

RESOLUTION NO. 475

A RESOLUTION OF THE TOWN OF FROMBERG, CARBON COUNTY, MONTANA FURTHER AMENDING AND SUPPLEMENTING THE TOWN'S RESOLUTION NO. 468 AND RESOLUTION 471 IN SECTION 1.01, 2.04, 3.01, 3.02, 3.03, 3.11 AND 5.04(d) AND AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF THE SERIES 2018B WASTEWATER SYSTEM REVENUE BOND IN THE REDUCED PRINCIPAL AMOUNT OF \$130,000.

WHEREAS, the Town of Fromberg, Carbon County, Montana, (the "Town"), by Resolution No. 468 authorized the issuance of the Town's wastewater system revenue bond in the aggregate amount of \$912,000 to pay a portion of the cost of acquiring, rehabilitation, designing and constructing its wastewater system improvements (the "Project"); and

WHEREAS, after passage of Resolution No. 468 the Town engineer updated the cost estimates for the Project with total estimated costs increasing by \$689,700 from \$3,319,000 to \$4,008,700; and

WHEREAS, it was determined by the Town that the costs of the Project construction would be greater than the amount of funds the Town would have available through grants and loans for such improvement project; and

WHEREAS, the Town made an application to U.S.D.A. Rural Development ("RD") for additional grants and loans and Town contribution of available wastewater funds to cover the shortfall and RD agreed to provide an additional grant in the amount of \$71,700 and an additional loan in the amount of \$580,000 and RD indicated its willingness to grant and to loan to the Town such additional sums to complete the construction of the improvements to the Town wastewater system upon the Town meeting certain terms and conditions; and

WHEREAS, the Town opened bids for the Project and intends to select Missouri River Contractors as the general contractor for the Project, with a bid approximately \$450,000 under the engineer's estimate; and

WHEREAS, the Town has revised the budget for the Project and now intends to borrow \$130,000 for the Series 2018B Bond, instead of the earlier estimated \$580,000 referenced in Resolution No. 471; and

WHEREAS, the Town intends to additionally amend Resolution No. 468, as amended by Resolution No. 471 and as further amended by this Resolution; and

WHEREAS, RD is agreeable to the amendment of Resolution No. 468, as amended by Resolution No. 471 and as further amended by this Resolution due to the fact that no bonds have yet been issued under Resolution No. 468 and 471.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FROMBERG, CARBON COUNTY, STATE OF MONTANA, AS FOLLOWS:

1. Determination. The Town Council hereby finds it necessary to amend and supplement Resolution No. 468, which was adopted on July 24, 2017, as authorized in Section 10.01 thereof, by amending and supplementing Sections 1.01, 2.04, 3.01, 3.02, 3.03, 3.11, and 5.04(d), to provide for the a

new Project budget and the issuance of a \$130,000 Wastewater System Revenue Bond to RD, instead of the \$580,000 bond anticipated in Resolution No. 471.

2. Amendment of Section 1.01. The definitions listed below of the terms in Section 1.01 of Resolution No. 468 shall be amended to read as follows:

“Bond” or “Bonds” or “Series 2018 Bonds” collectively means the \$912,000 Town of Fromberg Wastewater System Revenue Bond, Series 2018A (the “Series 2018A Bond”), the \$130,000 Town of Fromberg Wastewater System Revenue Bond, Series 2018B (the “Series 2018B Bond”) and any other Bonds issued pursuant to Article VI of Resolution No. 468 on a parity lien basis with the Series 2018A and B Bond. Any reference in Resolution No. 468 or 471 to the “Series 2017 Bond or Bonds” shall mean the Series 2018 Bonds.

“Bond Anticipation Note” means the note or notes issued by the Town pursuant to Section 7-7-109, MCA to the Montana Board of Investments in the aggregate principal amount of the Series 2018A Bond to provide payment of Project costs until the Series 2018A Bond is issued. The Series 2018A Bond will pay the Bond Anticipation Note in full. The Series 2018B Bond will not require a bond anticipation note but will be issued as a multiple advance bond.

“Project” means the cleaning and video inspection of the collection system, rehab of the existing lift station, construction of a two-cell lagoon with a gravel reactor, adding ultraviolet disinfection.

“Series 2018A Bond” means the \$912,000 Town of Fromberg Wastewater System Revenue Bond, Series 2018A.

“Series 2018B Bond” means the \$130,000 Town of Fromberg Wastewater System Revenue Bond, Series 2018B.

“Series 2018 Bonds” means the Series 2018A and B Bond.

3. Amendment of Section 2.04. Section 2.04 of Resolution No. 468 shall be amended to read as follows:

Section 2.04 Approval of Project Expenditures. All expenditures for Project Costs, and obligations therefor, made or incurred by Town officials in the course of their duties prior to the date of this Resolution are hereby ratified and confirmed.

It is presently estimated by the Governing Body that the Project Costs will be as follows:

<u>Project Costs:</u>	<u>Total Budget:</u>
Construction	\$2,528,760
Engineering –Design & Const. Eng. Services	393,500
Geo Technical	14,000
Inspection/Constr. Mgmt	155,000
Equipment	14,897
Bond Counsel	15,000
Professional Services – Project Admin	34,000
- Legal Services & Office Cost	2,000
- Audit	4,000

<i>Interim Interest</i>	5,000
<i>Permits and fees</i>	6,000
<i>Project Contingency</i>	314,843
<i>TOTAL</i>	<u>\$3,487,000</u>

The Governing Body expects to pay the Project Costs from the following sources of funds:

<i>Project Funding Source</i>	<i>Total Budget</i>
<i>Applicant Contribution</i>	\$34,000
<i>Additional Applicant Contribution</i>	\$4,000
<i>TSEP</i>	\$750,000
<i>CDBG</i>	\$450,000
<i>DNRC RRGL</i>	\$125,000
<i>RUS Loan Series A</i>	\$912,000
<i>RUS Loan Series B</i>	\$130,000
<i>RUS Grant</i>	\$1,082,000
<i>TOTAL</i>	<u>\$3,487,000</u>

4. Amendment of Section 3.01. Section 3.01 of Resolution No. 468 shall be amended to read as follows:

Section 3.01. Authorization, Issuance and Sale of Series 2018 Bonds. In order to provide moneys for the construction of the Project, the Town hereby authorizes the issuance and sale of the Series 2018 Bonds in the aggregate principal amount of \$1,042,000 to RD as the original purchaser upon the terms and conditions stated herein..

5. Amendment of Section 3.02. Section 3.02 of Resolution No. 468 shall be amended to read as follows:

Section 3.02. Interest Rate. The Series 2018 Bonds shall bear interest from their date at the rate permitted and agreed by the Town and RD on the unpaid principal balance thereof. The interest rate permitted and agreed shall be the lower of the rate in effect at the time of loan approval by RD or at the Date of Closing. The Town will request the lower rate from RD. The initial rate committed to by RD for the Series 2018A Bond is one and five-eighths percent (1.625%) per annum and for the Series 2018B Bond is two percent (2.000%) per annum.

6. Amendment of Section 3.03. Section 3.03 of Resolution No. 468 shall be amended to read as follows:

Section 3.03. Payment Schedule. The principal of and the interest on the Series 2018 Bonds shall be payable in monthly installments with the first installment due one month from the date of the issuance of each of the Series 2018 Bonds. The remaining payments are due on the same day each month during the forty year term of the Series 2018 Bonds until the principal of and interest on each of the Series 2018 Bonds has been paid in full. Assuming the 1.625% interest is the applicable rate for the Series 2018A Bond, monthly principal and interest payments on the Series 2018A Bond in the amount of \$2,591 shall be paid by check or by pre-authorized deposit on the monthly installment dates for the remaining term of the Series 2018A Bond. Assuming the 2.000% interest is the applicable rate for the Series 2018B Bond, monthly principal and interest payments on the Series 2018B Bond in the amount of \$394 shall be paid by check or by pre-authorized deposit on the monthly installment dates for the remaining term of the Series 2018B

Bond. . The final monthly installments on the Series 2018 Bonds may be in such lesser or greater amount as in necessary to pay the balance of principal and interest then remaining due.

7. Amendment of Section 3.11. Section 3.11 of Resolution No. 468 shall be amended to read as follows:

Section 3.11 Form. The Series 2018 Bonds shall be in substantially the following form (with appropriate insertions for dates and amounts as described above):

UNITED STATES OF AMERICA
STATE OF MONTANA
Town of Fromberg
Carbon County, Montana
Wastewater System Revenue Bond

Series 2018 _____

R-1 Maturity Date: _____ \$ _____

KNOW ALL PERSONS BY THESE PRESENTS: The Town of Fromberg (the "Town"), a duly organized political subdivision of the State of Montana, acknowledges itself to be indebted to and for value received promises to pay to the order of the United States of America or its registered assignee, solely from the Bond Repayment Account of the Town's Wastewater System Fund, the principal sum of _____ and No/100 Dollars (\$_____), plus interest, calculated on the basis of a 365 day year, from the date hereof at the rate of _____ percent (_____%) per annum on the unpaid balance for the Bond's term. Principal and interest in the amount of _____ and 00/100 Dollars (\$_____) shall be paid on the monthly installment dates for the 40 year term of the Bond. The final monthly installment may be in such lesser or greater amount as is necessary to pay the balance of principal and interest then remaining due. Such installment payments shall be made by check or draft mailed to the registered holder of this Bond, at its address as it appears on the Bond register, in lawful money of the United States of America or payments may be made electronically by preauthorized debit arranged for the Registered Owner of the Bond.

This Bond has been issued pursuant to and in full conformity with the constitution and laws of the State of Montana, including without limitation Title 7, Chapter 7, Part 44 of the Montana Code Annotated, and in accordance with Resolution No. 468 of the Town, duly adopted on July 24, 2017, as amended by Resolution No. 471, adopted October 5, 2017, as further amended by Resolution No. _____ adopted on December 4, 2017 (collectively, the "Resolution"). Reference is hereby made to the Resolution for a description of the terms and conditions other than those herein, upon which this Bond is issued and secured.

The Bond has been issued for the purpose of providing part of the funds necessary to pay the costs of constructing, improving, extending, and rehabilitating the Wastewater System of the Town (the "System"). The principal of and interest on the Bond is payable solely from the Net Revenues of the System as defined in the Resolution on a parity lien basis with the \$ _____ Series 2018 _____ Bond issued under the Resolution

The Town may at any time prepay all or any part of the principal, plus accrued interest on the Bond. Any such prepayment may be made without penalty or premium. Any prepayment shall be identified as such, shall be applied first to accrued interest and then to unpaid principal,

and shall not extend or postpone the due date of any subsequent installment payment on the Bond.

The Town has duly authorized and will forthwith construct and complete the Project as defined in the Resolution. The Town will establish and collect reasonable rates and charges for the services afforded by the System of which the Project is a part, and has created a Wastewater System Fund into which the Gross Revenues of the System, including all revenues from additions, replacements and improvements to the System subsequently constructed or acquired, will be paid. The Wastewater System Fund includes a Bond Repayment Account, into which there shall each month be credited, out of the Net Revenues of the System then on hand, amounts sufficient, with similar credits from prior and subsequent months, to meet all payments of principal of and interest on the Bond as they become due. The Wastewater System Fund also includes a Bond Repayment Reserve Account, into which account there shall each month be credited out of the remaining Net Revenues of the System certain additional amounts as provided in the Resolution to establish within ten years from the date hereof and maintain therein a reserve in an amount equal to the annual payment of principal and interest due on the Bonds issued under the Resolution, to be used only to pay the principal of and interest on the Bonds as such principal and interest become due. Rates and charges for the use of the System will be made from time to time in amounts sufficient to provide for the prompt payment of the reasonable and current expenses of operation and maintenance of the System and to produce Net Revenues, in excess of such expenses, sufficient to pay the principal of and interest on the Bonds issued under the Resolution and any additional bonds hereafter issued and made payable from said Net Revenues. The Revenues of the System will also be kept sufficient to provide for the replacement of the System as it deteriorates. Except in so far as parity bonds are authorized in the Resolution, no obligation will be incurred and made payable from the Net Revenues of the System, unless the lien thereof shall be made expressly subordinate to the lien of the Bond on such Net Revenues.

It is hereby certified that all acts, conditions, and things required by law, resolution, or agreement to be done or to have happened prior to or in connection with the issuance of the Bond have been done or have happened, and that the issuance of the Bond does not violate any constitutional or statutory limitation on bonded indebtedness.

IN WITNESS WHEREOF, the Town of Fromberg, acting by and through its Town Council, has caused this Bond to be executed in its behalf by the signature of the Mayor countersigned by the signature of the Clerk/Treasurer of the Town, and has caused this Bond to be dated as of _____, 2018.

SAMPLE

Countersigned:

SAMPLE

Clerk/Treasurer

Mayor

REGISTRATION AND TRANSFER

This Bond shall be fully registered as to both principal and interest. No transfer of this Bond shall be valid unless and until (1) the registered holder of the Bond, or his duly authorized attorney or legal representative, executes the form of assignment appearing on this Bond, and (2) the Treasurer, as bond registrar, has duly noted the transfer on the Bond and recorded the

transfer on the Treasurer's registration books. The Town shall be entitled to deem and treat the person in whose name a Bond is registered as absolute owner thereof for all purposes, notwithstanding any notice to the contrary. Payments on account of the Bond shall be made only to the order of the registered holder thereof, and all such payments shall be valid and effectual to satisfy and discharge the Town's liability upon the Bond to the extent of the sum or sums so paid.

THE FOLLOWING ENTRIES ARE TO BE MADE ONLY BY THE BOND REGISTRAR
UPON REGISTRATION OF EACH TRANSFER

The Treasurer of the Town of Fromberg, Carbon County, Montana, acting as registrar for this Bond, has transferred, on the books of the Town, on the date last noted below, ownership of the principal amount of and the accrued interest on the Bond to the new registered holder noted next to such date, except amounts of principal and interest theretofore paid.

Date of Transfer	Name of new Registered Holder	Signature of Bond Registrar
_____	_____	_____
_____	_____	_____
_____	_____	_____

8. Amendment of Section 5.04(d). Section 5.04(d) of Resolution No. 468 shall be amended to read as follows:

(d) Fourth, beginning with the first Monthly Apportionment made in the month following the Date of Closing, the amount of Two Hundred Sixty and 00/100 Dollars (\$260) for the Series 2018A Bond and the amount of Forty and 00/100 Dollars (\$40) for the Series 2018B Bond shall be transferred from the Operating and Maintenance Account to the Bond Repayment Reserve Account, until the balance in the Bond Repayment Reserve Account is equal to the Reserve Requirement. The Reserve Requirement for the Series 2018A Bond is Thirty-one Thousand, Ninety-two and 00/100 Dollars (\$31,092) and for the Series 2018B Bond is Four Thousand Eight Hundred and 00/100 Dollars (\$21,096)).

9. Remainder of Resolution in Full Force and Effect. Except as amended herein, Resolution No. 468 shall remain in full force and effect.

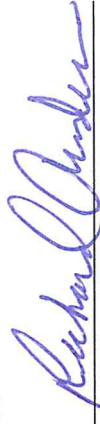
Adopted by the Town Council of the Town this 4th day of December, 2017.

IN WITNESS WHEREOF, the Mayor has executed this Resolution and the Clerk/Treasurer has so attested.

Attest:


Clerk/Treasurer

Approved:


Mayor

The following Council Members voted in favor of the Resolution: JAMES A. PERKINS,
TIMOTHY NOTTINGHAM, SHIRLEY MILLER.

The following Council Members voted against the Resolution: -0-

The following Council Members were absent or abstained: ABSENT - LARA PRICE

RESOLUTION: 474

A RESOLUTION TO SELL THE PROPERTY
COMMONLY KNOWN AS THE "BARLEY FIELD"

WHEREAS, the Town of Fromberg, by a vote of council, at a regular town council meeting, did vote to sell the property commonly known as the "Barley Field", and,

WHEREAS, the Town has solicited and received, bids from the general public, and,

WHEREAS, the MCA 7-8-4201. States;

... (2), the city or town council may sell, dispose of, donate, or lease any property belonging to the city or town.

NOW THEREFORE, BE IT RESOLVED by the Town of Fromberg, Montana, to proceed to affect the sale of the following property legally described as:

S20, T05 S, R23 E, TR 1A COS 288 AM

and, to accept the bid of \$52,257.00 submitted by Wayne F. Vargas of Fromberg, Montana, and, to authorize the Mayor to enter into a buy-sell agreement to affect the completion of the sale.

PASSED and APPROVED by the Fromberg Town Council and approved by the Mayor on this 6th day of November, 2017.

Shirley Miller
Councilperson

☒ Yes ☐ No ☐ Absent

Tom Wollerton
Councilperson

☐ Yes ☒ No ☐ Absent

Debra Price
Councilperson

☒ Yes ☐ No ☐ Absent

James H. Perkins
Councilperson

☒ Yes ☐ No ☐ Absent

Approved:

Richard Anderson
Mayor

ATTEST:

Brenda Kamala
Clerk

Resolution # 473

A resolution approving the Town of Fromberg 2017-2018 budget as attached and labeled as Town of Fromberg Final 2017-2018 Budget.

Passed this 2 day of October 2017.

Said Town of Fromberg has caused its corporate name to be subscribed there to and its corporate seal affixed by it's Mayor and Clerk this 2 day of October, 2017.


Brenda Kansala, Clerk


Richard Anderson, Mayor

[illegible]

1000	General	411200	Facilities	940	Capital Outlay-Equip/Tools	\$0.00	\$0.00	\$0.00
1000	General	411800	Facilities	940	Capital Outlay-Equip/Tools	\$0.00	\$0.00	\$0.00
1000	General	420100	Police	110	Salaries	\$39,019.28	\$40,000.00	\$41,000.00
1000	General	420100	Police	130	MMIA - AD&D	\$31.00	\$50.00	\$50.00
1000	General	420100	Police	140	Social Security	\$2,306.41	\$2,500.00	\$2,500.00
1000	General	420100	Police	141	Unemployment Insurance	\$167.48	\$500.00	\$200.00
1000	General	420100	Police	142	Medicare	\$539.43	\$500.00	\$500.00
1000	General	420100	Police	146	MMIA - DENTAL	\$792.00	\$900.00	\$900.00
1000	General	420100	Police	147	MMIA - LIFE INSURANCE	\$139.50	\$150.00	\$150.00
1000	General	420100	Police	148	MMIA - VISION	\$157.86	\$200.00	\$200.00
1000	General	420100	Police	150	Health Insurance	\$0.00	\$0.00	\$0.00
1000	General	420100	Police	200	Supplies	\$1,365.26	\$750.00	\$1,500.00
1000	General	420100	Police	225	Maint & Repair-Vehicles	\$1,611.05	\$2,500.00	\$2,000.00
1000	General	420100	Police	230	Gas & Oil	\$2,838.07	\$3,500.00	\$3,000.00
1000	General	420100	Police	310	Postage	\$0.00	\$50.00	\$50.00
1000	General	420100	Police	340	Utilities/Phone	\$2,903.17	\$2,800.00	\$2,800.00
1000	General	420100	Police	360	Maintenance & Repair	\$996.16	\$1,000.00	\$1,000.00
1000	General	420100	Police	390	Other Services	\$109.78	\$200.00	\$200.00
1000	General	420100	Police	391	Dispatch	\$1,726.19	\$2,000.00	\$2,600.00
1000	General	420460	Rural Fire	540	Rural Fire Protection	\$6,725.34	\$5,535.00	\$5,535.00
1000	General	430263	Road & Street	225	Maint & Repair-Vehicles	\$3,623.56	\$300.00	\$1,000.00
1000	General	430263	Street Lighting	340	Utilities/Phone	\$10,187.26	\$10,000.00	\$10,000.00
1000	General	460400	Parks	200	Supplies	\$755.80	\$800.00	\$800.00
1000	General	460400	Parks	340	Utilities/Phone	\$448.06	\$200.00	\$400.00
1000	General	510330	Liability Insurance	510	Liability Insurance	\$967.39	\$0.00	\$1,000.00
1000 Exp Total								
						\$113,939.75	\$115,970.00	\$116,830.00
2810	Police Reserve	335050	Police/Fire from State	0		\$462.00	\$0.00	\$462.00
2810	Police Reserve	362000	Other misc revenue	0		\$150.00	\$400.00	\$0.00
2810 Rev Total						\$612.00	\$400.00	\$462.00
2810	Police Reserve	420100	Police	390	Other Services	\$0.00	\$750.00	\$0.00
2810	Police Reserve	420400	Fire	300	Purchased Services	\$462.00	\$0.00	\$462.00
2810 Exp Total						\$462.00	\$750.00	\$462.00
2820	Gas Tax	335040	Gas Tax Apportionment	0		\$10,778.61	\$10,887.00	\$10,730.00
2820	Gas Tax	365000	Contributions and Donations	0		\$150.00	\$0.00	\$0.00
2820	Special Gas Tax	335041	New Gas Tax Street Allocation	0		\$0.00	\$0.00	\$4,000.00
2820 Rev Total						\$10,928.61	\$10,887.00	\$14,730.00
2820	Gas Tax	430200	Road & Street	110	Salaries	\$0.00	\$0.00	\$0.00
2820	Gas Tax	430200	Road & Street	130	MMIA - AD&D	\$0.00	\$0.00	\$0.00
2820	Gas Tax	430200	Road & Street	140	Social Security	\$0.00	\$0.00	\$0.00
2820	Gas Tax	430200	Road & Street	141	Unemployment Insurance	\$0.00	\$0.00	\$0.00
2820	Gas Tax	430200	Road & Street	142	Medicare	\$0.00	\$0.00	\$0.00
2820	Gas Tax	430200	Road & Street	146	MMIA - DENTAL	\$0.00	\$0.00	\$0.00
2820	Gas Tax	430200	Road & Street	147	MMIA - LIFE INSURANCE	\$0.00	\$0.00	\$0.00

5310	Sewer	430610	Sewer Adm	110	Salaries	\$40,115.59	\$40,000.00	\$44,000.00
5310	Sewer	430610	Sewer Adm	130	MMIA - AD&D	\$6,000.03	\$6,600.00	\$6,600.00
5310	Sewer	430610	Sewer Adm	140	Social Security	\$2,201.84	\$1,500.00	\$2,500.00
5310	Sewer	430610	Sewer Adm	141	Unemployment Insurance	\$174.38	\$300.00	\$300.00
5310	Sewer	430610	Sewer Adm	142	Medicare	\$514.89	\$500.00	\$600.00
5310	Sewer	430610	Sewer Adm	146	MMIA - DENTAL	\$463.34	\$500.00	\$600.00
5310	Sewer	430610	Sewer Adm	147	MMIA - LIFE INSURANCE	\$136.26	\$100.00	\$200.00
5310	Sewer	430610	Sewer Adm	148	MMIA - VISION	\$96.92	\$100.00	\$200.00
5310	Sewer	430610	Sewer Adm	150	Health Insurance	\$551.64	\$600.00	\$600.00
5310	Sewer	430610	Sewer Adm	200	Supplies	\$2,258.68	\$500.00	\$2,000.00
5310	Sewer	430610	Sewer Adm	225	Maint & Repair-Vehicles	\$603.06	\$500.00	\$700.00
5310	Sewer	430610	Sewer Adm	230	Gas & Oil	\$1,732.04	\$5,000.00	\$5,000.00
5310	Sewer	430610	Sewer Adm	310	Postage	\$459.09	\$500.00	\$500.00
5310	Sewer	430610	Sewer Adm	350	Legal Services	\$3,900.64	\$3,000.00	\$11,500.00
5310	Sewer	430610	Sewer Adm	352	Audit	\$0.00	\$400.00	\$2,000.00
5310	Sewer	430610	Sewer Adm	354	Engineering Services	\$0.00	\$320,000.00	\$320,000.00
5310	Sewer	430610	Sewer Adm	362	Computer and Equipment	\$1,120.46	\$15,897.10	\$15,897.10
5310	Sewer	430610	Sewer Adm	390	Other Services	\$1,822.02	\$300.00	\$300.00
5310	Sewer	430610	Sewer Adm	510	Liability Insurance	\$1,934.77	\$0.00	\$2,000.00
5310	Sewer	430610	Sewer Adm	610	Bond Pmt Princ & Interest	\$0.00	\$0.00	\$19,038.76
5310	Sewer	430620	Sewer Facilities	395	Project costs	\$85,102.90	\$85,102.90	\$85,102.90
5310	Sewer	430640	Pumping	200	Supplies	\$1,105.83	\$8,000.00	\$8,000.00
5310	Sewer	430640	Pumping	211	Chemicals & Supplies	\$1,259.18	\$1,500.00	\$1,500.00
5310	Sewer	430640	Pumping	340	Utilities/Phone	\$1,194.43	\$800.00	\$800.00
5310	Sewer	430640	Pumping	360	Maintenance & Repair	\$280.79	\$6,000.00	\$6,000.00
5310	Sewer	430640	Pumping	390	Other Services	\$1,930.00	\$2,000.00	\$2,000.00
5310	Sewer	521000	Transfer	820	Transfer out	\$5,660.00	\$925,000.00	\$0.00
					Special Construction			\$1,900,000.00
					5310 Exp Total	\$64,195.88	\$1,424,700.00	\$2,437,938.76
5410	Garbage	343041	Garbage Operating	0		\$51,345.07	\$48,000.00	\$48,000.00
5410	Garbage	361000	Misc Rents/Royalties	0		\$120.00	\$200.00	\$200.00
					5410 Rev Total	\$51,465.07	\$48,200.00	\$48,200.00
5410	Garbage	430810	Garbage Adm	110	Salaries	\$5,911.93	\$6,000.00	\$0.00
5410	Garbage	430810	Garbage Adm	130	MMIA - AD&D	\$511.59	\$96.00	\$0.00
5410	Garbage	430810	Garbage Adm	140	Social Security	\$338.16	\$500.00	\$0.00
5310	Sewer	331000	CDBG Grant	0		\$17,018.48	\$450,000.00	\$400,000.00
5310	Sewer	334120	TSEP Grant	0		\$22,000.00	\$750,000.00	\$700,000.00
5310	Sewer	334121	DNRC Grant	0		\$25,000.00	\$125,000.00	\$100,000.00
5310	Sewer	334122	RD Loan/Grant	0		\$0.00	\$1,200,000.00	\$1,100,000.00
5310	Sewer	343031	Sewer Service Charges	0		\$179,302.58	\$168,840.00	\$175,000.00
5310	Sewer	362000	Other misc revenue	0		\$1,028.81	\$0.00	\$1,000.00
5310	Sewer	363000	Transfer in	0		\$5,660.00	\$0.00	\$0.00
					5310 Rev Total	\$238,689.67	\$2,693,840.00	\$2,476,000.00
					5210 Exp Total	\$142,357.35	\$157,898.00	\$196,050.00

RESOLUTION: 472

A RESOLUTION TO APPROVE A QUITCLAIM DEED

WHEREAS, the Town of Fromberg, by a vote of council, at a regular town council meeting, on August 1, 2011, did release claim to, and vacate a proposed alley, and,

WHEREAS, the Town has not released ½ of the proposed alley, and,

WHEREAS, a document is needed to effect the release,

NOW THEREFORE, BE IT RESOLVED by the Town of Fromberg, Montana, that the Town will proceed to effect the release of the remaining ½ alley described as:

Easterly one half of the proposed alley (10'x210.82'), in blocks 5 of the original plat of the Town of Fromberg. Located in the NW1/4, NE1/4, of Section 20, T5S, R23, P.M.M, Carbon County Montana

by executing a Quitclaim Deed to James A. Perkins, Sr. and Anita A. Perkins and attach a copy of said deed to this resolution.

PASSED and APPROVED by the Fromberg Town Council and approved by the Mayor on this

2 Day of Oct, 2017.

Debra Price
Councilperson

X
Yes

No

Absent

James A. Perkins
Councilperson

Yes

No

ABSTAIN
~~Absent~~

Tom Notthoff
Councilperson

X
Yes

No

Absent

Shirley Melvin
Councilperson

X
Yes

No

Absent

Approved:

Richard A. Anderson
Mayor

ATTEST:

Shirley Melvin
Clerk

RESOLUTION NO. 471

A RESOLUTION OF THE TOWN OF FROMBERG, CARBON COUNTY, MONTANA AMENDING AND SUPPLEMENTING THE TOWN'S RESOLUTION NO. 468 IN SECTION 1.01, 2.04, 3.01, 3.02, 3.03, 3.11 AND 5.04(d) AND AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF AN ADDITIONAL WASTEWATER SYSTEM REVENUE BOND IN THE PRINCIPAL AMOUNT OF \$580,000 FOR THE PURPOSE OF PROVIDING ADDITIONAL FUNDS FOR COMPLETING IMPROVEMENTS TO THE TOWN'S WASTEWATER SYSTEM.

WHEREAS, the Town of Fromberg, Carbon County, Montana, (the "Town"), by Resolution No. 468 authorized the issuance of the Town's wastewater revenue bonds in the aggregate amount of \$912,000 to pay a portion of the cost of acquiring, rehabilitation and constructing its wastewater system improvements; and

WHEREAS, after passage of Resolution No. 468 the Town engineer updated the cost estimates for the Project with total estimated costs increasing by \$689,700 from \$3,319,000 to \$4,008,700; and

WHEREAS, it was determined by the Town that the costs of the Project construction would be greater than the amount of funds the Town would have available through grants and loans for such improvement project; and

WHEREAS, the Town made an application to U.S.D.A. Rural Development ("RD") for additional grants and loans and Town contribution of available wastewater funds to cover the shortfall and RD agreed to provide an additional grant in the amount of \$71,700 and an additional loan in the amount of \$580,000 and RD has indicated its willingness to grant and to loan to the Town such additional sums to complete the construction of the improvements to the Town wastewater system upon the Town meeting certain terms and conditions; and

WHEREAS, RD is agreeable to the amendment of Resolution No. 468 by this Resolution due to the fact that no bonds have yet been issued under Resolution No. 468.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FROMBERG, CARBON COUNTY, STATE OF MONTANA, AS FOLLOWS:

1. Determination. The Town Council hereby finds it necessary to issue an additional revenue bond for the anticipated construction of certain improvements to the wastewater system of the Town in conformity with the provisions of the Title 7, Chapter 7, Part 44, MCA. The Town further finds that it is necessary to amend and supplement Resolution No. 468, which was adopted on July 24, 2017, as authorized in Section 10.01 thereof, by amending and supplementing Sections 1.01, 2.04, 3.01, 3.02, 3.03, 3.11, and 5.04(d), to provide for the acceptance of an additional \$71,700 grant from RD and the sale of an additional \$580,000 Wastewater System Revenue Bond to RD.
2. Amendment of Section 1.01. The definition listed below of the terms in Section 1.01 of Resolution No. 468 shall be amended to read as follows:

"Bond" or "Bonds" or "Series 2017 Bonds collectively means the \$912,000 Town of Fromberg Wastewater System Revenue Bond, Series 2017A (the "Series 2017A Bond"), the \$580,000 Town of Fromberg Wastewater System Revenue Bond, Series 2017B (the "Series 2017B Bond") and

any other Bonds issued pursuant to Article VI of Resolution No. 468 on a parity lien basis with the Series 2017A and B Bond. If any of such Bonds are issued in calendar years before or after 2017, the Series designation shall be for the calendar year in which the Bond is issued.

“Bond Anticipation Note” means the note or notes issued by the Town pursuant to Section 7-7-109, MCA to DNRC and /or the Montana Board of Investments in an amount up to the aggregate principal amount of the Series 2017 Bonds to provide payment of Project costs until the Series 2017A Bond is issued. The Series 2017A Bond will pay the Bond Anticipation Note in full. The Series 2017B Bond will not require a bond anticipation note but will be issued as a multiple advance bond.

“Series 2017A Bond” means the \$912,000 Town of Fromberg Wastewater System Revenue Bond, Series 2017A.

“Series 2017B Bond” \$580,000 Town of Fromberg Wastewater System Revenue Bond, Series 2017B.

“Series 2017 Bonds” means the Series 2017A and B Bond.

3. Amendment of Section 2.04. Section 2.04 of Resolution No. 468 shall be amended to read as follows:

Section 2.04 Approval of Project Expenditures. All expenditures for Project Costs, and obligations therefor, made or incurred by Town officials in the course of their duties prior to the date of this Resolution are hereby ratified and confirmed.

It is presently estimated by the Governing Body that the Project Costs will be as follows:

<u>Project Costs:</u>	<u>Total Budget:</u>
Construction	\$3,057,500
Engineering –Design & CCTV	393,500
Geo Technical	14,000
Inspection/Constr. Mgmt	155,000
Equipment	15,450
Bond Counsel	15,000
Professional Services – Project Admin	34,000
- Legal Services	2,000
- Audit	4,000
Interim Interest	5,000
Permits and fees	6,000
Project Contingency	307,250
TOTAL	<u>\$4,008,700</u>

The Governing Body expects to pay the Project Costs from the following sources of funds:

<u>Project Funding Source</u>	<u>Total Budget</u>
Applicant Contribution	\$34,000
Additional Applicant Contribution	\$4,000
TSEP	\$750,000

CDBG	\$450,000
DNRC RRGL	\$125,000
RUS Loan Series A	\$912,000
RUS Loan Series B	\$580,000
RUS Grant	\$1,082,000
RUS Grant	\$71,700
TOTAL	<u>\$4,008,700</u>

4. Amendment of Section 3.01. Section 3.01 of Resolution No. 468 shall be amended to read as follows:

Section 3.01. Authorization, Issuance and Sale of Series 2017 Bonds. In order to provide moneys for the construction of the Project, the Town hereby authorizes the issuance and sale of the Series 2017 Bonds in the aggregate principal amount of \$1,492,000 to RD as the original purchaser upon the terms and conditions stated herein..

5. Amendment of Section 3.02. Section 3.02 of Resolution No. 468 shall be amended to read as follows:

Section 3.02. Interest Rate. The Series 2017 Bonds shall bear interest from their date at the rate permitted and agreed by the Town and RD on the unpaid principal balance thereof. The interest rate permitted and agreed shall be the lower of the rate in effect at the time of loan approval by RD or at the Date of Closing. The Town will request the lower rate from RD. The initial rate committed to by RD for the Series 2017A Bond is one and five-eighths percent (1.625%) per annum and for the Series 2017B Bond is two percent (2.000%) per annum.

6. Amendment of Section 3.03. Section 3.03 of Resolution No. 468 shall be amended to read as follows:

Section 3.03. Payment Schedule. The principal of and the interest on the Series 2017 Bonds shall be payable in monthly installments with the first installment due one month from the date of the issuance of each of the Series 2017 Bonds. The remaining payments are due on the same day each month during the forty year term of the Series 2017 Bonds until the principal of and interest on each of the Series 2017 Bonds has been paid in full. Assuming the 1.625% interest is the applicable rate for the Series 2017A Bond, monthly principal and interest payments on the Series 2017A Bond in the amount of \$2,591 shall be paid by check or by pre-authorized deposit on the monthly installment dates for the remaining term of the Series 2017A Bond. Assuming the 2.000% interest is the applicable rate for the Series 2017B Bond, monthly principal and interest payments on the Series 2017B Bond in the amount of \$1,758 shall be paid by check or by pre-authorized deposit on the monthly installment dates for the remaining term of the Series 2017B Bond. . The final monthly installments on the Series 2017Bonds may be in such lesser or greater amount as in necessary to pay the balance of principal and interest then remaining due.

7. Amendment of Section 3.11. Section 3.11 of Resolution No. 468 shall be amended to read as follows:

Section 3.11 Form. The Series 2017 Bonds shall be in substantially the following form (with appropriate insertions for dates and amounts as described above):

UNITED STATES OF AMERICA
STATE OF MONTANA

Town of Fromberg
Carbon County, Montana
Wastewater System Revenue Bond

Series 2017 _____

R-1

Maturity Date: _____ \$ _____

KNOW ALL PERSONS BY THESE PRESENTS: The Town of Fromberg (the "Town"), a duly organized political subdivision of the State of Montana, acknowledges itself to be indebted to and for value received promises to pay to the order of the United States of America or its registered assignee, solely from the Bond Repayment Account of the Town's Wastewater System Fund, the principal sum of _____ and No/100 Dollars (\$ _____), plus interest, calculated on the basis of a 365 day year, from the date hereof at the rate of _____ percent (_____%) per annum on the unpaid balance for the Bond's term. Principal and interest in the amount of _____ and 00/100 Dollars (\$ _____) shall be paid on the monthly installment dates for the 40 year term of the Bond. The final monthly installment may be in such lesser or greater amount as is necessary to pay the balance of principal and interest then remaining due. Such installment payments shall be made by check or draft mailed to the registered holder of this Bond, at its address as it appears on the Bond register, in lawful money of the United States of America or payments may be made electronically by preauthorized debit arranged for the Registered Owner of the Bond.

This Bond has been issued pursuant to and in full conformity with the constitution and laws of the State of Montana, including without limitation Title 7, Chapter 7, Part 44 of the Montana Code Annotated, and in accordance with Resolution No. 468 of the Town, duly adopted on July 24, 2017, as amended by Resolution No. 471, adopted October 5, 2017, (collectively, the "Resolution"). Reference is hereby made to the Resolution for a description of the terms and conditions other than those herein, upon which this Bond is issued and secured.

The Bond has been issued for the purpose of providing part of the funds necessary to pay the costs of constructing, improving, extending, and rehabilitating the Wastewater System of the Town (the "System"). The principal of and interest on the Bond is payable solely from the Net Revenues of the System as defined in the Resolution on a parity lien basis with the \$ _____ Series 2017__ Bond issued under the Resolution

The Town may at any time prepay all or any part of the principal, plus accrued interest on the Bond. Any such prepayment may be made without penalty or premium. Any prepayment shall be identified as such, shall be applied first to accrued interest and then to unpaid principal, and shall not extend or postpone the due date of any subsequent installment payment on the Bond.

The Town has duly authorized and will forthwith construct and complete the Project as defined in the Resolution. The Town will establish and collect reasonable rates and charges for the services afforded by the System of which the Project is a part, and has created a Wastewater System Fund into which the Gross Revenues of the System, including all revenues from additions, replacements and improvements to the System subsequently constructed or acquired, will be paid. The Wastewater System Fund includes a Bond Repayment Account, into which there shall each month be credited, out of the Net Revenues of the System then on hand, amounts sufficient, with similar credits from prior and subsequent months, to meet all payments of principal of and interest on the Bond as they become due. The Wastewater System Fund also includes a Bond

Repayment Reserve Account, into which account there shall each month be credited out of the remaining Net Revenues of the System certain additional amounts as provided in the Resolution to establish within ten years from the date hereof and maintain therein a reserve in an amount equal to the annual payment of principal and interest due on the Bonds issued under the Resolution, to be used only to pay the principal of and interest on the Bonds as such principal and interest become due. Rates and charges for the use of the System will be made from time to time in amounts sufficient to provide for the prompt payment of the reasonable and current expenses of operation and maintenance of the System and to produce Net Revenues, in excess of such expenses, sufficient to pay the principal of and interest on the Bonds issued under the Resolution and any additional bonds hereafter issued and made payable from said Net Revenues. The Revenues of the System will also be kept sufficient to provide for the replacement of the System as it deteriorates. Except in so far as parity bonds are authorized in the Resolution, no obligation will be incurred and made payable from the Net Revenues of the System, unless the lien thereof shall be made expressly subordinate to the lien of the Bond on such Net Revenues.

It is hereby certified that all acts, conditions, and things required by law, resolution, or agreement to be done or to have happened prior to or in connection with the issuance of the Bond have been done or have happened, and that the issuance of the Bond does not violate any constitutional or statutory limitation on bonded indebtedness.

IN WITNESS WHEREOF, the Town of Fromberg, acting by and through its Town Council, has caused this Bond to be executed in its behalf by the signature of the Mayor countersigned by the signature of the Clerk/Treasurer of the Town, and has caused this Bond to be dated as of _____, 2017.

Countersigned:

Mayor

Clerk/Treasurer

REGISTRATION AND TRANSFER

This Bond shall be fully registered as to both principal and interest. No transfer of this Bond shall be valid unless and until (1) the registered holder of the Bond, or his duly authorized attorney or legal representative, executes the form of assignment appearing on this Bond, and (2) the Treasurer, as bond registrar, has duly noted the transfer on the Bond and recorded the transfer on the Treasurer's registration books. The Town shall be entitled to deem and treat the person in whose name a Bond is registered as absolute owner thereof for all purposes, notwithstanding any notice to the contrary. Payments on account of the Bond shall be made only to the order of the registered holder thereof, and all such payments shall be valid and effectual to satisfy and discharge the Town's liability upon the Bond to the extent of the sum or sums so paid.

**THE FOLLOWING ENTRIES ARE TO BE MADE ONLY BY THE BOND REGISTRAR
UPON REGISTRATION OF EACH TRANSFER**

The Treasurer of the Town of Fromberg, Carbon County, Montana, acting as registrar for this Bond, has transferred, on the books of the Town, on the date last noted below, ownership

of the principal amount of and the accrued interest on the Bond to the new registered holder noted next to such date, except amounts of principal and interest theretofore paid.

Date of Transfer	Name of new Registered Holder	Signature of Bond Registrar
_____	_____	_____
_____	_____	_____
_____	_____	_____

8. Amendment of Section 5.04(d). Section 5.04(d) of Resolution No. 468 shall be amended to read as follows:

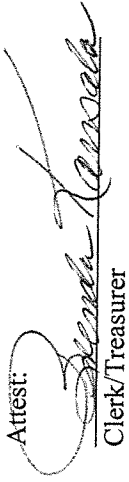
(d) Fourth, beginning with the first Monthly Apportionment made in the month following the Date of Closing, the amount of Two Hundred Sixty and 00/100 Dollars (\$260) for the Series 2017A Bond and the amount of One Hundred Seventy Six and 00/100 Dollars (\$176) for the Series 2017B Bond shall be transferred from the Operating and Maintenance Account to the Bond Repayment Reserve Account, until the balance in the Bond Repayment Reserve Account is equal to the Reserve Requirement. The Reserve Requirement for the Series 2017 Bond is Thirty-one Thousand, Ninety-two and 00/100 Dollars (\$31,092) and for the Series 2017B Bond is Twenty One Thousand Ninety-six and 00/100 Dollars (\$21,096)).

9. Remainder of Resolution in Full Force and Effect. Except as amended herein, Resolution No. 468 shall remain in full force and effect.

Adopted by the Town Council of the Town this 2nd day of October, 2017.

IN WITNESS WHEREOF, the Mayor has executed this Resolution and the Clerk/Treasurer has so attested.

Attest:


Clerk/Treasurer

Approved:


Mayor

The following Board Members voted in favor of the Resolution: JAMES A. PERKINS
LUKA PRICE, TIMOTHY NOTTINGHAM, SHIRLEY MILLER

The following Board Members voted against the Resolution: _____

The following Board Members were absent or abstained: _____

Resolution # 470

Be it resolved: That at a town meeting of the Town of Fromberg held on the 18th day of September 2017, the tax levy for the Town of Fromberg for the fiscal year 2017/2018 was made by resolution of the Town Council and approved as follows:

General (all purpose) 154.43 mills 100%

Making a total of 154.43 mills.

Fromberg Rural Fire Dept. 18.400 mills

Making a total of 172.83 mills.

Said Town of Fromberg has caused its corporate name to be subscribed there to and its corporate seal affixed by it's Mayor and Clerk this 18th day of September, 2017.



Brenda Kansala, Clerk



Richard Anderson, Mayor

RESOLUTION: 469

A RESOLUTION TO ESTABLISH THE METHOD OF HOLDING THE MUNICIPAL ELECTIONS OF THE TOWN OF FROMBERG, MONTANA

WHEREAS, the Town may choose the method of holding a municipal election,
WHEREAS, recent alternatives to holding elections have been made available,
WHEREAS, the town must make a Resolution as to the method chosen and deliver said Resolution to the County Election Administrator,

NOW THEREFORE, BE IT RESOLVED by the Town of Fromberg, Montana,
that by majority vote of the Town Council the method of holding municipal elections shall be
by;

Mail-in Balloting.

PASSED and APPROVED by the Fromberg Town Council and approved by the

Mayor on this 7th day of August, 2017


Councilperson

X
Yes

No

Absent


Councilperson

X
Yes

No

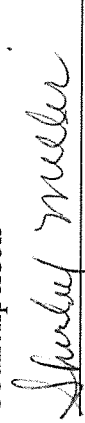
Absent


Councilperson

X
Yes

No

Absent


Councilperson

X
Yes

No

Absent

Approved:


Mayor

ATTEST:


Clerk