIDTH OF WEST TERRACE STREET ADJACENT TO LOT 1, BLOCK 3 OF THE WEST ADDITION TO THE TOWN OF WHITEHALL AND TRACT 1, LOT 3 OF M7B TRACT PER BOOK 100, PAGE 155, DEED 268379, WITHIN THE TOWN OF WHITEHALL, MONTANA

WHEREAS, Cary and Susan Asel own Tract 1, Lot 3 of M&B Tract per Book 100, Page 155, Deed 268379 in Whitehall, Montana;

WHEREAS, B & L Collins, LLC own Lot 1, Block 3 of the West Addition to the Town of Whitehall in Whitehall, Montana;

WHEREAS, West Terrace Street is located between the Asel property and the B & L Collins, LLC property, with the Asel property situated to the east of the street and the B & L Collins, LLC property situated to the west of the street;

WHEREAS, Asel and B & L Collins, LLC have petitioned the Town for vacation of the entire width of the street between the Asel property and the B & L Collins, LLC property, see Exhibit A with Area 1 being 5,043.3 square feet and Area 2 being 3,811.6 square feet, the proposed vacation is approximately 8,855.4 square feet of right-of-way (the "Right-of-Way");

WHEREAS, Asel and B & L Collins, LLC have proposed that, upon vacation, that the land comprising the Right-of-Way be transferred to each ownership, with Area 1 going to B & L Collins, LLC property and Area 2 going to the Asel property free of charge; and

WHEREAS, The Town of Whitehall wished to have a 20-ft utility easement provided across said properties for the installation, maintenance, and replacement of future utilities; and

WHEREAS, it appears to be in the best interests of the Town and the inhabitants thereof to vacate the Right-of-Way.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF WHITEHALL, MONTANA:

Section 1. The Whitehall Town Council wishes to vacate the Right-of-Way and agree that the land comprising the Right-of-Way will be transferred with to B & L Collins, LLC property receiving Area 1 (5,043.8 square feet) and the Asel property receiving Area 2 (3,811.6 square feet), free of charge.

Section 2. The Applicants shall pay to record a quit claim deed, prepared by the Town, for transfer of the Town's interest in the vacated right-of-way to the Applicants. The Applicants are responsible for recording of a quit claim deed, as prepared by the Town, to transfer its interest in the vacated right-of-way.

Section 3. The Applicants shall file the quit claim deeds with the Clerk & Recorder of Jefferson County, Montana. The vacation is effective only upon the recording of the quit claim deeds.

Section 4. The applicant shall record with the deeds a 20-ft utility easement, prepared by the Town, centered on the new property line for the installation, maintenance, and replacement of utilities. The applicants are responsible for recording the easement document, as prepared by the Town, with the Jefferson County Clerk and Recorder.

PASSED AND EFFECTIVE BY THE COUNCIL OF THE TOWN OF WHITEHALL, MONTANA, THIS 26th DAY OF October, 2022.

M. J. Hensley

/s/ MAYOR

ATTEST:
[Signature]

/s/ TOWN CLERK

EXHIBIT A

CERTIFICATE OF SURVEY

NE1/4NW1/4 SECTION 4, T.1N., R.4W., P.M.M.,
 PORTION OF WEST TERRACE STREET
 WEST ADDITION TO WHITEHALL
 JEFFERSON COUNTY, MONTANA
 STREET ABANDONMENT

LEGEND

- SET 5/8" x 24" REBAR WITH 1 1/2" ORANGE PLASTIC CAP MARKED "GENDREAU 13235 LS"
- 1/4 CORNER AS NOTED
- MONUMENT AS NOTED
- SURVEY LINES OF CONTROL
- PROTRACTED SURVEY LINES AND ROAD R/W LINES
- ==== PROPERTY BOUNDARY, THIS SURVEY
- (R1) RECORD WEST ADDITION TO WHITEHALL PLAT
- (R2) RECORD DEEDS 268379 AND 282217
- POB POINT OF BEGINNING

BASIS OF BEARING
 GEODETIC NORTH

CURVE 1 DATA
 $\Delta = 89^{\circ}52'16''$ LT
 $R = 25.00'$
 $L = 39.21'$
 $CH = N37^{\circ}42'50''W$ 35.32'

CURVE 2 DATA
 $\Delta = 90^{\circ}06'16''$ LT
 $R = 25.00'$
 $L = 39.21'$
 $CH = N52^{\circ}17'54''E$ 35.39'

L1 (F)N07°11'21"E 25.00'
 L2 12.75'
 L3 10.25'
 L4 58.53'
 L5 28.28'
 L6 N07°21'02"E 25.00'

CERTIFICATE OF LAND SURVEYOR

I HEREBY CERTIFY THAT THIS CERTIFICATE OF SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PERFORMED UNDER MY DIRECT SUPERVISION DURING THE MONTH OF SEPTEMBER 2022.

ERLAND R. GENDREAU
 PROFESSIONAL LAND SURVEYOR
 MONTANA REGISTRATION NUMBER 13235 PLS

CERTIFICATE OF CLERK AND RECORDER

STATE OF MONTANA }
 COUNTY OF JEFFERSON }
 FILED ON THE _____ DAY OF _____, 2022
 AT _____ O'CLOCK _____ M.
 COUNTY CLERK & RECORDER
 BOOK _____ PAGE _____ INSTRUMENT NO. _____

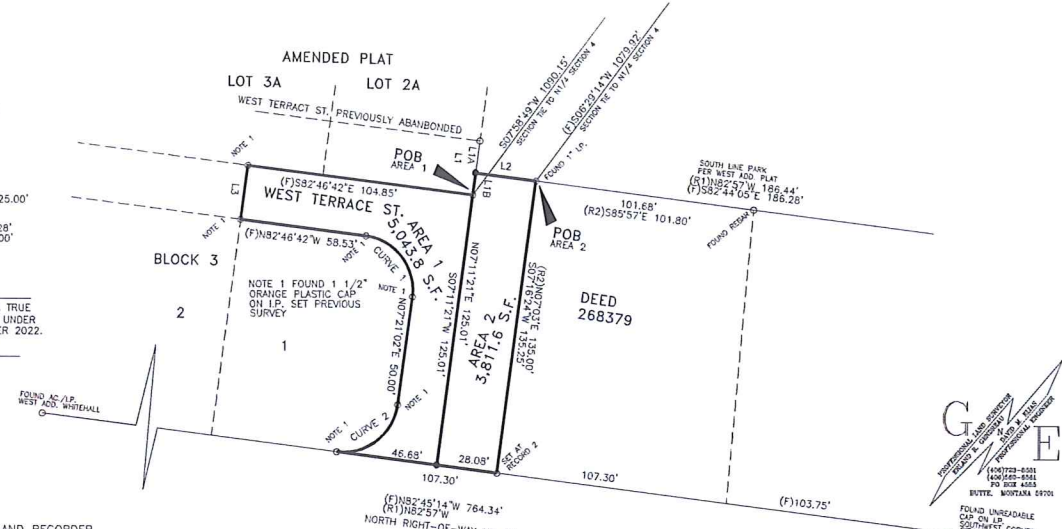
PURPOSE OF SURVEY: RETRACEMENT OF EXISTING TRACTS OF LAND; PURSUANT TO 76-3-206 M.C.A.

LEGAL DESCRIPTION AREA 1

A TRACT OF LAND LOCATED IN THE NE1/4NW1/4 OF SECTION 4, T.1N., R.4W., P.M.M., JEFFERSON COUNTY, MONTANA BEING A PORTION OF WEST TERRACE STREET WEST ADDITION TO WHITEHALL DESCRIBED AS FOLLOWS:
 COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 4; THENCE S.07°58'49"W., 1050.15 FT. TO THE TRUE POINT OF BEGINNING OF AREA 1; THENCE S.07°11'21"W., 125.01 FT. TO THE NORTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 10-S; THENCE N.82°45'14"W., ALONG SAID RIGHT-OF-WAY, 46.68 FT. TO A POINT ON A NON-TANGENT CURVE, SAID CURVE HAVING A CENTRAL ANGLE OF 90°06'16" LT., A RADIUS OF 25.00 FT. AND A CHORD BEARING AND DISTANCE OF N.52°17'54"E., 35.39 FT.; THENCE NORTHEASTERLY ALONG SAID CURVE, 39.21 FT.; THENCE N.07°21'02"E., 50.00 FT. TO A POINT ON A NON-TANGENT CURVE, SAID CURVE HAVING A CENTRAL ANGLE OF 89°52'16" LT., A RADIUS OF 25.00 FT. AND A CHORD BEARING AND DISTANCE OF N.37°42'50"E., 35.32 FT.; THENCE NORTHEASTERLY ALONG SAID CURVE, 39.21 FT.; THENCE N.82°46'42"W., 58.53 FT.; THENCE N.07°21'02"E., 25.00 FT.; THENCE S.82°46'42"E., 104.85 FT. TO THE POINT OF BEGINNING CONTAINING 5,043.8 SQUARE FEET OF LAND.

LEGAL DESCRIPTION AREA 2

A TRACT OF LAND LOCATED IN THE NE1/4NW1/4 OF SECTION 4, T.1N., R.4W., P.M.M., JEFFERSON COUNTY, MONTANA BEING A PORTION OF WEST TERRACE STREET WEST ADDITION TO WHITEHALL DESCRIBED AS FOLLOWS:
 COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 4; THENCE S.06°29'14"W., 1079.82 FT. TO THE TRUE POINT OF BEGINNING OF AREA 2; THENCE S.07°16'24"W., 135.25 FT. TO THE NORTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 10-S; THENCE N.82°45'14"W., ALONG SAID RIGHT-OF-WAY, 28.08 FT.; THENCE N.07°11'21"E., 125.01 FT.; THENCE N.07°11'21"E., 10.25 FT.; THENCE THENCE S.82°43'48"E., 28.28 FT. TO THE POINT OF BEGINNING CONTAINING 3,811.6 SQUARE FEET OF LAND.



<p>COMMISSIONED BY ASEL & COLLINS</p>	<p>T.1N. </p> <p>R.4W. </p> <p>S.4 </p>
<p>SHEET 1 OF 1</p>	<p>RETRACEMENT OF EXISTING TRACT NE1/4NW1/4 SECTION 4, T.1N., R.4W., P.M.M., PORTION OF WEST TERRACE STREET WEST ADDITION TO WHITEHALL JEFFERSON COUNTY, MONTANA</p>
<p>CERTIFICATE OF SURVEY NO. _____</p>	

ORDINANCE 2022-16

AN ORDINANCE OF THE TOWN COUNCIL OF WHITEHALL, MONTANA, ADOPTING AMENDMENTS TO CHAPTER 42 - ZONING ORDINANCE OF THE WHITEHALL MUNICIPAL CODE

WHEREAS, the Whitehall Planning Board has determined that Chapter 42 - Zoning Ordinance of the Whitehall Municipal Code is in need of updating to provide a more user- friendly document, to simplify, and clarify the existing regulations; and

WHEREAS, the Whitehall Planning Board has determined that Chapter 42, Zoning Ordinance is in need of updating for orderly development of the Town of Whitehall; and

WHEREAS, the Town of Whitehall has adopted a growth policy on December 14th, 2009, pursuant to 76-1-604, MCA; and

WHEREAS, the proposed Text Amendments have been properly submitted, reviewed, and noticed, on September 7th, September 21st and 28th, in accordance with Title 76-2-301, MCA; and

WHEREAS, the Planning Board held a public hearing on September 12th, 2021, to receive and review all written and oral testimony on the text amendment; and

WHEREAS, the Planning Board found that the proposed text amendments are consistent with the intent and purpose of the Zoning Ordinance and the Whitehall Growth Policy; and

WHEREAS, the Planning Board made a recommendation to the Town Council to approve the text amendments; and '--

WHEREAS, the Planning Board held a public hearing on October 3rd, 2022, to receive and review all written and oral testimony on the text amendment; and

WHEREAS, the Town Council found that the text amendment would be in compliance with the Town of Whitehall's Growth Policy and would be in the public interest; and

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

Section 1

That the Zoning Ordinance for the Town of Whitehall, be amended per the attached Zoning Ordinance document.

Section 2

The effective date is thirty days after final adoption of this ordinance on second reading. This ordinance shall be in full force and effect on November 3, 2022.

INTRODUCED AND PASSED BY THE TOWN COUNCIL OF WHITEHALL, MONTANA,
ON FIRST READING, AT A REGULARLY CONVENED MEETING THEREOF HELD ON
THE 12th DAY OF SEPTEMBER 2022.



Mary Janacaro Hensleigh, Mayor

ATTEST:



Allissa Christensen, Clerk/Treasurer

PASSED, ADOPTED AND APPROVED BY THE TOWN COUNCIL OF WHITEHALL,
MONTANA, ON SECOND READING, AT A REGULARLY CONVENED MEETING
THEREOF HELD ON THE 3rd DAY OF OCTOBER 2022.



Mary Janacaro Hensleigh, Mayor

ATTEST:



Allissa Christensen, Clerk/Treasurer

Resolution 2022-15

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WHITEHALL, MONTANA DELEGATING CASH RESERVES IN THE WATER FUND FOR THE FISCAL YEAR BEGINNING JULY 1, 2022 AND ENDING JUNE 30TH, 2023

BE IT RESOLVED by the Town Council of the Town of Whitehall, Montana, County of Jefferson, State of Montana, that the Town Council approves for FY 2022-2023 delegating cash reserves in the Water fund in the amount of \$145,000.00 (One Hundred, Forty Five Thousand Dollars and No Cents).

BE IT FURTHER RESOLVED by the Town Council hereby approves the following projects with the delegated restricted cash, fiber/conduit project, annexation hookup costs, a new laptop for reading meters and meters with a total cost of \$145,000.00 (One Hundred, Forty Five Thousand Dollars and No Cents).

BE IT FURTHER RESOLVED that the Whitehall Town Council hereby approves the following budget appropriations and Water fund cash reserve delegation to restricted cash for the fiscal year beginning July 1, 2022 and ending June 30, 2023.

CASH RESERVES

5210 101000 cash operating -----> 5210 102200 cash restricted

Restricted cash for projects-

Fiber/conduit= \$100,000
Annexation hook-up costs = \$30,000
Compatible laptop and meters= \$15,000

PASSED AND APPROVED THIS 29th DAY AUGUST 2022.

AYES: 5 NAYES: 0 ABSENT: 1



Mayor Mary Hensleigh

8-29-2022

Date



Clerk/Treasurer Allissa Christensen

8.29.22

Date

Resolution 2022-14

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WHITEHALL, MONTANA DELEGATING CASH RESERVES IN THE GENERAL FUND FOR THE FISCAL YEAR BEGINNING JULY 1, 2022 AND ENDING JUNE 30TH, 2023

BE IT RESOLVED by the Town Council of the Town of Whitehall, Montana, County of Jefferson, State of Montana, that the Town Council approves for FY 2022-2023 delegating cash reserves in the General fund in the amount of \$218,700.00 (Two Hundred Eighteen Thousand, Seven Hundred and No Cents).

BE IT FURTHER RESOLVED by the Town Council hereby approves the following projects with the delegated restricted cash, water well at Rec Complex, Whitetail Drive drainage issue repair, sidewalk installation at the Whitetail Creek Bridge located on Yellowstone Trail to Whitetail Drive, the purchase of a saw and packer for Public Works and a water trailer totaling in the amount of \$218,700.00 (Two Hundred Eighteen Thousand, Seven Hundred and No Cents).

BE IT FURTHER RESOLVED that the Whitehall Town Council hereby approves the following budget appropriations and General fund cash reserve delegation to restricted cash for the fiscal year beginning July 1, 2022 and ending June 30, 2023.

CASH RESERVES

1000 101000 cash operating -----> 1000 102200 cash restricted

Restricted cash for projects-

Water well at Rec Complex= \$40,000

Whitetail Drive= \$60,000

Sidewalk installation at the Whitetail Creek Bridge located on Yellowstone Trail to Whitetail Drive = \$100,000

Saw/Packer= \$10,000

H2o trailer= \$8,700

PASSED AND APPROVED THIS 29th DAY AUGUST 2022.

AYES: 5 NAYES: 0 ABSENT: 1



Mayor Mary Hensleigh

8-29-2022

Date



Clerk/Treasurer Allissa Christensen

8.29.22

Date

ORDINANCE 2022-13

AN ORDINANCE AMENDING SECTION 40-30 OF THE CODE OF ORDINANCES OF THE TOWN OF WHITEHALL, MONTANA, WITH REGARDS TO THE DELIQUENT ACCOUNTS FOR WATER SERVICES.

BE IT ORDAINED, by the Town Council of the Town of Whitehall, Montana, as follows:


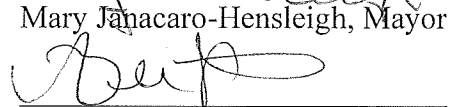
Section 1. Section 40-30(4) shall be added to the Section 40-30 to read as follows:

Sec. 40-30(4). – Delinquent Accounts. In the event that a utility bill cannot be paid in full, the owner or tenant will be required to fill out a contract of payment, where he or she will be bound by the contract and required to pay the current charges accrued and a percentage of no less than 30% of the past due amount. If the customer fails to make payment by agreed upon contract date the customers water service will be suspended and payment in full will be required for water to be turned back on. If the customer refuses to comply filling out the contract water services will be suspended and not reinstated until bill is paid in full.

Section 2. This Ordinance shall become effective thirty (30) days after its final passage.

Said Ordinance read and put on its passage this 12th day of September 2022.


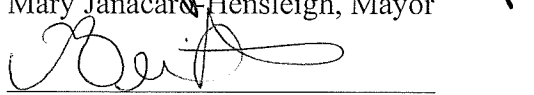
ATTEST:


Mary Janacaro-Hensleigh, Mayor

Allissa Christensen, Town Clerk

30 days

FINALLY PASSED AND ADOPTED this 11th day of October 2022

ATTEST:


Mary Janacaro-Hensleigh, Mayor

Allissa Christensen, Town Clerk

Sept. 12th -
2nd reading

ORDINANCE 2022-12

AN ORDINANCE OF THE
TOWN COUNCIL OF WHITEHALL, MONTANA,
AMENDING THE WHITEHALL ZONING MAP TO DESIGNATION MOUNTAIN
HORIZONS SUBDIVISION AS “RESIDENTIAL DISTRICT” WITHIN THE TOWN OF
WHITEHALL MONTANA

WHEREAS, the Town of Whitehall has adopted a growth policy per Resolution No. 21-09, pursuant to 76-1-604, MCA; and

WHEREAS, the Town of Whitehall adopted the zoning ordinance on May 8, 2013; and

WHEREAS, the Zoning Map Amendment has been properly submitted, reviewed, and noticed, in accordance with the procedures set forth in Title 76-2-301, MCA; and

WHEREAS, The Whitehall Planning Board held a public hearing on August 1, 2022, to receive and review written and oral testimony on the zone map amendment; and

WHEREAS the Whitehall Planning Board found the zone map amendment is consistent with the intent and purpose of the zoning ordinance and recommended approval of the zone map amendment to the Town Council; and

WHEREAS, the Town Council held a public hearing on August 8, 2022, to receive and review all written and oral testimony on the zone map amendment; and

WHEREAS, the Town Council found that the proposed zone map amendment is consistent with the intent and purpose of zoning ordinance; and

WHEREAS, the Town Council has reviewed and considered the zone change criteria established in Section 76-2-304, MCA, and found the zone map amendment to be in compliance with the nine criteria; and

WHEREAS, the Town Council found that the zone map amendment would be in compliance with the Town of Whitehall Growth Policy and would be in the public interest; and

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

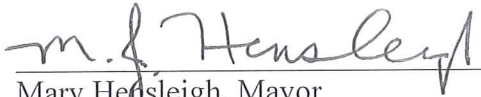
Section 1

That the zone map designation of the following-described property is hereby amended to “**Residential District**” on the area generally located west of Meadow View Lane and north of Skyline Drive and is legally described as Mountain Horizons Major Subdivision, Certificate of Survey 249767 F883-A.

Section 2

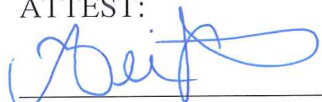
The effective date is thirty days after final adoption of this ordinance on second reading. This ordinance shall be in full force and effect on October 12, 2022.

INTRODUCED AND PASSED BY THE TOWN COUNCIL OF THE TOWN OF WHITEHALL, MONTANA, ON FIRST READING, AT A REGULARLY CONVENED MEETING THEREOF HELD ON THE 8TH DAY OF AUGUST, 2022.



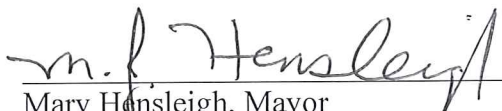
Mary Hensleigh, Mayor

ATTEST:




Allissa Christensen, Town Clerk

PASSED, ADOPTED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF WHITEHALL, MONTANA, ON SECOND READING, AT A REGULARLY CONVENED MEETING THEREOF HELD ON THE 12TH DAY OF SEPTEMBER, 2022.



Mary Hensleigh, Mayor

ATTEST:



Allissa Christensen, Town Clerk

RESOLUTION 2022-11

A Resolution of the Town Council of the Town of Whitehall, Montana relating to the approval of the FY 2022/2023 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 2022/2023 General Fund mill levies at 120.84

THEREFORE, BE IT RSOLVED that the Town Council of the Town of Whitehall hereby fixes the total Town levies for Fiscal Year 2022/2023 at 120.84 mills.

PASSED AND APPROVED THIS 29th DAY OF AUGUST 2022.

AYES: 6 NAYES: 0 ABSENT: 0

M. J. Hensleigh, 8-29-2022
Mayor Mary Hensleigh Date

Allissa Christensen, 8.29.22
Clerk/Treasurer Allissa Christensen Date

RESOLUTION 2022-10

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

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

WHEREAS the Consumer Price Index indicated an 8.6% cost-of-living increase for the coming year; and

WHEREAS the Whitehall Town Council reviewed and approved the increase during the July 11th, 2022 Council meeting; and

WHEREAS the Council voted in favor, by 5:0 vote, to approve an 8.6% cost-of-living increase during the July 11th, 2022 Council meeting; and

WHEREAS this wage increase shall be retroactive to July 1, 2022

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, Billing Clerk Public Works Director, Assistant Public Works Director and Public Works Laborer), as well as the seasonal laborers, shall receive a cost-of-living increase of 8.6%, retroactive to July 1st, 2022.

APPROVED by the Whitehall Town Council this 29th day of August 2022.

AYES: 6

NAYES: 0

ABSENT: 0

SIGNED: M. J. Hensleigh, 8-29-2022
Mayor Mary Janacaro Hensleigh Date

ATTEST: [Signature], 8.29.22
Clerk/Treasurer Allissa Christensen Date

RESOLUTION 2022-9

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WHITEHALL, MONTANA ADOPTING THE FINAL BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2022 AND ENDING JUNE 30TH, 2023

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 2022-2023 final general fund budget in the amount of \$506,247 (Five Hundred Six Thousand, Two Hundred Forty-Seven dollars and No Cents.).

BE IT FURTHER RESOLVED that the Whitehall Town Council hereby approves the FY 2022-2023 fee-based budgets for the Water, Sewer, and Solid Waste Funds in the amount of \$747,527 (Seven Hundred Forty-Seven Thousand, Five Hundred Twenty-Seven 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 FY 2022-2023 The Capital Improvement budgets in the amount of \$10,000 (Ten Thousand Dollars and no cents) for the purpose of equipment needs for the Public Works Department and \$10,000 (Ten Thousand Dollars and no cents) for the purpose of equipment and fire truck for the Volunteer Fire Department.

BE IT FURTHER RESOLVED that the Whitehall Town Council hereby approves the following budget appropriates for the fiscal year beginning July 1, 2022 and ending June 30, 2023.

		<u>Revenue</u>	<u>Cash Reapp</u>	<u>Expenditures</u>
Governmental Funds				
1000	General	\$484,907	\$21,340	\$506,247
393	Pool	\$	\$0	\$20,000
2310	T.I.F.F.	\$151,000	\$326,293	\$477,293
2706	All Purpose	\$0	\$0	\$48,153
2820	Gas Tax	\$22,575	\$0	\$61,348
2821	BARSSA Gas Tax	\$31,348	\$0	\$83,992
2992	ARPA Fed Cares	\$0	\$0	\$294,197
Enterprise Business Funds				
5210	Water Utility	\$287,300	\$0	\$239,297
5310	Sewer Utility	\$355,000	\$0	\$313,565
5410	Solid Waste	\$208,000	\$0	\$194,665
Capital Improvement Funds				
4000	Public Works Equipment CIP	\$0	\$10,000	\$10,000
4006	Fire Control CIP	\$0	\$10,000	\$10,000

PASSED AND APPROVED THIS 29th DAY AUGUST 2022.

AYES: 5 NAYES: 0 ABSENT: 1

M. J. Hensleigh , 8-29-2022
Mayor Mary Hensleigh Date

Allissa Christensen , 8.29.22
Clerk/Treasurer Allissa Christensen Date



JEFFERSON COUNTY
Recorded 3/10/2023 At 9:18 AM
Ginger Kunz, Clerk and Recorder

By *[Signature]* Deputy

RESOLUTION 2022-8

**A RESOLUTION TO VACATE THE FULL WIDTH
OF THE ALLEY ADJACENT TO LOTS 4 IN BLOCK 1 AND LOT 1D IN BLOCK 1 OF C.O.S.
164872 F418A OF THE WHITEHALL ORIGINAL TOWNSITE TO THE TOWN OF WHITEHALL,
MONTANA**

WHEREAS, Kerry and Karen Lee Sacry own Lot 4 in Block 1 of the Whitehall Original Townsite to the Town of Whitehall, Montana;

WHEREAS, K Bar and Grill, Inc own Lot 1D in Block 1 of C.O.S. 164872 F418 of the Whitehall Original Townsite to the Town of Whitehall, Montana;

WHEREAS, an alley is located between the Sacry property and the K Bar and Grill property, with the Sacry property situated to the west of the alley and the K Bar and Grill property situated to the east of the alley;

WHEREAS, Sacry and K Bar and Grill have petitioned the Town for vacation of the entire width of the alley between the Sacry property and the K Bar and Grill property, with the vacation beginning at the northernmost lot line of Lot 4 and Lot 1D in Block 1 of the Whitehall Original Townsite and ending at the southernmost lot line of Lot 4 and Lot 1D in Block 1 of the Whitehall Original Townsite, a proposed vacation of approximately 3,000 square feet of right-of-way (the "Right-of-Way");

WHEREAS, Sacry and K Bar and Grill have proposed that, upon vacation, that half of the land comprising the Right-of-Way be transferred to each ownership, free of charge; and

WHEREAS, it appears to be in the best interests of the Town and the inhabitants thereof to vacate the Right-of-Way.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF WHITEHALL, MONTANA:

Section 1. The Whitehall Town Council wishes to vacate the Right-of-Way and agree that half of the land comprising the Right-of-Way, 1,500 square feet, be transferred to Sacry property ownership and half the land comprising the Right-of-Way, 1,500 square feet, be transferred to K Bar

and Grill property ownership, free of charge.

Section 2. The Applicants shall pay to record a quit claim deed, prepared by the Town, for transfer of the Town's interest in the vacated right-of-way to the Applicants. The Applicants are responsible for recording of a quit claim deed, as prepared by the Town, to transfer its interest in the vacated right-of-way.

Section 3. The Applicants shall file the quit claim deeds with the Clerk & Recorder of Jefferson County, Montana. The vacation is effective only upon the recording of the quit claim deeds.

PASSED AND EFFECTIVE BY THE COUNCIL OF THE TOWN OF WHITEHALL,
MONTANA, THIS 11th DAY OF July, 2022.

ISI *m. j. Hensleigh* MAYOR

ATTEST:

ISI *[Signature]* TOWN
CLERK


285209 Fee \$0.00 Page 2 of 2
JEFFERSON COUNTY
Recorded 3/10/2023 At 9:18 AM
Ginger Kunz, Clerk and Recorder

RESOLUTION 2022-7

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WHITEHALL, MONTANA AMENDING THE FEE SCHEDULES FOR THE FOLLOWING: SUBDIVISION REVIEW FEES, ZONING REQUEST FEES, ZONING CHANGE FEES, BOARD OF ADJUSTMENT HEARING FEES, CONDITIONAL USE PERMIT FEES, ANNEXATION FEES, REMOVAL OR VACATION OF LAND FEES, OTHER GENERAL SUBDIVISION REVIEW FEES AND ADMINISTRATIVE FEES FOR PROCESSING BUILDING PERMITS, HOME OCCUPATION PERMITS AND SIGN REVIEW APPLICATIONS.

WHEREAS, throughout the Municipal Code of the Town of Whitehall, various fees are imposed for the review and processing of certain application and requests, for which the Town of Whitehall charges applicants for processing the various applications; and

WHEREAS, the Town of Whitehall has experienced a substantial increase in the cost of processing such applications and the fee schedule has not been amended for many years.

WHEREAS, the authority for such fees is found in Sections 7-5-4101, 7-21-4101 and 4102, and 76-3-602, Montana Code Annotated; and Sections 3-1-8(B), 10-2-3, 10-3-4-1, 10-11-4(B), 11-10-1, and 11-11-4; and

WHEREAS, this resolution supplements and amends as necessary the sections of the Whitehall Municipal Code set forth above and reflects the increased fees as set forth below:

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

Section 1: That the Fee Schedule for general Subdivision Review, such fees to cover the costs of processing applications and reviewing plats, plat supplements, advertising, holding public hearings, and other expenses related to the subdivision review process is as follows:

- a) Fence application: \$25.00
- b) Shed: \$25.00
- c) New structure (shall be figured on estimated value/cost) .001 decimal .1%
- d) Business License: \$35.00

Section 2: An applicant may be charged the amounts set out above or the actual costs incurred by the Town of Whitehall, whichever is greater. The actual costs shall include all consultant fees and all costs and expenses incurred by the Town of Whitehall for conducting public hearings, examining the applications and their contents, the review by consultants of the application and the conduct of any public hearing. Actual costs shall also include the costs of mailing, posting, and publication of necessary notices. Consultants shall include such architects, attorneys, planners, land surveyors, engineers and title examiners as may be necessary to process the application.

Section 3: That a public hearing was held on _____, in the Council Chambers located at 207 E. Legion Ave to hear testimony in support of or in opposition to the proposed increased fees. Notice of the public hearing was published once a week for two consecutive weeks in the Whitehall Ledger and was posted at the Town Office, Whitehall Post Office, and on the Town Website.

DATED this 12th day of December, 2022.



Mayor

ATTEST:



Clerk/Treasurer



Proclamation

Proclaiming May 21, 2022, as Kids to Parks Day in the Town of Whitehall

WHEREAS, May 21, 2022, is the twelfth Kids to Parks Day organized and launched by the National Park Trust held annually on the third Saturday of May; and

WHEREAS, Kids to Parks Day empowers kids and encourages families to get outdoors and visit local parks, public lands, and waters; and

WHEREAS, we should encourage children to lead a more active lifestyle to combat issues of childhood obesity, diabetes, hypertension, and hypercholesterolemia; and

WHEREAS, Kids to Parks Day will broaden children's appreciation for nature and outdoors; and


WHEREAS, Kids to Parks Day will recognize the importance of recreating responsibly while enjoying the benefits of the outdoors; and

NOW THEREFORE, I, Mary Janacaro-Hensleigh do hereby proclaim May 21, 2022, as Kids to Parks Day.

Signed by the Mayor of Whitehall, MT on this 9th day of May, 2022.



Mayor



Clerk/Treasurer



Whereas, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

Whereas, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

Whereas, Arbor Day is now observed throughout the nation and the world, and

Whereas, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

Whereas, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

Whereas, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

Whereas, trees, wherever they are planted, are a source of joy and spiritual renewal.

Now, Therefore, I, Mary Janacaro-Hensleigh, Mayor of the City of Whitehall, do hereby proclaim April 29th, 2022 as

Arbor Day

In the City of Whitehall, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

Further, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Dated this 29th day of April
Mayor M. J. Hensleigh

RESOLUTION 2022-6

A resolution of the Town Council of the Town of Whitehall, Montana relating to the approval of garbage increases and implementing a five (5) year plan of increases.

WHEREAS The garbage base rate shall remain \$18.00 (eighteen dollars) until July 1st, 2023. The Town also desires to implement a five (5) year plan of increases. For the fiscal year's 2023-2027, it is proposed that the garbage base rate shall be increased \$.50 (fifty cents) each year. These increases come to a total of a \$.50 (fifty cent) for each year for the fiscal years 2023-2027.

WHEREAS as stated in Montana Code Annotated Sec. 69-7-111 Municipal Rate Hearing Required- Notice, the Town of Whitehall has met the requirements states as such. A Public Hearing was advertised in the Whitehall Ledger three (3) consecutive weeks, March 23rd, 30th and April 6th, 2022, stating the date, time, and location of the public hearing. A notice was mailed to all residents within town limits on March 28th, 2022, containing the date, time, and location of the hearing. Item 4(a), 4(b) and item 5 under MCA 69-7-111 requirements were also met.

WHEREAS a Public Hearing was held on April 11th, 2022, and the public was given the opportunity to express opinion regarding the rate increase and five (5) year plan.

BE IT RESOLVED by the Town Council of the Town of Whitehall, Montana, County of Jefferson, State of Montana, that the Town hereby approves the new garbage increase beginning July 1st, 2023. These increases come to a total of a \$.50 (fifty cent) increase for each year for the fiscal years 2023-2027.

BE IT FURTHER RESOLVED by the Town Council of the Town of Whitehall, Montana, County of Jefferson approves to implement a five (5) year plan of increases. the garbage base rate shall be increased \$.50 (fifty cents) each fiscal year. These increases come to a total of a \$.50 (fifty cent) increase for each year for the fiscal years 2023-2027.

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Whitehall, Montana, County of Jefferson, State of Montana, that the Town Council hereby implements the stated increase and five (5) year plan. The garbage base rate shall remain \$18.00 (eighteen dollars) until June 30th, 2023. The five (5) year plan will take effect July 1st, 2023.

NOW THEREFORE BE IT FULLY RESOLVED the Town Council of the Town of Whitehall, Montana, County of Jefferson, State of Montana shall implement the charges for garbage removal as follows:

Section 1. Current Base Rate Charges. The town currently charges users of the system a monthly garbage removal charge, consisting of a base rate based on usage amount as follows:

<u>Base Rate</u>	<u>Usage Amount</u>
\$18.00	1 dump per week- residential

Section 2. New Base Rate Charges. Effective May 2022 billing, the Whitehall Town Council will raise the base rate per month as follows:

<u>Base Rate</u>	<u>Usage Amount</u>
NO CHANGE	1 dump per week- residential

Section 3. Yearly Base Rate Increases for years fiscal 2023-2027 (5-year plan) Taking effect July 1st, 2023, the Whitehall Town Council will raise the base rate \$.50 per fiscal year as follows:

<u>2023 Base Rate</u>	<u>Usage Amount</u>
18.50	1 dump per week- residential

<u>2024 Base Rate</u>	<u>Usage Amount</u>
\$19.00	1 dump per week- residential


2025 Base Rate Usage Amount
\$19.50 1 dump per week- residential

2026 Base Rate Usage Amount
20.00 1 dump per week- residential

2027 Base Rate Usage Amount
\$20.50 1 dump per week- residential

PASSED AND APPROVED THIS 11 DAY of April 2022.

AYES: 5 NAYES: 0 ABSENT: 1

 _____, 4-12-2022
Mayor Mary Janacaro Hensleigh Date

 _____, 4.12.22
Clerk/Treasurer Date

RESOLUTION 2022-5

A resolution of the Town Council of the Town of Whitehall, Montana relating to the approval of sewer rate increases and implementing a five (5) year plan of increases.

WHEREAS The sewer increase shall be \$2.00 (two dollars) with a new base rate of \$30.00 (thirty dollars). The Town also desires to implement a five (5) year plan of increases. For the fiscal year's 2023-2027, it is proposed that the sewer base rate shall be increased by \$1.25 (one dollar and twenty-five cents) for each year. The increase comes to a total of a \$1.25 (one dollar and twenty-five cents) increase for each fiscal year for the years 2023-2027.

WHEREAS as stated in Montana Code Annotated Sec. 69-7-111 Municipal Rate Hearing Required- Notice, the Town of Whitehall has met the requirements states as such. A Public Hearing was advertised in the Whitehall Ledger three (3) consecutive weeks, March 23rd, 30th and April 6th, 2022, stating the date, time, and location of the public hearing. A notice was mailed to all residents within town limits on March 28th, 2022, containing the date, time, and location of the hearing. Item 4(a), 4(b) and item 5 under MCA 69-7-111 requirements were also met.

WHEREAS a Public Hearing was held on April 11th, 2022, and the public was given the opportunity to express opinion regarding the rate increase and five (5) year plan.

BE IT RESOLVED by the Town Council of the Town of Whitehall, Montana, County of Jefferson, State of Montana, that the Town hereby approves the sewer increases. The sewer increase shall be \$2.00 (two dollars) with a new base rate of \$30.00 (thirty dollars).

BE IT FURTHER RESOLVED by the Town Council of the Town of Whitehall, Montana, County of Jefferson approves to implement a five (5) year plan of increases. For the fiscal year's 2023-2027, it is proposed that the sewer base rate shall be increased by \$1.25 (one dollar and twenty-five cents) for each year. These increases come to a total of a \$1.25 (one dollar and twenty-five cents) increase for each fiscal year for the years 2023-2027.

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Whitehall, Montana, County of Jefferson, State of Montana, that the Town Council hereby implements the stated sewer rate increase and five (5) year plan increases. The stated increases will take place thirty (30) days from the passing of this Resolution. The five (5) year plan will take effect July 1st, 2023.

NOW THEREFORE BE IT FULLY RESOLVED the Town Council of the Town of Whitehall, Montana, County of Jefferson, State of Montana shall implement the charges for sewer usage as follows:

Section 1. Current Base Rate Charges. The town currently charges users of the system a monthly sewer charge, consisting of a base rate based on usage amount as follows:

<u>Base Rate</u>	<u>Usage Amount</u>	<u>Variable Rate</u>
\$28.00	2,000 gallons	\$9.05 per 1,000 gallons above usage amount Nov-March. Months April-Oct based on average usage

Section 2. New Base Rate Charges. Effective May 2022 billing, the Whitehall Town Council will raise the base rate per month as follows:

<u>Base Rate</u>	<u>Usage Amount</u>	<u>Variable Rate</u>
\$30.00	2,000 gallons	\$9.05 per 1,000 gallons above usage amount Nov-March. Months April-Oct based on average usage

Section 3. Yearly Base Rate Increases for fiscal years 2023-2027 (5-year plan) Taking effect July 2023, the Whitehall Town Council will raise the base rate \$1.25 per year as follows:

2023 Base Rate
\$31.25

Usage Amount
2,000 gallons

Variable Rate
\$9.05 per 1,000 gallons above usage amount Nov-March.
Months April-Oct based on average usage

2024 Base Rate
\$32.50

Usage Amount
2,000 gallons

Variable Rate
\$9.05 per 1,000 gallons above usage amount Nov-March.
Months April-Oct based on average usage

2025 Base Rate
\$33.75

Usage Amount
2,000 gallons

Variable Rate
\$9.05 per 1,000 gallons above usage amount Nov-March.
Months April-Oct based on average usage

2026 Base Rate
\$35.00

Usage Amount
2,000 gallons

Variable Rate
\$9.05 per 1,000 gallons above usage amount Nov-March.
Months April-Oct based on average usage

2027 Base Rate
\$36.25

Usage Amount
2,000 gallons

Variable Rate
\$9.05 per 1,000 gallons above usage amount Nov-March.
Months April-Oct based on average usage

PASSED AND APPROVED THIS 11 DAY of April 2022.

AYES: 5 NAYES: 0 ABSENT: 1

M. J. Hensleigh, 4-12-2022
Mayor Mary Janacaro Hensleigh Date

Beip, 4.12.22
Clerk/Treasurer Date

RESOLUTION 2022-4

A resolution of the Town Council of the Town of Whitehall, Montana relating to the approval of water rate increases and implementing a five (5) year plan of increases.

WHEREAS The water increase shall be \$6.00 (six dollars) with a new base rate of \$34.00 (thirty-four dollars). The Town also desires to implement a five (5) year plan of increases. For the fiscal year's 2023-2027, it is proposed that the water base rate shall be increased by \$1.25 (one dollar and twenty-five cents) for each year. The water increase comes to a total of a \$1.25 (one dollar and twenty-five cents) increase for each fiscal year for the years 2023-2027.

WHEREAS as stated in Montana Code Annotated Sec. 69-7-111 Municipal Rate Hearing Required- Notice, the Town of Whitehall has met the requirements states as such. A Public Hearing was advertised in the Whitehall Ledger three (3) consecutive weeks, March 23rd, 30th and April 6th, 2022, stating the date, time, and location of the public hearing. A notice was mailed to all residents within town limits on March 28th, 2022, containing the date, time and location of the hearing. Item 4(a), 4(b) and item 5 under MCA 69-7-111 requirements were also met.

WHEREAS a Public Hearing was held on April 11th, 2022, and the public was given the opportunity to express opinion regarding the rate increase and five (5) year plan.

BE IT RESOLVED by the Town Council of the Town of Whitehall, Montana, County of Jefferson, State of Montana, that the Town hereby approves the new water increases. The water increase shall be \$6.00 (six dollars) with a new base rate of \$34.00 (thirty-four dollars).

BE IT FURTHER RESOLVED by the Town Council of the Town of Whitehall, Montana, County of Jefferson approves to implement a five (5) year plan of increases. For the fiscal year's 2023-2027, it is proposed that the water base rate shall be increased by \$1.25 (one dollar and twenty-five cents) for each year. These increases come to a total of a \$1.25 (one dollar and twenty-five cents) increase for each year for the fiscal years 2023-2027.

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Whitehall, Montana, County of Jefferson, State of Montana, that the Town Council hereby implements the stated water increase and five (5) year plan of increases. The stated increases will take place thirty (30) days from the passing of this Resolution. The five (5) year plan will take effect July 1st, 2023.

NOW THEREFORE BE IT FULLY RESOLVED the Town Council of the Town of Whitehall, Montana, County of Jefferson, State of Montana shall implement the charges for water usage as follows:

Section 1. Current Base Rate Charges. The town currently charges users of the system a monthly water charge, consisting of a base rate based on usage amount as follows:

<u>Base Rate</u>	<u>Usage Amount</u>	<u>Variable Rate</u>
\$28.00	3,000 gallons	\$1.27 per 1,000 gallons above usage amount

Section 2. New Base Rate Charges. Effective May 2022 billing, the Whitehall Town Council will raise the base rate per month as follows:

<u>Base Rate</u>	<u>Usage Amount</u>	<u>Variable Rate</u>
\$34.00	3,000 gallons	\$1.27 per 1,000 gallons above usage amount

Section 3. Yearly Base Rate Increases for fiscal years 2023-2027 (5-year plan) Taking effect July 2023, the Whitehall Town Council will raise the base rate \$1.25 per fiscal year as follows:

<u>2023 Base Rate</u>	<u>Usage Amount</u>	<u>Variable Rate</u>
\$35.25	3,000 gallons	\$1.27 per 1,000 gallons above usage amount
<u>2024 Base Rate</u>	<u>Usage Amount</u>	<u>Variable Rate</u>
\$36.50	3,000 gallons	\$1.27 per 1,000 gallons above usage amount

<u>2025 Base Rate</u> \$37.75	<u>Usage Amount</u> 3,000 gallons	<u>Variable Rate</u> \$1.27 per 1,000 gallons above usage amount
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<u>2026 Base Rate</u> 39.00	<u>Usage Amount</u> 3,000 gallons	<u>Variable Rate</u> \$1.27 per 1,000 gallons above usage amount
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<u>2027 Base Rate</u> \$40.25	<u>Usage Amount</u> 3,000 gallons	<u>Variable Rate</u> \$1.27 per 1,000 gallons above usage amount
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PASSED AND APPROVED THIS 11 DAY of April 2022.

AYES: 5 NAYES: 0 ABSENT: 1

 , 4-12-2022
Mayor Mary Janacaro Hensleigh Date

 , 4.12.22
Clerk/Treasurer Date

Whitehall Town Council Resolution 2022-3

A RESOLUTION ACCEPTING A PUBLIC UTILITY EASEMENT AND TERMINATING PRIOR EASEMENTS TO ALLOW FOR THE CHANGE IN LOCATION OF SEWER AND WATER MAIN EASEMENTS IN CONNECTION WITH A COMMERCIAL DEVELOPMENT, FINDING THE NECESSARY FACTS HEREIN AND PRESCRIBING THE EFFECTIVE DATE OF THIS RESOLUTION.

For the purpose of this Resolution, the Town Council of the Town of Whitehall, State of Montana, find the following facts, to-wit:

- (a) That a proposed Public Utility Easement and Termination of Prior Easements (the "Easement"), a copy of which is attached as Exhibit "A" to this Resolution was submitted to the Town Council by Whitehall 1 RE2 LLC (the "Developer"), through its counsel, Dan Manson, whose address is P.O. Box 6000, Butte, Montana 59702.
- (b) That the Easement has been proposed in conjunction with a commercial development being completed by the Developer.
- (c) That it is necessary in conjunction with the vacation of a portion of North Pyfer Street and the development of adjacent property by the Developer to terminate prior public utility easements and relocate such easements as set forth in the Easement attached as Exhibit "A".
- (d) That consideration of the Easement was duly placed on the Agenda of the Town Council meeting for February 15th, 2022 and March 14th, 2022 and notice of the meeting (the "Notice") was duly published in accordance with applicable law.
- (e) That the Town Council held and conducted a public meeting on February 15th, 2022, as provided in the Notice. At such meeting, the Public was afforded the opportunity to comment and/or state objections to the proposed easement and/or the relocation of existing easements and comments were received from Cliff, Nancy and Brian Edsall of Cliff's Automotive and Dan Sampson, the representative of the Petitioner.
- (f) That the Town Council finds that approving the new easement and terminating the existing easements as specified in the Easement is necessary to accommodate the development of the property, and does not cause any detriment to the Public.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WHITEHALL, MONTANA, AS FOLLOWS, TO-WIT:


1. That the Town Council does hereby approve and consent the receiving of a new easement and termination of existing easements as specified in the Easement attached as Exhibit "A" hereto.

2. That the Mayor of the Town of Whitehall is duly authorized to accept, execute and record the Easement attached as Exhibit "A" upon execution by Whitehall 1 RE2 LLC

3. That the Easement shall be recorded in conjunction with the Quitclaim Deed vacating the portion of North Pyfer Street North Pyfer Street in Whitehall, Montana, adjacent to Lots 10-14 and 18-22 of the Pyfer Community Tracts. The Easement shall be recorded immediately prior to the Quitclaim Deed. It has been acknowledged that the final location of the easement may be modified based on requirements of the Department of Environmental Quality, the Town of Whitehall or any other entity having approval authority over the location of the public utilities. If the final location is modified, the Petitioner and the Town of Whitehall have agreed in the terms of the Easement to record an amended easement correcting the final location.

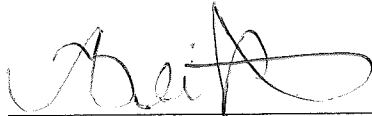
4. That this Resolution shall be in full force and effect immediately upon passage and approval.

PASSED this 14th day of March, 2022.



Mayor

ATTEST:



Clerk/Treasurer

EXHIBIT "A"
EASEMENT (ATTACHED)



TOWN PUMP, INC.
LEGAL DEPARTMENT

Telephone (406) 497-6920 · Facsimile (406) 497-6706 · Email Legal2@townpump.com

Daniel D. Manson, Chief Legal Counsel
Emma R. Peckinpaugh, In-House Counsel

Dominique V. Endy, Paralegal/Claims Manager
Monica A. Boehmer, Paralegal/Licensing Coordinator
Jill Hamry, Paralegal
Billie Jo Gonzales, Paralegal
Kathy Johnson, Claims Assistant
Shannon Salmonsén, Legal Assistant
Donald Edmisten, Investigation Specialist

January 12, 2022

Mr. Ed Guza
Whitehall Town Attorney
207 East Legion Street
Whitehall, MT 59759

Via First Class Mail and e-mail (eguza@eiguzalaw.com)

Re: Petition to Vacate a Portion of North Pyfer Street in Whitehall, Montana
adjacent to Lots 10-14 and 18-22 of the Pyfer Community Tracts

Dear Mr. Guza:

This letter shall constitute a Petition to Vacate and Discontinue a Portion of North Pyfer Street in Whitehall, Montana (the "Petition") pursuant to Mont. Code Ann. § 7-14-4114. The portion of North Pyfer Street sought to be vacated by this Petition is depicted on **Exhibit "A"** attached hereto and is adjacent to Lots 10-14 and 18-22 of the Pyfer Community Tracts. Whitehall 1 RE2 LLC, a Montana limited liability company (the "Petitioner") is the owner of all adjacent lots, and thus this Petition satisfies the requirements of Mont. Code Ann. § 7-14-4114(a).

The legal description of the street proposed to be vacated and discontinued is attached as **Exhibit "B"**. A proposed Quitclaim Deed vacating the street and conveying the property to the Petitioner is attached as **Exhibit "C"**.

Pursuant to Mont. Code Ann. § 7-14-4115, the Petitioner acknowledges that vacation and discontinuance of the street will not affect any existing public utility easements.

The Petitioner respectfully requests that the Town Council act on this Petition at the first regular meeting after publication is completed in accordance with Mont. Code Ann. § 7-1-4127.

Thank you for your consideration of this Petition. If you have any questions, please don't hesitate to contact Petitioner's counsel, Dan Manson, by telephone at (406) 497-6928, or by e-mail at danm@townpump.com.

Whitehall 1 RE2 LLC

By James M. Kenneally
James M. Kenneally
Manager

The foregoing Petition is supported by the following Certification:

CERTIFICATION

The undersigned, James M. Kenneally, certifies and states as follows:

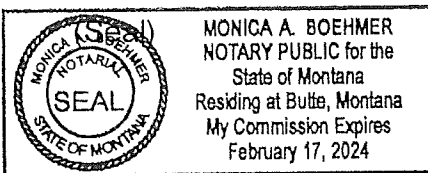
1. I am a Manager of Whitehall 1 RE2 LLC, a Montana limited liability company.
2. In my capacity as Manager of Whitehall 1 RE2 LLC, I am authorized to execute the foregoing Petition.
3. All information stated in the foregoing Petition is true and correct to the best of my knowledge, information and belief.

Dated this 12th day of January, 2022.

James M. Kenneally
James M. Kenneally

State of Montana)
 : ss.
County of Silver Bow)

The foregoing instrument was acknowledged before me this 12th day of January, 2022, by James M. Kenneally.



Monica A. Boehmer
Notary Public

EXHIBIT A

PETITION TO VACATE A PORTION OF PYFER STREET
 LOCATED IN SEC 33, T2N, R4W, P.M.M
 CITY OF WHITEHALL, STATE OF MONTANA

PURPOSE OF THE SURVEY

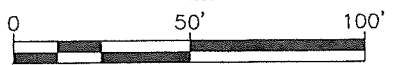
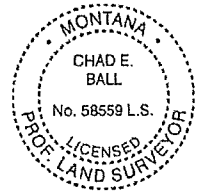
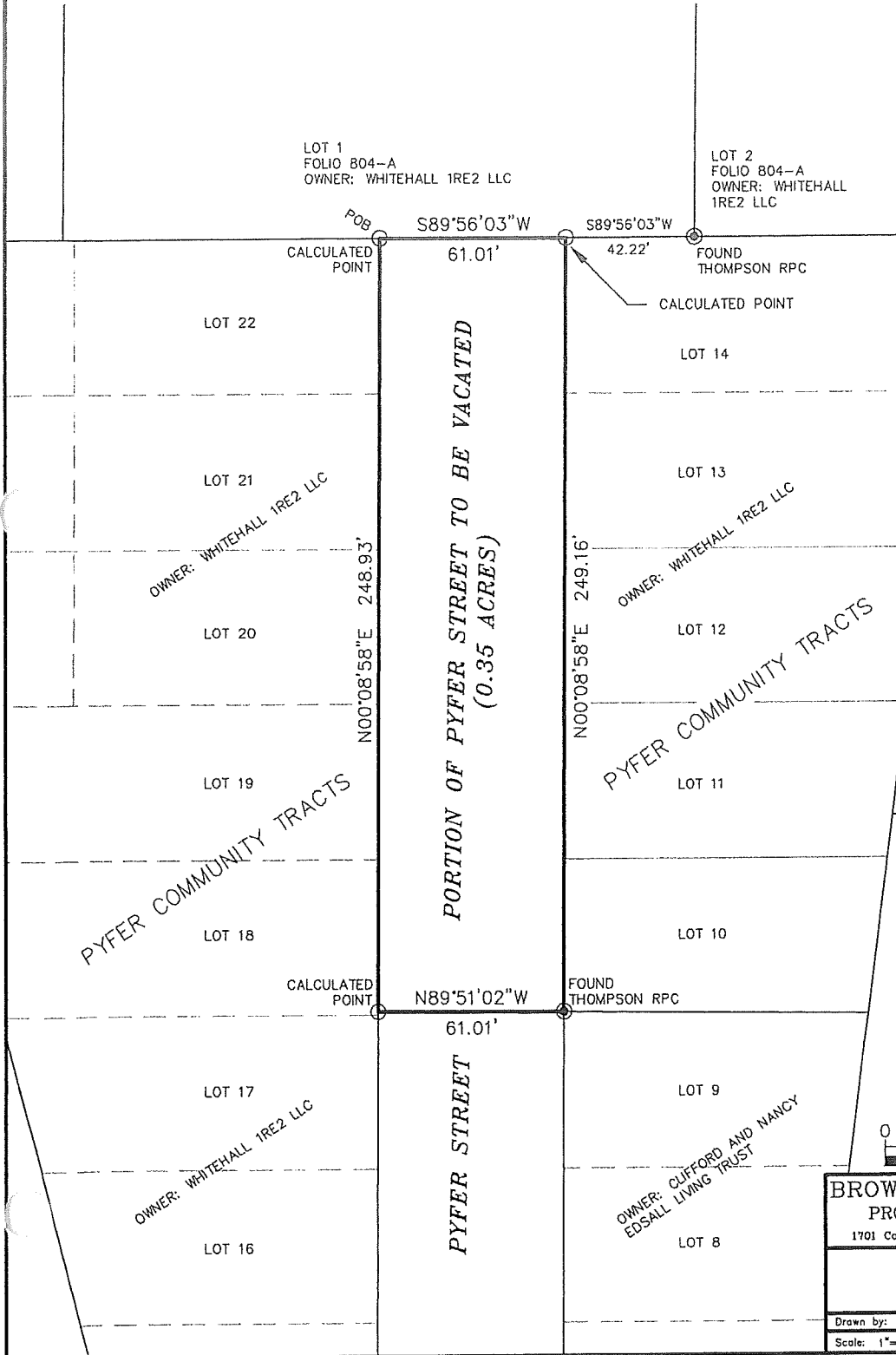
THE PURPOSE OF THIS SURVEY IS TO DEPICT A PORTION OF
 PYFER STREET TO BE VACATED. THIS SURVEY WAS PERFORMED
 UNDER MY SUPERVISION DURING THE MONTH OF DECEMBER, 2021

Chad E. Ball

CHAD E. BALL, PLS

LEGAL DESCRIPTION FOR PORTION OF PYFER
 STREET TO BE VACATED

THAT PORTION OF DEDICATED NORTH PYFER
 STREET ADJACENT TO LOTS 10-14 AND
 18-22 OF THE PYFER COMMUNITY TRACTS
 LOCATED IN THE SOUTHEAST QUARTER OF
 SECTION 33, TOWNSHIP 2 NORTH, RANGE 4
 WEST, P.M.M. ALL WITHIN JEFFERSON
 COUNTY, STATE OF MONTANA AND MORE
 PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT THE NORTHEAST CORNER OF
 LOT 22 OF THE PYFER COMMUNITY TRACTS
 WHICH IS ALSO A POINT ON THE SOUTH
 LINE OF LOT 1 OF CERTIFICATE OF SURVEY
 204729; THENCE, N89°56'03"E ALONG SAID
 SOUTH LINE OF LOT 1 FOR 61.01 FEET TO
 THE NORTHWEST CORNER OF LOT 14 OF THE
 PYFER COMMUNITY TRACTS; THENCE,
 S00°08'58"W ALONG THE WEST LINE OF LOTS
 14, 13, 12, 11, AND 10 OF THE PYFER
 COMMUNITY TRACTS FOR 249.16 FEET TO
 THE SOUTHWEST CORNER OF LOT 10 OF THE
 PYFER COMMUNITY TRACTS; THENCE,
 N89°51'02"W FOR 61.01 FEET TO THE
 SOUTHEAST CORNER OF LOT 18 OF THE
 PYFER COMMUNITY TRACTS; THENCE,
 N00°08'58"E ALONG THE EAST LINE OF LOTS
 18, 19, 20, 21, AND 22 OF THE PYFER
 COMMUNITY TRACTS FOR 248.93 FEET TO
 THE POINT OF BEGINNING CONTAINING IN ALL
 15,195 SQUARE FEET OR 0.35 ACRES.



BROWN AND ASSOCIATES, INC.
 PROFESSIONAL LAND SURVEYORS
 1701 Cobban St., Butte, MT. 59701 (406) 723-6574

Exhibit A
 Pyfer Street Petition to Vacate
 Sec. 33, T2N, R4W, P.M.M.
 CITY OF WHITEHALL, STATE OF MONTANA

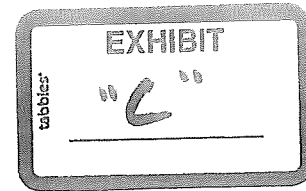
Drawn by: CB	Revised on:
Scale: 1"=50'	Dated: 1/07/22

Exhibit "B"

Legal Description of Property to be Vacated

THAT PORTION OF DEDICATED NORTH PYFER STREET ADJACENT TO LOTS 10-14 AND 18-22 OF THE PYFER COMMUNITY TRACTS LOCATED IN THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 2 NORTH, RANGE 4 WEST, P.M.M. ALL WITHIN JEFFERSON COUNTY, STATE OF MONTANA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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Return after recording to:
Whitehall 1 RE2 LLC
Attn: Daniel D. Manson
600 S. Main
Butte, MT 59701

QUITCLAIM DEED

THIS INDENTURE, made this ___ day of February, 2022, by and between the Town of Whitehall, Montana, a municipal corporation and political subdivision of the State of Montana (hereafter "Grantor"), and Whitehall 1 RE2 LLC, a Montana limited liability company whose address is 600 S. Main, Butte, Montana 59701 (hereafter "Grantee"),

WITNESSETH

That Grantor, for and in consideration of the vacation of a portion of North Pyfer Street in the Town of Whitehall, Montana, does hereby convey, remise, release and forever quitclaim unto Grantee, and to the successors and assigns of Grantee, forever, all of Grantor's right, title and interest in and to the following-described real property, situated in Jefferson County, State of Montana, to-wit:

THAT PORTION OF DEDICATED NORTH PYFER STREET ADJACENT TO LOTS 10-14 AND 18-22 OF THE PYFER COMMUNITY TRACTS LOCATED IN THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 2 NORTH, RANGE 4 WEST, P.M.M. ALL WITHIN JEFFERSON COUNTY, STATE OF MONTANA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 22 OF THE PYFER COMMUNITY TRACTS WHICH IS ALSO A POINT ON THE SOUTH LINE OF LOT 1 OF CERTIFICATE OF SURVEY 204729; THENCE, N89°56'03"E ALONG SAID SOUTH LINE OF LOT 1 FOR 61.01 FEET TO THE NORTHWEST CORNER OF LOT 14 OF THE PYFER COMMUNITY TRACTS; THENCE, S00°08'58"W ALONG THE WEST LINE OF LOTS 14, 13, 12, 11, AND 10 OF THE PYFER COMMUNITY TRACTS FOR 249.16 FEET TO THE SOUTHWEST CORNER OF LOT 10 OF THE PYFER COMMUNITY TRACTS; THENCE, N89°51'02"W FOR 61.01 FEET TO THE SOUTHEAST CORNER OF LOT 18 OF THE PYFER COMMUNITY TRACTS; THENCE, N00°08'58"E

ALONG THE EAST LINE OF LOTS 18, 19, 20, 21, AND 22 OF
THE PYFER COMMUNITY TRACTS FOR 248.93 FEET TO
THE POINT OF BEGINNING CONTAINING IN ALL 15,195
SQUARE FEET OR 0.35 ACRES.

This Deed is given subject to any existing utility easements which shall remain
unaffected by this conveyance pursuant to Mont. Code Ann. §7-14-4115.

TO HAVE AND HOLD, all and singular, the said premises, together with the
appurtenances thereunto belonging, unto the Grantee, and to its successors and assigns, forever.

This deed is given pursuant to Town of Whitehall Council Resolution No. _____ dated
_____, 2022.

IN WITNESS WHEREOF the Grantor has caused this deed to be executed as of the date
first above written.

Grantor:

Town of Whitehall

By _____
Title: _____

Attest:

By _____
Title: _____

State of Montana)
 : ss.
County of Jefferson)

The foregoing instrument was acknowledged before me on the ____ day of February,
2022, by _____ and _____ in their respective capacities as
_____ and _____ of the Town of Whitehall, Montana.

(Seal)

Notary Public

RESOLUTION 2022-2

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.

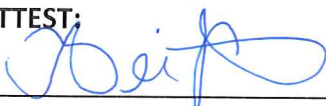
THEREFORE, NOW BE IT RESOLVED THAT:

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 a citywide maintenance project.
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 15th day of February, 2022.


Mayor

ATTEST:



Clerk/Treasurer

Resolution 2022-1

A RESOLUTION VACATING, CLOSING, DISCONTINUING AND ABANDONING A PORTION OF NORTH PYFER STREET IN WHITEHALL, MONTANA, ADJACENT TO LOTS 10-14 AND 18-22 OF THE PYFER COMMUNITY TRACTS, MORE PARTICULARLY DESCRIBED ON THE SURVEY ATTACHED AS EXHIBIT "A" AND LEGALLY DESCRIBED ON ATTACHED EXHIBIT "B", FINDING THE NECESSARY FACTS HEREIN AND PRESCRIBING THE EFFECTIVE DATE OF THIS RESOLUTION.

For the purpose of this Resolution, the Town Council of the Town of Whitehall, State of Montana, find the following facts, to-wit:

- (a) That, on January 12, 2022, Whitehall 1 RE2 LLC (the "Petitioner"), through its counsel, Dan Manson, whose address is P.O. Box 6000, Butte, Montana 59702, owner of all lots adjacent to the portion of North Pyfer Street requested to be vacated, caused to be presented to the Town Council a Petition to Vacate (the "Petition") that portion of North Pyfer Street described on Exhibits "A" and "B".
- (b) That after receiving the Petition, in accordance with the requirements of Mont. Code Ann. § 7-1-4127, the Town caused to be published in the Whitehall Ledger, a public notice (the "Notice") the 2nd day of February and the 9th day of February 2022, of the time and place for hearing on the Petition be given.
- (c) That, at the time and place specified in the Notice, the Town Council held and conducted a public hearing on the Petition during the meeting of the Town Council on February 15th, 2022. At such meeting, the Public was afforded the opportunity to comment and/or state objections to the Petition and comments were received from Cliff, Nancy and Brian Edsall of Cliff's Automotive and Dan Sampson, the representative of the Petitioner.
- (d) That based upon the comments received, a motion was made to adopt the Resolution with the caveat that the road may be vacated, but may not block or in any way restrict access to Cliff's Automotive.
- (e) That the Petitioner is the owner of all lots adjacent to the portion of North Pyfer Street proposed to be vacated in the Petition, thus the Petition satisfies the requirements of Mont. Code Ann. § 7-14-4114(a).
- (f) That, in accordance with Mont. Code Ann. § 7-14-4115, the Petitioner has acknowledged that vacation and discontinuance of the street will not affect any existing public utility easements.
- (g) That the Petition satisfies all legal requirements, and the vacation requested in the Petition can be done without detriment to the public interest.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WHITEHALL, MONTANA, AS FOLLOWS, TO-WIT:

1. That the Town Council does hereby consent to and concur with the closing, vacating, discontinuing and abandonment that portion of North Pyfer Street in Whitehall, Montana, adjacent to Lots 10-14 and 18-22 of the Pyfer Community Tracts, as more particularly described on Exhibits "A" and "B", but Petitioner may not block or in any way restrict access to Cliff's Automotive.

2. That the subject tract described above and on Exhibits "A" and "B" is hereby vacated, closed, discontinued and abandoned.

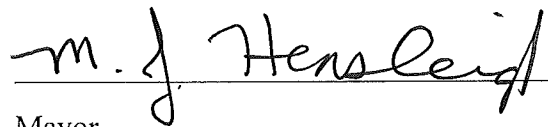
3. That the vacation of the subject tract described above and on Exhibits "A" and "B" shall not affect any existing public utility easements.

4. That the Mayor of the Town of Whitehall is duly authorized to execute and deliver a Quitclaim Deed conveying the subject tract to the Petitioner. The delivery of the Quitclaim Deed is conditioned upon the Town of Whitehall to receiving an acceptable executed easement as specified in the following paragraph.

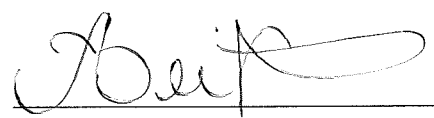
5. In conjunction with the vacation, the Petitioner has agreed to grant an easement to the Town for public utilities across the vacated parcel and adjacent property owned by the Petitioner. Said easement shall be recorded prior to the Quitclaim Deed referenced in the foregoing paragraph. It has been acknowledged that the final location of the easement may be modified based on requirements of the Department of Environmental Quality, the Town of Whitehall or any other entity having approval authority over the location of the public utilities. If the final location is modified, the Petitioner and the Town of Whitehall have agreed in the terms of the Easement to record an amended easement correcting the final location.

6. That this Resolution shall be in full force and effect immediately upon passage and approval.

PASSED this 14th day of March, 2022.



Mayor



Clerk/Treasurer

AYES 5 NAYES 0 ABSENT 1

EXHIBIT "A"
SURVEY MAP (ATTACHED)

EXHIBIT A
PETITION TO VACATE A PORTION OF PYFER STREET
LOCATED IN SEC 33, T2N, R4W, P.M.M
CITY OF WHITEHALL, STATE OF MONTANA

PURPOSE OF THE SURVEY

THE PURPOSE OF THIS SURVEY IS TO DEPICT A PORTION OF PYFER STREET TO BE VACATED. THIS SURVEY WAS PERFORMED UNDER MY SUPERVISION DURING THE MONTH OF DECEMBER, 2021

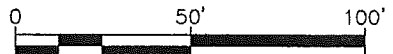
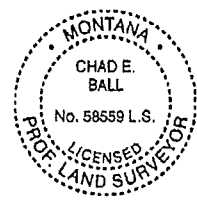
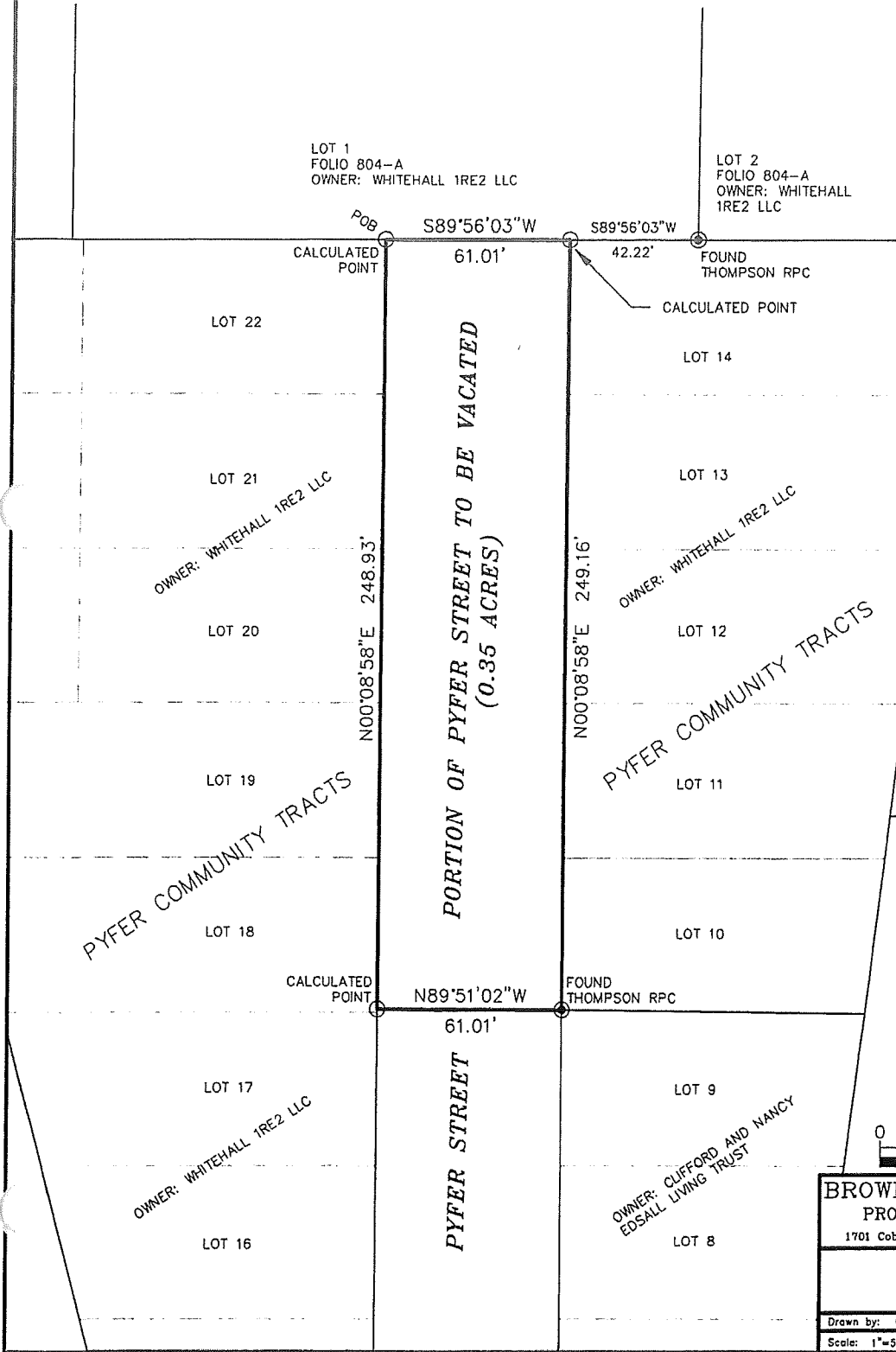
Chad E. Ball

CHAD E. BALL, PLS

LEGAL DESCRIPTION FOR PORTION OF PYFER STREET TO BE VACATED

THAT PORTION OF DEDICATED NORTH PYFER STREET ADJACENT TO LOTS 10-14 AND 18-22 OF THE PYFER COMMUNITY TRACTS LOCATED IN THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 2 NORTH, RANGE 4 WEST, P.M.M. ALL WITHIN JEFFERSON COUNTY, STATE OF MONTANA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 22 OF THE PYFER COMMUNITY TRACTS WHICH IS ALSO A POINT ON THE SOUTH LINE OF LOT 1 OF CERTIFICATE OF SURVEY 204729; THENCE, N89°56'03"E ALONG SAID SOUTH LINE OF LOT 1 FOR 61.01 FEET TO THE NORTHWEST CORNER OF LOT 14 OF THE PYFER COMMUNITY TRACTS; THENCE, S00°08'58"W ALONG THE WEST LINE OF LOTS 14, 13, 12, 11, AND 10 OF THE PYFER COMMUNITY TRACTS FOR 249.16 FEET TO THE SOUTHWEST CORNER OF LOT 10 OF THE PYFER COMMUNITY TRACTS; THENCE, N89°51'02"W FOR 61.01 FEET TO THE SOUTHEAST CORNER OF LOT 18 OF THE PYFER COMMUNITY TRACTS; THENCE, N00°08'58"E ALONG THE EAST LINE OF LOTS 18, 19, 20, 21, AND 22 OF THE PYFER COMMUNITY TRACTS FOR 248.93 FEET TO THE POINT OF BEGINNING CONTAINING IN ALL 15,195 SQUARE FEET OR 0.35 ACRES.



BROWN AND ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
 1701 Cobban St., Butte, MT. 59701 (406) 723-6574

Exhibit A
 Pyfer Street Petition to Vacate
 Sec. 33, T2N, R4W, P.M.M.
 CITY OF WHITEHALL, STATE OF MONTANA

Drawn by: CB	Revised on:
Scale: 1"=50'	Dated: 1/07/22

EXHIBIT "B"

LEGAL DESCRIPTION OF VACATED PROPERTY

THAT PORTION OF DEDICATED NORTH PYFER STREET ADJACENT TO LOTS 10-14 AND 18-22 OF THE PYFER COMMUNITY TRACTS LOCATED IN THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 2 NORTH, RANGE 4 WEST, P.M.M. ALL WITHIN JEFFERSON COUNTY, STATE OF MONTANA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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Resolution 2022-1

A RESOLUTION VACATING, CLOSING, DISCONTINUING AND ABANDONING A PORTION OF NORTH PYFER STREET IN WHITEHALL, MONTANA, ADJACENT TO LOTS 10-14 AND 18-22 OF THE PYFER COMMUNITY TRACTS, MORE PARTICULARLY DESCRIBED ON THE SURVEY ATTACHED AS EXHIBIT "A" AND LEGALLY DESCRIBED ON ATTACHED EXHIBIT "B", FINDING THE NECESSARY FACTS HEREIN AND PRESCRIBING THE EFFECTIVE DATE OF THIS RESOLUTION.

For the purpose of this Resolution, the Town Council of the Town of Whitehall, State of Montana, find the following facts, to-wit:

(a) That, on January 12, 2022, Whitehall 1 RE2 LLC (the "Petitioner"), through its counsel, Dan Manson, whose address is P.O. Box 6000, Butte, Montana 59702, owner of all lots adjacent to the portion of North Pyfer Street requested to be vacated, caused to be presented to the Town Council a Petition to Vacate (the "Petition") that portion of North Pyfer Street described on Exhibits "A" and "B".

(b) That after receiving the Petition, in accordance with the requirements of Mont. Code Ann. § 7-1-4127, the Town caused to be published in the Whitehall Ledger, a public notice (the "Notice") the 2nd day of February and the 9th day of February 2022, of the time and place for hearing on the Petition be given.

(c) That, at the time and place specified in the Notice, the Town Council held and conducted a public hearing on the Petition during the meeting of the Town Council on February 15th, 2022. At such meeting, the Public was afforded the opportunity to comment and/or state objections to the Petition. No member of the Public provided testimony at the hearing that the vacation proposed in the Petition would cause any detriment to the Public.

(e) That the Petitioner is the owner of all lots adjacent to the portion of North Pyfer Street proposed to be vacated in the Petition, thus the Petition satisfies the requirements of Mont. Code Ann. § 7-14-4114(a).

(f) That, in accordance with Mont. Code Ann. § 7-14-4115, the Petitioner has acknowledged that vacation and discontinuance of the street will not affect any existing public utility easements.

(g) That the Petition satisfies all legal requirements, and the vacation requested in the Petition can be done without detriment to the public interest.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WHITEHALL, MONTANA, AS FOLLOWS, TO-WIT:

1. That the Town Council does hereby consent to and concur with the closing, vacating, discontinuing and abandonment that portion of North Pyfer Street in Whitehall, Montana, adjacent to Lots 10-14 and 18-22 of the Pyfer Community Tracts, as more particularly described on Exhibits "A" and "B".

2. That the subject tract described above and on Exhibits "A" and "B" is hereby vacated, closed, discontinued and abandoned.

3. That the vacation of the subject tract described above and on Exhibits "A" and "B" shall not affect any existing public utility easements.

4. That the Mayor of the Town of Whitehall is duly authorized to execute and deliver a Quitclaim Deed conveying the subject tract to the Petitioner. The delivery of the Quitclaim Deed is conditioned upon the Town of Whitehall to receiving an acceptable executed easement as specified in the following paragraph.

5. In conjunction with the vacation, the Petitioner has agreed to grant an easement for public utilities across the vacated parcel and adjacent property owned by the Petitioner. Said easement shall be recorded prior to the Quitclaim Deed referenced in the foregoing paragraph. It has been acknowledged that the final location of the easement may be modified based on requirements of the Department of Environmental Quality, the Town of Whitehall or any other entity having approval authority over the location of the public utilities. If the final location is modified, the Petitioner and the Town of Whitehall have agreed in the terms of the Easement to record an amended easement correcting the final location.

6. That this Resolution shall be in full force and effect immediately upon passage and approval.

PASSED this 15th day of February, 2022.

Mayor

Clerk/Treasurer

AYES 0

NAYES 6

ABSENT 0

** Requested to be ammended to appease Cliff's automotive.
See Resolution 2022-4*

EXHIBIT "A"
SURVEY MAP (ATTACHED)

EXHIBIT "B"

LEGAL DESCRIPTION OF VACATED PROPERTY

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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;

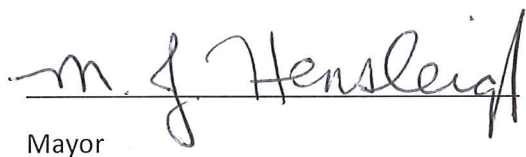
WHEREAS, pursuant to §13-1-403(4), MCA, the number of candidates for the contests of Council member are equal to the number of positions to be filled, and;

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