

RESOLUTION NO. 443

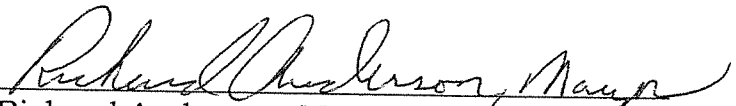
**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FROMBERG,
MONTANA RESOLVING TO REVOKE THE COVENANT ENTITLED
"AGRICULTURAL EXEMPTION" IN CERTIFICATE OF SURVEY NO. 1258,
DESCRIBING PROPERTY LOCATED IN SE ¼, SECTION 17, T.5S, R.23E.,
P.M.M. CARBON COUNTY, MONTANA.**

WHEREAS, the owner Paul and Susan Melker of the property described as SE1/4, Section 17, T.5S, R.23E., P.M.M. filed with the Carbon County Clerk's Office under Certificate of Survey No. 1258, and the Fromberg Town Council have mutually consented to revoke the Covenant entitled "Agricultural Exemption," which requires the described property to be used for agricultural use only.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to Section 76-3-207(1)(c), MCA, the covenant requiring the property described above be used for agricultural use only is hereby revoked.

DULY AND REGULARLY Passed and adopted at a regular meeting of the Fromberg Town Council this 2nd day of June, 2014.

THE TOWN OF FROMBERG, MONTANA


Richard Anderson, Mayor, Town of Fromberg

Attest:


Town Clerk

RESOLUTION NO. 443

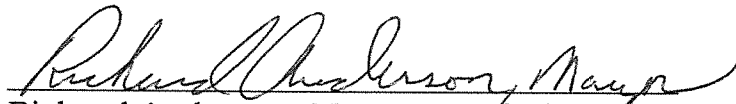
**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FROMBERG,
MONTANA RESOLVING TO REVOKE THE COVENANT ENTITLED
“AGRICULTURAL EXEMPTION” IN CERTIFICATE OF SURVEY NO. 1258,
DESCRIBING PROPERTY LOCATED IN SE ¼, SECTION 17, T.5S, R.23E.,
P.M.M. CARBON COUNTY, MONTANA.**

WHEREAS, the owner Paul and Susan Melker of the property described as SE1/4, Section 17, T.5S, R.23E., P.M.M. filed with the Carbon County Clerk's Office under Certificate of Survey No. 1258, and the Fromberg Town Council have mutually consented to revoke the Covenant entitled "Agricultural Exemption," which requires the described property to be used for agricultural use only.

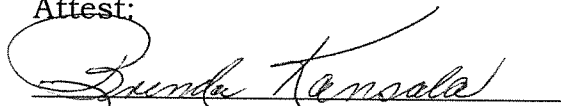
NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to Section 76-3-207(1)(c), MCA, the covenant requiring the property described above be used for agricultural use only is hereby revoked.

DULY AND REGULARLY Passed and adopted at a regular meeting of the Fromberg Town Council this 2nd day of June, 2014.

THE TOWN OF FROMBERG, MONTANA


Richard Anderson, Mayor, Town of Fromberg

Attest:


Town Clerk

Resolution # 442

**RESOLUTION TO AUTHORIZE SUBMISSION OF GRANT APPLICATIONS
FOR THE TOWN OF FROMBERG, MONTANA.**

WHEREAS, the Town is applying to the Montana Department of Commerce (MDOC) for financial assistance from the Treasure State Endowment Program (TSEP) to improve the Town's wastewater system;

WHEREAS, the Town is applying to the Department of Natural Resources (DNRC) for financial assistance from the Department of Natural Resources Renewable Resource Grant and Loan program (DNRC-RRGL) to improve the Town's wastewater system;

WHEREAS, the Town is applying to the Montana Department of Commerce (MDOC) for financial assistance from the Community Development Block Grant (CDBG) to improve the Town's wastewater system;

WHEREAS, the Town is applying to the US Department of Agriculture for financial assistance from the USDA Rural Development (RD) to improve the Town's wastewater system;

WHEREAS, the Town has the legal jurisdiction and authority to construct, finance, operate, and maintain the wastewater collection and treatment facilities;

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

That the Town of Fromberg does hereby commit to provide the amount of matching funds as proposed in the TSEP, DNRC, CDBG, and RD applications; and

That Richard Anderson, Mayor is authorized to submit these applications on behalf of the Town of Fromberg, to act on its behalf, and to provide such additional information as may be necessary.

Passed and approved this 28th day of April 2014.


Richard Anderson, Mayor

Attest:


Brenda Kansala, Clerk

Resolution # 441

**RESOLUTION TO ADOPT THE FUNDING STRATEGY FOR WASTEWATER
SYSTEM IMPROVEMENTS FOR THE TOWN OF FROMBERG, MONTANA, AS
PRESENTED BY GREAT WEST ENGINEERING, INC.**

WHEREAS, the Town has experienced problems with its wastewater system;

WHEREAS, the Town accepted the recommended alternative(s) in the 2014 Preliminary Engineering Report for the Wastewater System (PER) prepared by Great West Engineering, Inc (Engineer) to address the needs of the City's wastewater system;

WHEREAS, the Town is applying to several state and federal agencies for financial assistance to finance the proposed water system improvements;

WHEREAS, the cost estimate for said project as prepared by the Engineer is \$3,319,000;

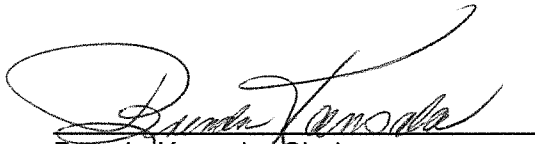
NOW, THEREFORE, BE IT RESOLVED by the Town Council that pursuit of funding for the said project shall be as follows:

- \$750,000 in grant funds from Treasure State Endowment Program (TSEP); and
- \$125,000 in grant funds from Department of Natural Resources Renewable Resource Grant and Loan program (DNRC_RRGL); and
- \$450,000 in grant funds from Community Development Block Grant (CDBG);
- \$995,000 Grant (50%), \$995,000 Loan (50%) Rural Development grant/loan package; and
- With Up to \$4,000 in cash reserves as local contribution from the Town of Fromberg,

Passed and approved this 28th day of April 2014.


Richard Anderson, Mayor

Attest:


Brenda Kansala, Clerk

RESOLUTION # 440

**A RESOLUTION ACCEPTING THE FINDINGS OF THE ENVIRONMENTAL
ASSESSMENT AND DETERMINING THAT AN ENVIRONMENTAL IMPACT
STATEMENT IS NOT NECESSARY FOR THE WASTEWATER SYSTEM IMPROVEMENTS PROJECT**

WHEREAS, the Town of Fromberg, Montana ("Town") has completed an assessment to identify potential environmental impacts of the Wastewater System Improvements Project;

WHEREAS, the draft Environmental Assessment was made available for public comment and the findings were presented and reviewed at a public meeting;

WHEREAS, no substantive public comment was received;

WHEREAS, the Town has determined that the Wastewater System Improvements project will not significantly affect the quality of the human environment and accordingly, the Town has determined an Environmental Impact Statement is not necessary;

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

That the Town of Fromberg, Montana adopts the final Environmental Assessment for the Wastewater System Improvements Project.

Passed and approved this 28th day of April, 2014.



Richard Anderson, Mayor

Attest:



Brenda Kansala, Clerk

Resolution # 439

**RESOLUTION TO ADOPT THE WASTEWATER SYSTEM PRELIMINARY
ENGINEERING REPORT FOR THE TOWN OF FROMBERG, MONTANA, AS
PREPARED AND PRESENTED BY GREAT WEST ENGINEERING, INC.**

WHEREAS, the Town has experienced problems with its wastewater system;

WHEREAS, the Town hired Great West Engineering, Inc (the Engineer) to complete a comprehensive preliminary engineering report (PER);

WHEREAS, the Engineer has completed the PER and presented the findings at a local public hearing, which was open to public comment;

WHEREAS, the PER includes a funding plan and schedule for the highest priority improvements;

WHEREAS, the public and Council have noted approval of the plan and preferred alternate, and are aware of and accept the presented cost per user anticipated to be required to fund the improvements.

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

That the Town of Fromberg does hereby adopt the 2014 Preliminary Engineering Report for the Wastewater System as prepared by Great West Engineering, Inc; and

That the PER shall serve as a basis for the wastewater system improvements planning.

Passed and approved this 28th day of April 2014.


Richard Anderson, Mayor

Attest:


Brenda Kansala, Clerk

RESOLUTION # 438

**RESOLUTION APPROVING AND ADOPTING THE
MONTANA MUNICIPAL INTERLOCAL AUTHORITY
REVISED AND RESTATED WORKERS' COMPENSATION
PROGRAM AGREEMENT**

Dated July 1, 2014

WHEREAS, the City/Town of FROMBERG (Member Entity) is duly organized under the laws of the State of Montana; and

WHEREAS, Article XI, Section 7 of the Montana Constitution provides that a political subdivision may a) cooperate in the exercise of any function, power, or responsibility with, b) share the services of any officer or facilities with, and c) transfer or delegate any function, power responsibility, or duty of any officer to one or more other local government units, the state or the United States; and

WHEREAS, Mont. Code Ann. Title 7, Chapter 11, Part 1, (the Interlocal Cooperation Act) authorizes political subdivisions to create interlocal agreements to jointly perform any undertaking that each such political subdivision unit is authorized by law to perform; and

WHEREAS, Mont. Code Ann. § 2-9-211, authorizes political subdivisions of the State to procure insurance separately or jointly with other subdivisions, and to use a deductible or self-insurance plan, wholly or in part; and

WHEREAS, Mont. Code Ann. § 39-71-403, authorizes public corporations, which term includes cities and towns, to self-insure, either separately or jointly with other public corporations for workers' compensation coverage;

WHEREAS, the Montana Municipal Interlocal Authority (Authority) is an Interlocal entity established pursuant to an Interlocal Cooperation Agreement in accordance with the provisions of the Interlocal Cooperation Act for the purpose of providing pooled risk coverage programs for the Member Entity and other political subdivisions executing the Interlocal Agreement; and

WHEREAS, the Authority is authorized to exercise necessary powers to implement the purposes of the Authority as established by the Interlocal Agreement;

WHEREAS, by executing this REVISED AND RESTATED WORKERS' COMPENSATION PROGRAM AGREEMENT, the Member Entity signatory hereto has heretofore determined and does hereby confirm that the Assessments and other charges required by the Workers' Compensation Program have been and are just and reasonable and advantageous to the public benefit of the citizens of such Member Entity; and,

NOW THEREFORE, BE IT RESOLVED THAT the City/Town of FROMBERG hereby approves and adopts this REVISED AND RESTATED WORKERS' COMPENSATION PROGRAM AGREEMENT with a delayed effective date of July 1, 2014.

Adopted this 7 day of APRIL 2014.

By [Signature]

Its MAYOR

ATTEST:

[Signature]
City Clerk

Resolution #437

A resolution of the Town Council of the Town of Fromberg authorizing signatories for any and all accounts at the Bank of Bridger, Bridger, Montana, and requiring two signatures for authorization of any and all transactions, with one signature being the current Mayor and the other being any current Town Council member, and voiding any and all prior authorizations of signatories for any and all accounts at the Bank of Bridger, Bridger, Montana.

Approved by a quorum of the Town Council of the Town of Fromberg as circled below:

Sharon Barnes

Sharon Barnes Councilperson, Town of Fromberg

☒ AYE ☐ NAY ☐ Absent

David Flint

David Flint, Councilperson, Town of Fromberg

☒ AYE ☐ NAY ☐ Absent

Timothy Nottingham
Timothy Nottingham, Councilperson, Town of Fromberg

☐ AYE ☐ NAY ☒ Absent

James A. Perkins

James A. Perkins, Councilperson, Town of Fromberg

☒ AYE ☐ NAY ☐ Absent

Duly passed and adopted by the Town Council of the Town of Fromberg, Montana on the 7th day of April, 2014.

By:

Richard Anderson
Richard Anderson, Mayor

Attest:

Brenda Karsala
TOWN CLERK

RESOLUTION NUMBER 436

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FROMBERG, MONTANA, CALLING FOR AN ELECTION ON THE QUESTION OF CONDUCTING A LOCAL GOVERNMENT REVIEW AND ESTABLISHING A STUDY COMMISSION TO DO SO.

WHEREAS, Section 9, Article XI of the Constitution of the State of Montana requires that each unit of local government shall conduct an election once every ten years to determine whether the local government will undertake a local government review procedure; and

WHEREAS, 7-3-173(2) M.C.A. requires that the governing body shall call for an election, to be held on the primary election date, on the question of conducting a local government review and establishing a study commission; and

WHEREAS, the Town Council is the governing body of the Town of Fromberg,

NOW THEREFORE BE IT RESOLVED THAT:

1. The Town Council of Fromberg hereby calls for an election on the question of conducting a local government review and electing and funding a study commission to be held at the primary election on June 3, 2014.
2. If the voters decide in favor of conducting a local government review, a study commission comprised of three members shall be elected at the general election of November 4, 2014.
3. Pursuant to 7-3-175, M.C.A. the question of conducting a local government review shall be submitted to the electors in substantially the following form:

Vote for one:

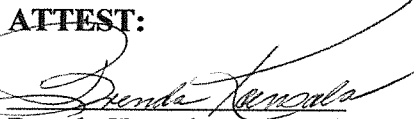
☐ FOR the review of the government of the Town of Fromberg and the establishment and funding, not to exceed \$5,000.00, which is approximately 17 mills, a local government study commission consisting of 3 members to examine the government of the Town of Fromberg and submit recommendations on the government. Passage of this ballot issue will increase the taxes on a home with a market value of \$100,000 by approximately \$42.00 and on a home with a market value of \$200,000 by approximately \$84.00 in 2015.

☐ AGAINST the review of the government of the Town of Fromberg and the establishment and funding, not to exceed \$5,000.00, which is approximately 17 mills, a local government study commission consisting of 3 members to examine the government of the Town of Fromberg and submit recommendations on the government. Passage of this ballot issue will increase the taxes on a home with a market value of \$100,000 by approximately \$42.00 and on a home with a market value of \$200,000 by approximately \$84.00 in 2015.

Passed and adopted by the Town Council of the Town of Fromberg, Montana meeting at regular session held on the 3rd day of February, 2014.


Richard Anderson, Mayor

ATTEST:


Brenda Kansala, Town Clerk

Resolution # 435

A resolution of the Town Council of the Town of Fromberg authorizing Mayor Richard Anderson and any current Town Council Member be the signatories on account #xxx077 at Valley Federal Credit Union in Billings, Montana.

Be it resolved that the title of the account reflect the specific purpose of the funds: The funds in this account are for the Water Bond Reserve Fund # 5211.

Approved by a quorum of the Town Council of the Town of Fromberg as circled below:

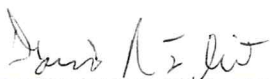


Sharon Barnes Councilperson, Town of Fromberg

☒ AYE

☐ NAY

☐ Absent



David Flint, Councilperson, Town of Fromberg

☒ AYE

☐ NAY

☐ Absent

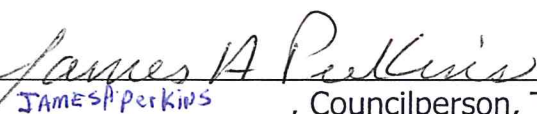


Timothy Nottingham, Councilperson, Town of Fromberg

☒ AYE

☐ NAY

☐ Absent


JAMES PERKINS

, Councilperson, Town of Fromberg

☒ AYE

☐ NAY

☐ Absent

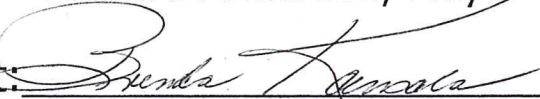
Duly passed and adopted by the Town Council of the Town of Fromberg, Montana on the 3 day of February, 2014.

By:



Richard Anderson, Mayor

Attest:



Brenda Kansala, Town Clerk

Resolution #434

A resolution of the Town Council of the Town of Fromberg authorizing Mayor Richard Anderson and any current Town Council Member be the signatories on account # xxx213 at Bank of Bridger, Bridger, Montana.

Approved by a quorum of the Town Council of the Town of Fromberg as circled below:

Sharon Barnes
Sharon Barnes Councilperson, Town of Fromberg

☒ AYE NAY Absent

David Flint
David Flint, Councilperson, Town of Fromberg

☒ AYE NAY Absent

Timothy Nottingham
Timothy Nottingham, Councilperson, Town of Fromberg

☒ AYE NAY Absent

_____, Councilperson, Town of Fromberg AYE NAY Absent

Duly passed and adopted by the Town Council of the Town of Fromberg, Montana on the 6th day of January, 2014.

By: Richard Anderson
Richard Anderson, Mayor

Attest: Brenda Kansala
Brenda Kansala, Town Clerk

RESOLUTION NO. 433

RESOLUTION SETTING FORTH THE INTENT OF THE TOWN
TO ANNEX PROPERTY

Whereas, the Town Council of the Town of Fromberg, Montana, has found that it is in the best interest of the Town to annex the property recently purchased by Susan and Paul Melker formerly known as "Stake Your Claim" Restaurant and Casino; and

Whereas, a petition has been filed with the Town of Fromberg containing the signatures of more than 50% of the resident electors owning real property in the property to be annexed; and

Whereas, local governments are permitted to annex property contiguous to the current limits of the Town by the provisions of Part 43 of Title 7, Chapter 2, MCA.

NOW THEREFORE, BE IT RESOLVED:

That the following shall be adopted:

1. That it is in the best interests of the Town of Fromberg, and the owners of the property that the parcel of real property described below, and which is contiguous to the current limits of the Town, be included within the boundaries of the Town of Fromberg.

2. That the legal description of the property is:

Township 5 South, Range 23 East, of the Principal Montana Meridian, in Carbon County, Montana. Section 17: That part of the SE1/4 more particularly described as follows: Beginning at a point Eight Hundred Twenty-eight feet (828') West and Eleven Hundred (1100') North of the Southeast Corner of said Section Seventeen (17), which point is on the West line of the county road and Three Hundred feet (300') due North of the North line of North Street in the Dudley First Addition to the Town of Fromberg, said point being the Southeast Corner of the herein described tract; and running thence due West, parallel to the South line of said Section a distance of Two Hundred Nine feet (209'); Then North at right angles to First course Three Hundred Twenty-five and seven-tenths feet (325.7') to the Northwest corner of said tract; thence East Three Hundred Twenty-five and nine-tenths feet (325.9') to an intersection with the said West line of the County road; thence South $19^{\circ} 48'$ West on the line of the county road Three Hundred Forty-four and four tenths (344.4) feet to the point of beginning.

EXCEPT that part conveyed to the State of Montana for the benefit and use of its State Highway Commission by Bargain and Sale Deed recorded August 3, 1953, in Book 71 of Deeds, Page 143, under Document #120994, records of Carbon County, Montana, more particularly described as follows:

"344+64.8 to 348+09.2 on Left

A tract of land in SE1/4SE1/4 and NE1/4SE1/4 (west of County Road) Section 17, Township 5 South, Range 23 East, M.P.M., Carbon County, Montana, more particularly described as follows:

Beginning at a point 1110 feet north and 828 feet west, more or less, from the southeast corner of said Section 17, which said point is on the westerly right of way line of the present County Road and is 300 feet due north from the north line of North Street in the Dudley First Addition to Fromberg, Montana; thence from the said point of beginning west 71.1 feet to a point; thence North 19° 31' 30" East, 344.4 feet to a point; thence east 71.1 feet to a point on the westerly right of way line of present County Road; thence South 19° 31' 30" West, 344.4 feet, more or less, to the point of beginning.

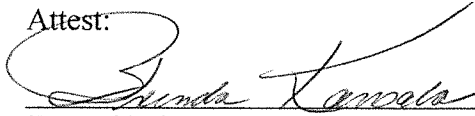
3. That the services to be included in the annexation are water, sewer, and garbage.
4. That all expenses of construction and maintenance of the sewer lift station serving the property shall be the responsibility of the property owner.
5. That it is the intent of the Town Council that the boundaries of the municipality are to be extended to include the area described in the petition for annexation set forth above.
6. This resolution is incorporated in the minutes of the Fromberg Town Council and will be filed with the clerk of Carbon County.

Introduced at a regular meeting of the Fromberg Town Council on 1/6, 2016.



Acting Mayor, Town of Fromberg

Attest:



Town Clerk

Approved as to form:

Town Attorney

PETITION TO ANNEX TO THE TOWN OF FROMBERG, MONTANA

I/We the undersigned property owner(s) of interest in the following described property, pursuant to § 7-2-4601, MCA, do hereby respectfully petition that the Town Council of the Town of Fromberg, Montana, to annex the following described real property situated in Carbon County, Montana, legally described as follows:

Township 5 South, Range 23 East, of the Principal Montana Meridian, in Carbon County, Montana. Section 17: That part of the SE1/4 more particularly described as follows: Beginning at a point Eight Hundred Twenty-eight feet (828') West and Eleven Hundred (1100') North of the Southeast Corner of said Section Seventeen (17), which point is on the West line of the county road and Three Hundred feet (300') due North of the North line of North Street in the Dudley First Addition to the Town of Fromberg, said point being the Southeast Corner of the herein described tract; and running thence due West, parallel to the South line of said Section a distance of Two Hundred Nine feet (209'); Then North at right angles to First course Three Hundred Twenty-five and seven-tenths feet (325.7') to the Northwest corner of said tract; thence East Three Hundred Twenty-five and nine-tenths feet (325.9') to an intersection with the said West line of the County road; thence South $19^{\circ} 48'$ West on the line of the county road Three Hundred Forty-four and four tenths (344.4) feet to the point of beginning.

EXCEPT that part conveyed to the State of Montana for the benefit and use of its State Highway Commission by Bargain and Sale Deed recorded August 3, 1953, in Book 71 of Deeds, Page 143, under Document #120994, records of Carbon County, Montana, more particularly described as follows:

"344+64.8 to 348+09.2 on Left

A tract of land in SE1/4SE1/4 and NE1/4SE1/4 (west of County Road) Section 17, Township 5 South, Range 23 East, M.P.M., Carbon County, Montana, more particularly described as follows:

Beginning at a point 1110 feet north and 828 feet west, more or less, from the southeast corner of said Section 17, which said point is on the westerly right of way line of the present County Road and is 300 feet due north from the north line of North Street in the Dudley First Addition to Fromberg, Montana; thence from the said point of beginning west 71.1 feet to a point; thence North $19^{\circ} 31' 30''$ East, 344.4 feet to a point; thence east 71.1 feet to a point on the westerly right of way line of present County Road; thence South $19^{\circ} 31' 30''$ West, 344.4 feet, more or less, to the point of beginning.

The petitioner(s) requesting annexation of the property described herein into the Town of Fromberg, Montana, hereby mutually agree to the provisions of municipal services to the property requested to be annexed in accordance with the Services Plan adopted by the Town Council in Resolution No. 432, on 1/6/14, and any subsequent amendments, modifications, or updates thereto adopted by the Town Council.

The petitioners waive the right to protest inclusion in Special Improvement Districts created to finance the construction, installation or maintenance of water lines and facilities, sewer lines and facilities, fire hydrants, reservoirs, pump stations, culverts, drainage systems, roadways, streets, sidewalks, street lighting, traffic control devices, street name signs, and parks.

In witness whereof, we have signed this Petition to Annex to the Town of Fromberg, Montana, the day and year as indicated.

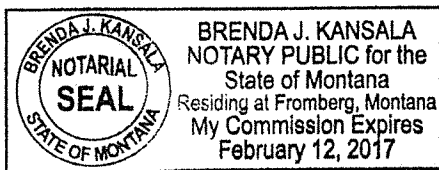
Susan Melker
Susan Melker

Paul Melker
Paul Melker

State of Montana
County of Carbon

On this 31ST day of DECEMBER, 2013, before me, the undersigned a Notary Public for the State of Montana, personally appeared SUSAN MELKER AND PAUL MELKER known to me to be the person(s) who signed the foregoing document and acknowledged to me that they executed the same.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year first above written.



Brenda J. Kansala
Notary Public for the State of Montana
Residing at: FROMBERG
My commission expires: FEBRUARY 12, 2017

HOPE FREEMAN
Attorney at Law
P.O. Box 2381
Red Lodge, MT 59068
(406) 446-2700

FAX TRANSMISSION

To: Jann Crisman

Date: 5/22/19

Fax # 406-558-9062

From: Hope Freeman

Subject:

Pages Sent: ⁹~~8~~ (with cover)

Message: Fully executed, filed and recorded documents.

Hope Freeman

Music file # 71634

356698

STATE OF MONTANA }
COUNTY OF CARBON } SS
Office of the County Clerk & Recorder

I hereby certify that the within
Resolution # 433 was filed
for record in my office this 22 day
of January A.D. 2014
at 12:12 o'clock P. M.
Attest my hand and the seal of
said MARSHA HENIGMAN, COUNTY CLERK

Clerk and Recorder
Marsha Henigman Deputy
12:12

Recorded	☒
Copied	☒
Indexed	☐

RESOLUTION NO. 432

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FROMBERG, MONTANA ESTABLISHING A SERVICE PLAN FOR FUTURE ANNEXATIONS AS REQUIRED UNDER MCA TITLE 7, CHAPTER 2, PART 46 "ANNEXATION BY PETITION AND "PROVISION OF SERVICES."

A. Introduction

Whereas, the Town of Fromberg hereby recognizes that Montana law has established municipal governments for the purpose of providing local government municipal services essential for sound urban development of communities as well as for the protection of health, safety and welfare in areas either already being intensively used or undergoing development for residential, commercial, industrial, institutional and governmental purposes.

"Historically, the purpose of Montana's annexation statutes has been simply to provide expanding communities with:

1. A united and effective single form of government;
2. Orderly growth through uniform regulations such as building codes, planning, and zoning standards; and
3. An equal sharing of community resources and financial responsibility for those resources by people living in an area united by social, political, and economic interests."

Montana's Annexation Law: an Evaluation, November 1980, Montana Legislative Council.

B. Long Range Plan

As required by MCA 7-2-4732, this plan anticipates development for a period of at least five years into the future. The 2010 Census lists the Town of Fromberg's population at 438. It is projected that the Town could reach a population of 442 by 2018 (*US Census*). Studies such as those noted below if available should be consulted when reviewing proposed annexations.

1. Sewer – The Town's sewage treatment facility can serve a population of 535. An upgrade to the facility would service a population of 535. (Provide general description of sewer capacity and future upgrades, if currently planned, and describe any long range plans and future upgrades).
2. Water – The Town's water capacity can serve a population of 535. An upgrade to the system would service a population of 535. (Provide general description of water capacity, if currently planned, and describe any long range plans and future upgrades).
3. Roads – Future road extensions shall be designed to accommodate projected demand. Where possible, logical extensions of the Town's street network will be required. (Provide general description of road extensions, if currently planned, and describe any long range plans and future upgrades).
4. Service Providers – Describe the ability of local service providers to manage additional capacity (fire, police, emergency services, school district) (Provide general description and describe any long range plans and future upgrades).

C. Areas Considered for Annexation

Currently there are numerous areas adjacent to and lying on the perimeter of the Town of Fromberg that are natural extensions of the Town, but which are not presently located within the corporate boundaries of the Town. Some of these areas are already extensively developed and are deriving benefits from the Town of Fromberg without paying their just and equal share for these municipal services. Other areas are not extensively developed, but given the current growth trends in the Fromberg area will be attractive for development in the future. It is the policy of the Town of Fromberg that properties outside of the Town shall not be connected to the Town's water and sewer system without annexation. The Town of Fromberg will attempt to timely consider any property owner's petition requesting annexation of land that is contiguous with the Town and eligible for annexation in accordance with State statutes. Furthermore, the Town of Fromberg plans to consider annexation of new subdivision developments in a timely manner whenever a developer submits a development proposal to the Town for annexation.

(Note: The following should describe areas where annexation may occur in the next five years. For each, provide a general description of the area and desirability for annexation. Consider physical constraints such as topography and man-made constraints such as railroads or industrial facilities, etc).

1. North – Within the next five (5) years, the Town anticipates ~~S20~~ S17, T055, R23 E
N. to TOMAHAWK^{Future}.
2. South – Within the next five (5) years, the Town anticipates NA.
3. East – Within the next five (5) years, the Town anticipates NA.
4. West – Within the next five (5) years, the Town anticipates West to Water Res.
S20, T055, R23 E.

D. Petition(s) for Annexation (Made into a list)

If a property owner petitions the Town to have property annexed into the Town pursuant to MCA Title 7, Chapter 2, Part 46, the property owner shall submit a petition for annexation in a form with a specific legal description of the area to be annexed and the signatures of more than 50% of the resident electors owning real property or the owners of real property representing 50% or more of the total area to be annexed. Concurrent with a petition for annexation, the petitioner shall also propose one or more zoning designations for the property to be annexed and a site plan or preliminary plat indicating the sizes of lots, proposed land uses and density of development anticipated for the property. The petitioner shall also pay an annexation fee established by the Town Council, which may be waived in the Council's discretion.

E. Municipal Services to Annexed Land

1. It is the plan of the Town of Fromberg that municipal services will be available to property that is annexed within a reasonable time (generally not to exceed five years) on substantially the same basis and in the same manner as such services are available to the rest of the municipality. If it is likely that the area proposed to be annexed will not have municipal services available within a reasonable time, the area should not be annexed.
2. All property owners located in a newly annexed area will be required to comply with all Town, State, and Federal laws, statutes, regulations, ordinances, and resolutions,

including but not limited to, zoning, building codes, fire prevention ordinance and fire codes, fireworks ordinances, dog license ordinance, business license ordinance, and all other laws, statutes, regulations, ordinances, and resolutions.

F. General Policies for Providing Services to Annexed Property

1. The Town plans to generally provide municipal services of police, fire, street maintenance, parks and recreation and all general administrative services of the Town of Fromberg to annexed property immediately upon annexation. The financial cost of extending such services shall generally be shared by the entire municipality through municipal revenues allocated and expended pursuant to the Town's annual budget adopted each fiscal year. No new citywide bond issue is planned for the sole purpose of financing provision of municipal services to annexed areas. *(Optional note: Parcels annexed into the Town will be required to enter into the citywide Street Maintenance District and may be required to enter into an existing or future street lighting district, or other such district established).*
2. The developer(s) or property owner(s) of annexed property will be required to construct all infrastructure improvements, including but not limited to: water lines, sewer lines, fire hydrants, reservoirs, pump stations, lift stations, culverts, drainage systems, roadways, sidewalks, street lighting, traffic control devices, street name signs, and such other improvements as may be required by the Town, at the developer's or property owner's expense. The infrastructure improvements will be constructed in accordance with the Town of Fromberg's Subdivision Regulations, Town of Fromberg Specifications, and the most recent edition of the Montana Public Works Standard Specifications. The infrastructure improvements shall be in compliance with applicable codes and standards and be of adequate size and design to accommodate the needs of the proposed development. All proposed infrastructure shall be reviewed and approved by the Town Public Works Director, and as-built drawings as required by the Town Public Works Director shall be submitted to the Town prior to final acceptance of the infrastructure.
3. The developer(s) and property owner(s) shall be responsible for providing fire protection appurtenances and required water flow pressures and volume, at the developer's or property owner's expense, as required by the applicable Fire Code enforced by the Town and reviewed and approved by the Town Fire Chief, based on the use of land and the type of construction employed.
4. Sewer systems shall be designed in such a manner as to avoid the requirement for lift stations if feasible.
5. Properties proposed for development in areas which do not have immediate access to Town water and/or sewer, but where services are in close proximity may be required to install dry sewer lines in anticipation of the extension of Town water and sewer into the area within a reasonable time, generally not to exceed five years. Once adequate water and sewer facilities are within 200 feet of the site, or if a new subdivision lot is within 500 feet of Town water and sewer, connection may be required at the property owner's or developer's expense.
6. As new Town streets are constructed, and as existing streets are improved, storm drainage infrastructure shall be installed or improved to Town, State Department of Environmental Quality (DEQ), and Environmental Protection Agency (EPA) standards. It is the

responsibility of the developer(s) or property owner(s) to convey storm water from their property to an appropriate point of disposal as approved by the Town Engineer. If there is no storm sewer conveyance system available to the site, storm water generated as a result of the development shall be retained on site in accordance with applicable DEQ and EPA regulations. Generally, the quantity and rate of runoff from a developed parcel cannot exceed that which would occur had the property remained undeveloped.

7. The developer(s) or property owner(s) shall provide all necessary right-of-way and/or easements, or additional right-of-way or easements if less than adequate right-of-way or easements exist in property proposed for annexation.
8. In areas served by the Town water system, the Town may require the developer(s) or property owner(s) to properly abandon existing wells in accordance with DEQ regulations by qualified personnel. Furthermore, the Town may require existing water rights to be transferred to the Town.

G. Policies for Providing Services in Existing Developed Areas

1. As a general policy, property that is proposed for annexation that has existing infrastructure shall be required to upgrade the infrastructure to Town standards as a condition of annexation.
2. Prior to annexation, the Town may require the developer(s) or property owner(s) to provide the Town with a report describing the following:
 - a. The approximate year or period in which the existing area was developed.
 - b. The location, size and condition of the existing infrastructure, including but not limited to, water and sewer lines, fire hydrants, streets, and storm drainage.
 - c. The size and location and legal purpose of all existing rights-of-way and easements.
 - d. The report shall also include the estimated costs associated with correcting the deficiencies and bringing the utility or improvement to Town standards. The Town may require such a report to be prepared by a professional engineer at the cost of the developer(s) or property owner(s).
3. In certain instances it may be appropriate to require areas within the Town limits, including recently annexed areas, to connect to Town services which are available over a stated period of time generally not to exceed five years. This would provide the opportunity to phase out individual and private systems utilizing on-site facilities or other antiquated systems, which operate at a marginal level and which may not be compatible with Town standards.

H. Off-Site Infrastructure Requirements

1. In the event that annexation creates impacts requiring off-site infrastructure improvements, the developer(s) or property owner(s) of the property proposed for annexation will be responsible for bearing the costs of such improvements, unless otherwise determined by the Town Council.
2. The Town may require reimbursement from developer(s) or property owner(s) to extend all roadways and utilities from the existing Town facilities to the site of development in accordance with all Town standards and specifications, including the

provision for appropriate easements. It shall further be the responsibility of the developer(s) or property owner(s) to construct all streets and utilities to the furthest boundary of the property to be developed or annexed when it is deemed appropriate by the Town Council or Town Engineer in order to facilitate future development.

I. Special Improvement Districts

The Town Council, in its discretion, may approve the formation of a Special Improvement District to pay for the installation, construction, and upgrading of infrastructure improvements. The boundaries of the Special Improvement District shall be the area benefiting from the improvements in accordance with the laws of the State of Montana.

J. Payback Agreement

If the developer(s) or property owner(s) of property annexed pays the entire cost of infrastructure improvements, and such improvements will benefit other property that may be developed or annexed in the future, the Town Council may, in its discretion, authorize a Payback Agreement. The Payback Agreement may provide that developer(s) or property owner(s) that connect to the infrastructure improvements in the future shall reimburse the developer(s) or property owner(s) that initially paid for the improvement a portion of the cost of the improvement. The Payback Agreement shall include a method of calculating the amount of reimbursement. The method of reimbursement may be based upon lot size, front footage, or other means that the Town Council deems reasonable. The payback period shall not exceed 10 years from the date of completion of construction or installation of the improvement. The Payback Agreement shall set forth the specific area that may benefit from the improvement and that will be subject to the Payback Agreement. The cost that may be reimbursed under a Payback Agreement may include engineering, design and inspection fees. Any and all terms and conditions of the Payback Agreement are subject to approval by the Town Council.

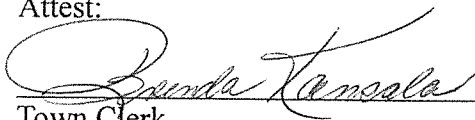
BE IT RESOLVED, the Town of Fromberg hereby establishes the above service plan for future annexations as required by MCA Title 7, Chapter 2, Part 46 "Annexation by Petition" and Part 47 "Annexation with Provision for Services" on 1/6/2014 at a regularly scheduled meeting of the Fromberg Town Council.

PASSED by the Town Council of Fromberg, Montana on 1/6/14.



Acting Mayor, Town of Fromberg

Attest:



Town Clerk